

**VILLAGE OF PEMBERVILLE
COUNCIL MEETING
December 3, 2019**

Mayor Gordon Bowman opened the December 3, 2019 council meeting at 7:00pm with a prayer and led those present in the Pledge of Allegiance.

Roll Call: Present as the regular meeting of council was Rahe, Angel, Bailey, Long, St. Louis, and Yaniga. Others present were, Tom Mauk, Ed Wozniak, Tom Oberhouse, Jim Fields, Gene Steele, Josh Jacobs, Jordan Haynes, and the Clerk.

Minutes: Yaniga moved and Bailey seconded to approve the minutes from the November 17, 2019 meeting. Motion passed unanimously.

Treasurer's Report: Long moved and Rahe seconded to approve the bills in the amount of \$7,083.06. Motion passed unanimously.

RESOLUTION 760: RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR, ACCEPT, AND ENTER INTO A COOPERATIVE AGREEMENT FOR CONSTRUCTION OF COLLEGE AVENUE WATERLINE REPLACEMENT PROJECT BETWEEN THE VILLAGE OF PEMBERVILLE AND THE OHIO WATER DEVELOPMENT AUTHORITY AND DECLARING AN EMERGENCY. 3rd READING

Long moved and Rahe seconded to approve Resolution 760. Motion passed unanimously.

ORDINANCE 1588: 2020 ORDINANCE ESTABLISHING MUNICIPAL EMPLOYMENT POSITIONS, DEFINING DUTIES AND PROVIDING FOR THE COMPENSATION THEREOF. 2nd READING

ORDINANCE 1589: ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF PEMBERVILLE, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2020. 2nd READING

ORDINANCE 1590: ORDINANCE AMENDING ORDINANCE NUMBER 1414 OF THEW CODIFIED ORDINANCE OF THE VILLAGE OF PEMBERVILLE RELATING TO COMPENSATION FOR VILLAGE OFFICIALS. 2nd READING

Mayor:

Mayor thanked the clerk for decorating Council Chambers for Christmas, stated it looked very nice and attractive. Mayor congratulated PIMA and the Historical Society for a very successful Christmas in the Village and the Lighted Christmas Parade. Mayor stated there was a good crowd in attendance.

Mayor stated that everyone has a notice of the village Christmas lunch. Mayor asked that anyone wishing to come to bring a dish and to please let the office know.

Bridge St. bridge: Mayor stated that he has received a letter from the Wood County Commissioners in response to the letter he wrote requesting that Wood County continue to pay for the inspection of the Bridge St. bridge. Long summarized the letter that stated the Village has two options. One option is to pass a Resolution accepting the bridge and then ODOT would do the inspections free of charge or the second option is Wood County will provide the inspections at a cost to the village. Long asked if we were provided an estimated cost for the inspection. Mayor stated as he understands, it is about \$1,000 for the inspections. Kuhlman stated that the letter mentions an attachment. Clerk stated there was no attachment with the letter. Yaniga stated that when she met with the Commissioners in late summer they had provided her with a Bridge Maintenance Policy that she will forward to all of council. Yaniga asked at what point the county assumed responsibility of the bridge or who actually owns the bridge. Mayor stated that he believes it has always been the ownership of the village that Wood County Engineers have always maintained them and since there have been some changes they are now wanting to shift responsibilities back to villages. Kuhlman will review the letter and discussion will continue at a later date.

Rahe:

Rahe stated that Mr. Opelt has made a request from the village Electrical Superintendent to decorate the large pine tree located on his property. Rahe stated the employee has volunteered to decorate the tree on his own

time but would like permission from the village to use the village bucket truck to reach the tree. After much discussion, as to not set a precedent, council would like to have a sign made to place on the tree of in front of the tree, recognizing and thanking Mr. Opelt, for his 20 plus years of service as a Public Official to the village. Rahe moved and Angel seconded to allow Jeff Barres to use the village bucket truck to place Christmas lights on the large pine tree located on Mr. Opelt's property. Motion passed unanimously.

Angel:

No report

Bailey:

Bailey wanted to publicly thank Chris Arquette for the decorating of trees at Mason Park. Bailey stated that Mr. Arquette spent only \$242.57.

Long:

BPA: Long stated that BPA approved the removal of the two buildings located at Volunteer Park. Long stated the quote BPA went with included the removal of the concrete floor and back fill.

South water-line loop: Long stated that the work has been surveyed and brush will need to be cleared out so that Feller Finch can do some soil boring.

College Ave Water-line: Long stated that a pre-construction meeting has been scheduled for Thursday, at 10:30am. Long stated this meeting will be with the engineer, contractor and employees. There will be a public meeting for the residents to attend on Monday, at 6:30pm. Long stated that construction could potentially start next week and could take approximately 4 weeks to complete.

Planning Commission: Long stated Planning Commission met earlier for a special meeting requested by Tom Oberhouse. Mr. Oberhouse stated the meeting was for a couple of items. One item was to see if he could get the final plat approved. Long stated Planning Commission approved the final plat contingent on Mr. Oberhouse having bonds and escrow money in place. Long stated the Planning Commission voted and took some action as recommendations for council, so council will need to take some action on these 2 items. One item is a request by the developer to adjust the amount of bond required for the Performance Bond. Long stated in order to sell lots the developer is required to put forth financial guarantee that the village will, in some way have the finances should something go south on the developers end, the village would have the finances available to them to finish the subdivision. Long stated that the document provided is the villages' engineer providing the recommendation on what that amount should be. Long stated this is Feller Finch working on the villages behalf to say the village should require bonding of this amount per the Subdivision Rules and Regulations. Long stated there was some conversation back and forth with how the amount of the bond was interpreted to begin with. Long stated the conversation was, is it the total value of the remaining amount of the project? which in this case is \$148,974.00, is required to put a bond for that amount. The Subdivision Rules and Regulations recommend it's the bond amount of the remainder plus 20%. Long stated the solicitor has some interpretation changes or different opinion on the interpretation. Kuhlman explained that in addition to the 20%, there was another amount that was calculated in the form of a Maintenance Bond that Oberhouse is calling a Warranty Bond but, that would be an additional 50% of the Performance Guarantee. Kuhlman stated that what Oberhouse has asked is that the 20% be waived. In place of that, what essentially will be happening is the village would be getting a little bit larger bond on the backend of the Warranty portion. Kuhlman stated that essentially the village is going to end up with the same amount in total, it is just structured differently. Oberhouse is going to deposit into escrow an amount to cover the additional work, so the village will have that money available. It's an Irrevocable Letter of Credit, essentially the escrowed amount. In addition to that, the village will have approximately \$120,000.00 in bond money as a warranty bond, which will cover maintenance. Kuhlman stated there will be enough to get the work done and in the event the work is not done properly, the village would have additional maintenance. Long stated that with this in mind, Planning Commission made a motion that the developer be permitted to provide a financial guarantee for the amount of \$148,974.00, excluding the 20% additional, by way of escrow and the warranty bond as required and the warranty bond is in the amount of \$120,000.00 for a total of \$269,974.00 in bonding available. Kuhlman stated another thing that needs to be considered, is if you look at the breakdown of the description of the items that have to be finished, \$60,866 of this total amount of work is due to the walks, which the owners of the lots are supposed to go ahead and finance it. Kuhlman added that if those don't get done, the village has an option there and that is to go ahead and front that money and then assess the owner. Kuhlman stated this is another way to get that \$60,000.00 back. Long stated again that the motion in Planning Commission

was that the developer be permitted to provide a financial guarantee of \$148,974.00, excluding the 20% only, and the warranty bond as required. The motion passed unanimously through Planning Commission. Long added that the Solicitor is recommending council take action on this as well. Kuhlman stated there was the anticipation that no action would be taken tonight. Long stated that they could take action on this piece tonight as it is not the plat approval piece, that the second piece involving the final plat can take place at the next meeting. Essentially, the final plat approval is contingent upon the developer's provisional of the documentation for these items. Long proposes to move forward on the one piece so that it would be read into the minutes and would allow the developer time to get the bond and escrow in place. Oberhouse stated that he will have both the bond and escrow in place before the next Council meeting. Long continued that if there was no further discussion, he would like to take action to approve the bond amount. Long moved and Bailey seconded that the developer be permitted to provide financial guarantee for the amount of \$148,974.00, only excluding the 20%, and providing the warranty bond as required. Motion passed unanimously.

Long stated that the Planning Commission unanimously approved the final plat and would like Council to take action on that also, just understand that Planning Commission's approval was contingent on the provision of the documents the developer will have to us prior to the next Council meeting and Planning Commission should then be able to make that recommendation.

Long stated that Oberhouse brought to the attention of Planning Commission the tap fees. Long continued that at some point everyone needs to make sure they understand how that motion was passed and how those variables are in place. Long stated that Oberhouse has ultimately asked how and when, once houses are being built, how reimbursements will be handled. Oberhouse stated that the actual cost should be pretty easy to obtain from the engineer, the moving target will be the interest on the money. Long asked the clerk to provide the Ordinance and tap fee schedule for the next meeting that way they can make sure they read through it.

Oberhouse wanted the village to be aware that the driveway through the lumber yard will be blocked. Asphalt will be removed and soil placed on the section of his property. Long recommends that the village try a place something close to the Perry St. extension side that would discourage individuals from cutting through there. Long asked is everyone was familiar with how the property was shaped. He explained the drive has a slight curve, there is a fence post with a yellow piece of field tile over it that essentially marks the corner of that lot. If you look from that post up the sight line to the west and the sight line behind the municipal building you will get a feel for what that cutout looks like and how that will take out that driveline. There will be a short section of drive lane still on the lumber yard property. Oberhouse stated the driveway will be completely cut. Long stated that we are losing that access point. Rahe asked Oberhouse if he has a timeframe in which it would be completed. Oberhouse replied that he hoped within a few weeks, sometime this winter, weather permitting.

St. Louis:

St. Louis stated that he heard great things about the Christmas Tree Lighting, decorations, band and events.

Yaniga:

Tree Committee: Yaniga stated that the Tree Committee met on the 20th of November for the final meeting of the year and wrapping up the final touches on getting the trees line up for planting when it is appropriate for them to do so.

Yaniga also followed up on the request from the Cub Scouts that requested the tree to be planted on village property, they have decided to delay their planting until the spring. Yaniga stated that at the time she spoke with the Cub Scout Master this afternoon, he said they would do their research on the type of tree and get with the village departments and make sure it is not going to interfere with any structures and utility lines based on the type of tree. Yaniga stated that they know what they are expected to do in order to have that motion brought again before council. Rahe asked which Scout Master she spoke with. Yaniga replied Erin Meyers.

Yaniga stated that was also discussion on bringing new members onto the Tree Committee. Yaniga stated that all the members still showed interest to remain but would like to see others get involved.

Guest:

Tom Mauk: Mauk asked if Council has received any letters of interest for the two open seats that will become available January 1, 2020. Clerk stated we have received two so far.

Jordan Haynes: Haynes commented that the Christmas Parade was awesome and loved seeing that number of people outside of just the Pemberville Free Fair.

Haynes then asked about the appropriations, Wage Ordinance, and Council, BPA and Mayor increase in pay Ordinance. Haynes stated that he was aware there was a 3% raise being proposed and he would like to know where those were being paid from. He was not aware of any income increases and was curious if the village is generating new revenue to cover those costs or are we just tapping into the General Fund. Clerk explained that not all the employees were paid out of the General Fund. Only Police, Lands & Building, Council and 1 quarter of the Fiscal Officer's wages come from the General Fund, all other wages come from those specific enterprise funds for those departments. Kuhlman stated that he believes what Haynes is asking is if there have been any increases in revenue streams to cover the increase in wages. Clerk replied that there have been some increases in the enterprise funds, however, medical insurance premiums normally increase annually by as little as 7% to as high as 9% and this year there was no increase to the medical health insurance premiums.

Mayor Bowman adjourned the meeting at 7:45 P.M.