

Village of Milan

Council Meeting

January 25, 2023

January 25, 2023 Council Meeting was called to order with the Pledge of Allegiance by Mayor Pam Crosby.

Mayor Crosby asked for a moment of silent for the passing of Milan resident Don Gfell.

Roll call: Rospert – yes, Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes, Bickley – on phone.

Motion by McIlrath, seconded by Shafer, to excuse Mike Bickley from tonight's Council meeting. Roll Call: Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes.

Also present – Mayor Pam Crosby, Administrator Brian Rospert, Fiscal Officer Catherine Ramey and Solicitor James Barney.

Motion by Rospert, seconded by McManus, to approve the Minutes of the December 28th Regular Council Meeting. Roll Call: Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes.

Motion by McManus, seconded by Rospert, to approve the Minutes of the January 12th Work Session Minutes. Roll Call: Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes.

Motion by McManus, seconded by McIlrath, to approve the Minutes of the January 12th Special Council Meeting Minutes. Roll Call: McManus – yes, McIlrath – yes, Rospert – yes, Taylor – yes, Shafer – yes.

Motion by McIlrath, seconded by McManus, to nominate and elect Rospert for Council President, one-year term. Roll Call: Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes, Taylor – yes.

Mayor Crosby said there were no changes in the Council Committees this year.

Motion by Rospert, seconded by McIlrath, to pass the Rules of Council as presented. Roll Call: McIlrath – yes, Taylor – yes, Shafer – yes, McManus – yes, Rospert – yes.

CITIZEN PARTICIPATION – Resident Mary Bruno asked about interest in a non-interest checking account and why there was an Ordinance in December to adjust the 200% to 125%. Why was there no discussion about it and how did Solicitor Barney know to draw up the Ordinance.

CITIZEN PARTICIPATION – cont. –

Mayor Crosby spoke on behalf of Chad Hula with Southern Care Hospice. They would like to put up yellow ribbons on lamp posts in the Village Square for Vietnam Veterans Day on March 22nd for two weeks.

Motion by McManus, seconded by Taylor, to allow Southern Care Hospice to put up yellow ribbons on lamp posts in the Village Square for Vietnam Veterans Day on March 22nd for two weeks. Roll Call: McIlrath – yes, Taylor – yes, Shafer – yes, McManus – yes, Rospert – yes.

Mayor Crosby read a letter she received from Village resident Kevin Riddle that he asks her to read at the next Council meeting. The letter is his concerns about the reduction in water rates for township residents and the incurred increase water rates for Village residents.

Township resident Clarissa Burns said she has a letter from her lawyer and if Mayor Crosby would like to read that one. Mayor Crosby said she did not have it in front of her and his letter was on the agenda. Resident Burns continued to voice her concern saying “it’s not a matter of the Village paying more or the Township paying more, it’s about the legality of it. It’s illegal.” Burns continued to go on to say that the people who did the surveys said it was illegal. She said this was to be an emergency Ordinance and that no one motioned it not to be an emergency Ordinance. Burns asked why it was now a three reading Ordinance and Council President Rospert said that “she stated that she prefers to do this Ordinance in three readings and not pass as an emergency since the Ordinance they are changing has been in effect since 1989.” Council President feels that Council owes this to “our Village residents” that elected them that are sitting around the table to represent them. Solicitor Barney was able to make changes to the emergency Ordinance and since this has been in effect since 1989, Council President Rospert doesn’t feel that this is an emergency. After Burns became argumentative with a resident, Mayor Crosby intervened and stated they were going to go on with the agenda.

OLD COMMITTEE BUSINESS

Streets, Sidewalks and Storm Sewers – None

Safety – Mayor Crosby and Village employees attended the AMP Safety/OSHA Compliance Training on January 11th, the topic was Due Diligence.

Finance – None

Regional Planning, Building Codes & Inspection – Jeff Stopar continues updating the Village of Milan Zoning Code. A follow up meeting is scheduled for February 3rd.

OLD COMMITTEE BUSINESS – Safety cont.

Utilities – The emergency backup generator was installed at the Indian Acres Lift Station the week of December 12th. Final installation is scheduled to be completed on January 28th. Another delay in receiving parts for the Influent Project at the Wastewater Treatment Plant. Buckeye Pump has delayed this project due to weather, this project will wait until March. Work continues with Richland Engineering to complete the final design and bid package for the North Edison Drive Water Line Replacement Project. This project was made possible with funding provided by the Ohio Department of Development Water and Wastewater Infrastructure Program Grant Agreement. Project bid will go out by the first of March.

Civic Contacts and Historical Preservation – None

Parks and Trees – None

Records Commission – None

Citizen Property Maintenance – None

NEW COMMITTEE BUSINESS

Streets, Sidewalks and Storm Sewers – Sterling dump truck was taken to American Diesel to have the starter repaired.

Safety – Councilperson McManus read a recommendation letter from Chief Meister.

Motion by McManus, seconded by McIlrath, to accept Chief Meister’s recommendation to hire Shawn Craig as a fourth full-time officer at \$20.00 per hour effective February 1, 2023, with a six-month probationary period. Roll Call: Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes.

Motion by Shafer, seconded by Rospert, to accept Chief Meister’s recommendation to hire Shaun Taylor as a part-time officer at \$15.00 per hour with a six-month probationary period. Roll Call: Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes.

Motion by McManus, seconded by Taylor, to accept Chief Meister’s recommendation to hire Courtney Gielas as a part-time officer at \$15.00 per hour with a six-month probationary period. Roll Call: Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes.

Mayor Crosby swore in newly hired part-time officer Courtney Gielas and full-time officer Shawn Craig.

NEW COMMITTEE BUSINESS – cont.

Finance – Fiscal Officer Ramey said books are closed for December. September, October, November, and December months are all in balanced since the conversion. Bank Recs are all in balanced. Fiscal Officer Ramey said she did not want to give Council anything until everything was in balanced and now that it is, Council will need to approve them.

Fiscal Officer Ramey gave an update on the audit, she gets updates weekly from them. The auditors are still checking on a couple things and they will then check with the state on different scenarios and then get with her. Although they have not given her a timeline, she will put in an extension for the Hinkle Reporting since it is due by March 1st. The auditor cannot guarantee they will be done so she will ask for an extension for 30 or 60 days, since things will need to be changed from prior reporting that was done for the Hinkle Report from the prior IPA. Fiscal Officer Ramey said she asked the auditor about additional cost since it is past the original date and that cost was not set up to be spent, what would happen with the additional cost, and they said they will have to go up the food chain to see if the Village will be responsible or the State. Fiscal Officer Ramey said they will need to let her know so she can make out a purchase order so that they won't ding her for that. The auditor will let her know hopefully shortly.

Motion by Rospert, seconded by Taylor, to approve the Council Bills for the period of December 28th – January 25th. Roll Call: Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes, Taylor – yes.

Motion by Taylor, seconded by Shafer, to approve the Utility Bills for the period of December 28th – January 25th. Roll Call: McIlrath – yes, Taylor – yes, Shafer – yes, McManus – yes, Rospert – yes.

Motion by Rospert, seconded by McManus, to approve the Financial Reports as presented for the months of September, October, November, and December 2022. Roll Call: Rospert – yes, Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes.

Administrator Rospert noted to Council that Fiscal Officer Cathy Ramey has been going above and beyond everything she has been doing, from the switchover to the new software that has had a lot of hiccups for her, working with the auditors, getting in balance from the switchover. She has worked many hours a day including weekends and holidays. Administrator Rospert enjoys working with Fiscal Officer Ramey and wants her to be commended on the job she does for the Village.

Regional Planning, Building Code, and Inspection – The Zoning Inspector followed up on Property Maintenance issues on Liberty Street and Bank Street. The Boundary and Annexation Survey was completed and submitted this past month.

NEW COMMITTEE BUSINESS – cont.

Motion by Taylor, seconded by McIlrath, to accept Mayor Crosby’s recommendation to reappoint Joe Chicotel to the Board of Zoning Appeals to a term ending December 31, 2026.

Roll Call: McIlrath – yes, Taylor – yes, Shafer – yes, McManus – yes, Rospert – yes.

Motion by McManus, seconded by McIlrath, to accept Mayor Crosby’s recommendation to reappoint John Bachelor to the Board of Zoning Appeals to a term ending December 31, 2026.

Roll Call: McManus – yes, McIlrath – yes, Rospert – yes, Taylor – yes, Shafer – yes.

Motion by Rospert, seconded by Shafer, to accept Mayor Crosby’s recommendation to reappoint Fritz Berckmueller to the Design Review Board to a term ending December 31, 2025.

Roll Call: Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes.

Utilities – The Wastewater department put together a five-year Sewer Plan for the Sewer Rate Review, dealt with several water leaks to residential and commercial buildings during the cold snap in late December, updated their Material Data Safety Sheets, and they are preparing for their Sanitary Survey of the public water system that is scheduled for Monday, February 13th.

Water Superintendent Brad Simon discussed at the Work Session earlier this month, the 10-year maintenance plan for the water tower. Currently, grants and loans for the project are being explored. However, Water Superintendent Brad Simon mentioned that he would like to have the TTHM removal system installed prior to summer. With the delays in obtaining funding, Administrator Rospert recommends that Council considers using the Capital Improvement Fund to pay \$47,620.00 for this system. If Council is in agreeance, an Ordinance will be prepared for the February Council meeting.

The Electric Department installed a new LED flood light at Sleepy Hollow Park, attended an AMP Quarterly Training and worked on primary metering at the old Primetals facility.

Civic Contacts and Historical Preservation – Motion by McIlrath, seconded by Shafer, to accept Mayor Crosby’s recommendation to reappoint Sparky Weilnau to the Jenkins Warehouse Commission as a member of the Milan Museum to a term ending December 31, 2025. Roll Call: Rospert – yes, Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes.

Parks and Trees – Motion by McIlrath, seconded by McManus, to accept Mayor Crosby’s recommendation to reappoint Brock Busdicker to the Tree Commission to a term ending December 31, 2025. Roll Call: Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes, Taylor – abstain.

Motion by Rospert, seconded by Taylor, to accept Mayor Crosby’s recommendation to reappoint Al Buggele to the Beautification Committee as a Village resident.

Roll Call: McManus – yes, McIlrath – yes, Rospert – yes, Taylor – yes, Shafer – yes.

NEW COMMITTEE BUSINESS – cont.

Parks and Trees cont. – Councilperson Taylor spoke on the first Parks & Activities Commission meeting that was held January 11th. Although the Commission has no annual plan set yet they did toss around ideas for the square, from having a food truck night in better weather and on Mondays so not to interfere with local restaurants, to Christmas in July, sprucing up Lockwood Park and a possible ice rink during the holiday. The Commissions next meeting is Wednesday February 15th at 6:30 p.m. and will be held in the Council Room.

Records Commission – Next Records Commission Meeting will be held on March 14, 2023.

Citizen Property Maintenance – None

Communications – Administrator Rospert commended Julie and Cathy for all the work they have done with Spectrum to have the new phone system installed and their efforts in making this process go so smoothly.

The February 9th Work Session is cancelled.

UNFINISHED BUSINESS

Council President Rospert brought back information on her works wage study. She will look into specifics and email the information to Administrator Rospert.

LEGISLATION

Ordinance – Next Number will be 841-1-23

Resolution – Next Number will be 630-1-23

**AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF MILAN
REGARDING CORNER LOT FENCES AND ALTERATIONS OF NON-CONFORMING USES**

Motion by McIlrath, seconded by Rospert, to bring this Ordinance to its third reading by title only. Roll Call: Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes.

Motion by McManus, seconded by Shafer, to adopt by title only. Roll Call: Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes.

AN ORDINANCE AMENDING THE VILLAGE OF MILAN ZONING ORDINANCE TO REZONE PROPERTY LOCATED WITHIN THE VILLAGE

Motion by McIlrath, seconded by Rospert, to bring this Ordinance to its third reading by title only. Roll Call: McIlrath – yes, Taylor – yes, Shafer – yes, McManus – yes, Rospert – yes. Motion by Taylor, seconded by Rospert, to adopt by title only. Roll Call: Rospert – yes, Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes.

AN ORDINANCE OF THE VILLAGE OF MILAN, OHIO REPEALING MILAN CODIFIED ORDINANCE SECTION 925.20 AND MILAN ORDINANCE NUMBER 950-12-93 AND CLARIFYING THE USE OF UTILITY REPLACEMENT FUNDS

Motion by McIlrath, seconded by Shafer, to bring this Ordinance to its second reading by title only. Roll Call: Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes, Taylor – yes.

AN ORDINANCE AMENDING THE RATES TO BE CHARGED FOR MUNICIPAL WATER SERVICES FURNISHED BY THE VILLAGE OF MILAN, OHIO REPEALING ALL ORDINANCES OR PARTS THEREOF INCONSISTENT HEREWITH

Motion by Taylor, seconded by McManus, to bring this Ordinance to its second reading by title only. Roll Call: McManus – yes, McIlrath – yes, Rospert – yes, Taylor – yes, Shafer – yes.

Council President Rospert ask that the letter written from Administrator Rospert explaining this to be sent out to Village residents. Mayor Crosby responded that this letter will be going out in the utility bills.

AN ORDINANCE ADDRESSING THE EXTENSION OF UTILITIES OUTSIDE THE VILLAGE BOUNDARIES

Motion by McIlrath, second by Taylor, to bring this Ordinance to its first reading by title only. Council President asked Administrator Rospert to explain this, in which he read a portion from Exhibit A – Annexation and Utility Extension Policy.

(A) Where Village utilities are extended beyond the current Village corporation limits and prior to rendering water, wastewater, or electric utility service to properties outside the current Village corporate limits, the landowner of the property to be served shall agree to the following:

- (1) Jointly cooperate with the Village to annex the property into the Village corporate limits.
- (2) If the property cannot be legally annexed to the Village, to enter into an agreement wherein the landowner and his or her successors in interest waive their right to object to annexation. The agreement is to be recorded, and as such will constitute notice to and be binding upon successors in interest to the real estate described in the agreement.

(3) The Village determines it is in the best interest of the Village to annex the property upon it becoming contiguous.

Council President thanked Administrator Rospert.

Roll Call: Rospert – yes, Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes.

AN ORDINANCE AMENDING THE ORDINANCE CREATING THE JENKINS WAREHOUSE COMMISSION TO ALLOW NONRESIDENTS TO SERVE ON THE COMMISSION AND DECLARING AN EMERGENCY

Motion by Rospert, seconded by McIlrath, to suspend the rules.

Roll Call: Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes.

Motion by McManus, seconded by Shafer, to adopt by title only as an Emergency.

Roll Call: Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes, Taylor – yes.

AN ORDINANCE INCREASING THE NUMBER OF MEMBERS OF THE VILLAGE OF MILAN BEAUTIFICATION COMMISSION AND DECLARING AN EMERGENCY

Motion by Shafer, seconded by McIlrath, to suspend the rules.

Roll Call: McIlrath – yes Taylor – yes, Shafer – yes, McManus – yes, Rospert – yes.

Motion by McManus, seconded by Rospert, to adopt by title only as an Emergency.

Roll Call: Taylor – yes, Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes.

Questions for Next Meeting

Council President Rospert wanted to address comments made earlier in the meeting and asked Fiscal Officer Ramey if in fact some monies are being invested and she replied yes, that a million dollars was on the way to Star because the Village is getting more money in Star. Officer Ramey said she has been working on that and that has been a priority.

Council President Rospert then said the other is the water rate, and as far as not having a motion she mentioned that it has been discussed and based on the Ordinance, Section 5 Council President read that it states *That the Village Administrator shall be and hereby is authorized and directed to maintain such rates and charges etc.* Council President Rospert went on to say Administrator Rospert did exactly that and brought it to Council's attention and they did discuss it and even though Council may or may not have made an actual motion she asked Solicitor Barney just for clarification if they were wrong. Solicitor Barney responded no. Township resident Clarissa Burns asked if she could ask a question. Her question was he (Solicitor Barney) wrote it as an emergency and Council President Rospert said Council can change their mind and that is what they did. Township resident Burns continued saying they have to have a motion, I am right? Solicitor Barney said no, she was not right. Council President said they made a motion to have it as a three reading in the discussion and Solicitor Barney would have to revise it. Township resident Clarissa Burns then asked if tonight is the second

reading and then next month is the third reading, they should see the reduction in rates in March. Administrator Rospert said they would see it in the May 1st utility bill.

Questions for Next Meeting- cont.

Village resident Kevin Riddle asked Council if this was legal, or illegal and Township resident Burns replied it was illegal. Village resident Kevin Riddle responded he was asking Council, Township resident Burns replied that he (Kevin Riddle) could have the letter from the lawyer, again he stated he was asking Council. Council President Rospert interjected telling Township resident Burns that Kevin has the floor. When Village resident Kevin Riddle asked Solicitor Barney if it was legal or illegal. Solicitor Barney replied he doesn't answer to the public he only answers to Council, Mayor, Village Administrator and Fiscal Officer. Village resident Kevin Riddle then said he would have guessed he (Solicitor Barney) would have told Council that through all the talks. Township resident Burns spoke out and said it is illegal. Council President Rospert said it was brought to their attention after receiving a letter from an attorney, they (Solicitor Barney and Administrator Rospert) got together with John Courtney and had a conversation about that particular complaint and that is why the Administrator brought that to Council because of that. Council did not have a meeting prior to the letter and it was brought to them as a result. If someone thought that wasn't done correctly, the Administrator has been given that authority and that is his job to render those things and they are done talking about this. Township resident Burns continued to say "The question is, is it illegal and we all know that it is, it's called taxation without representation and it's over and above what is considered to be rational." Councilperson Taylor motioned to adjourn.

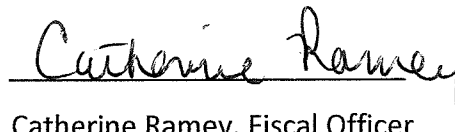
Adjournment

Motion by Taylor, seconded by Shafer, to adjourn tonight's meeting.

Roll Call: McManus – yes, Taylor – yes, Shafer – yes, Rospert – yes, McIlrath – yes.



Carla Rospert, Council President



Catherine Ramey, Fiscal Officer

