

VILLAGE OF SWANTON

Council Meeting Minutes

October 26, 2020

6:45 p.m.

Prayer

Pledge of Allegiance

Roll Call:	Tony Stuart	Michael Rochelle
	Kathy Kreuz	Craig Rose
	J. David Pilliod	Dianne Westhoven

Ceremonial Swearing in: Councilman Tony Stuart

Motion to approve the agenda as amended made by Councilwoman Kreuz, seconded by Councilman Pilliod. Roll call. ALL YES. Motion passed 6-0.

Motion to approve October 13, 2020 meeting minutes made by Councilwoman Kreuz, seconded by Councilman Pilliod. Roll Call. Motion passed 4-0-2. Councilman Rochelle and Councilman Stuart abstained.

Motion to approve October 15, 2020 meeting minutes made by Councilman Pilliod, seconded by Councilman Rochelle. Roll Call. Motion passed 5-0-1. Councilman Stuart abstained.

Councilman Rose summarized discussion from Water & Sewer Committee. Mr. Rose was nominated Chairperson.

Councilman Rose summarized Committee of the Whole: Changes to the Personnel Handbook were review with recommendation to approve; Discussion of hiring a Community Development Assistant; Review of Rules of Council discussed; Live Streaming discussed.

Old Business:

1. Third Reading Ordinance 2020-XX: Amending Chapter 74 (Parking Generally) of Codified Ordinances of Swanton
 - a. I spoke to Chief Berg to clarify the discrepancy from the last meeting
 - b. He recommends
 - i. Parking Prohibited at all times
 1. North side of Brookside Drive from Hallett Avenue to Crestwood Drive
 - ii. Parking Prohibited between 7:00 ~~8:00~~ am-4:00 pm, Monday-Friday
 1. South side of Brookside Drive from Hallett Avenue to Crestwood Drive
 - c. Letter received from concerned resident

Discussion regarding school bus traffic. Recommended to prohibit parking between 7:00am-4:00pm rather than 8:00am-4:00pm.

Motion made to amend ordinance to reflect 7:00am-4:00pm prohibited parking Monday-Friday; south side of Brookside Drive from Hallett Avenue to Crestwood Drive made by Councilman Rose, seconded by Councilman Rochelle. Roll Call. ALL YES. Motion passed 6-0.

Third Reading Ordinance 2020-XX: Amending Chapter 74 (Parking Generally) of Codified Ordinances of Swanton motion made by Councilwoman Kreuz, seconded by Councilman Rochelle. Roll Call. ALL YES. Motion passed 6-0.

New Business:

Approval of September Financial Documents

- Never were approved at the October 13 meeting

Motion made by Councilman Rochelle to approve September Financial Documents, seconded by Councilman Westhoven. Roll Call. ALL YES. Motion passed 6-0.

2021 Senior Center Agreement

- Annual agreement regarding use of the Community Center for Fulton County Senior Center use.
- No changes from previous years

Motion made by Councilman Rose to approve 2021 Senior Center Agreement, seconded by Councilman Westhoven. Roll Call. ALL YES. Motion passed 6-0.

Council appointment to Planning Commission

- With the passing of Mr. Dzyak there is a need to fill the Council seat on Planning Commission until December 31, 2021
- Planning Commission meets the first Tuesday of the month, as needed

Councilman Rochelle nominated Councilwoman Westhoven.

Motion to approve nomination made by Councilman Rochelle , seconded by Councilman Rose. Roll Call. ALL YES. Motion passed 6-0.

Motion made to approve Personnel Handbook effective November 1, 2020 by Councilman Rose, seconded by Councilman Rochelle. Roll Call. ALL YES. Motion passed 6-0.

Emergency Ordinance 2020-XX: Amending Ordinance 2020-19 Establishing Swanton Village Employee Compensation Schedule 2021 made by Councilman Rose, seconded by Councilwoman Kreuz. Roll Call. ALL YES. Motion passed 6-0.

- There was an oversight in Exhibit A on Firefighter Jamie Blake's wage
- Should be an increase of \$0.41
- No other changes made

Motion made to approve Establishing Swanton Village Employee Compensation Schedule 2021 by Councilman Rochelle, seconded by Councilman Rose. Roll Call. ALL YES. Motion passed 6-0.

Emergency Ordinance 2020-XX: Authorizing and Directing the Mayor and/or Village Administrator to enter into an agreement with Shoaf Consulting for engineering services for Water Treatment Plant- Membrane Softening Improvements made by Councilman Rose and Councilwoman Westhoven. Roll Call. ALL YES. Motion passed 6-0.

- Discussed by Water & Sewer Committee in September; they recommended moving forward
- Mr. Lehenbauer reviewed agreement as presented and only comment is related to the limitation of liability provision. He recommends that should be removed as well as the limitation of damages provision.

Motion Authorizing and Directing the Mayor and/or Village Administrator to enter into an agreement with Shoaf Consulting for engineering services for Water Treatment Plant- Membrane Softening Improvements made by Councilman Rochelle and Councilwoman Westhoven. Roll Call. ALL YES. Motion passed 6-0.

Emergency Resolution 2019-XX: Accepting Amount and Rates as Determined by the Budget Commission made by Councilman Rose, seconded by Councilwoman Kreuz. Roll Call. ALL YES. Motion passed 6-0.

Motion Accepting Amount and Rates as Determined by the Budget Commission made by Councilman Rose, seconded by Councilwoman Westhoven. Roll Call. ALL YES. Motion passed 6-0.

Emergency Resolution 2020-XX: Authorizing the Administration to dispose of certain surplus property not needed for any municipal purpose made by Councilman Rose and Councilwoman Westhoven. Roll Call. ALL YES. Motion passed 6-0.

- Water Resource Recovery Facility: 35 foot ladder
- Swanton Fire and Rescue: 2000 Pierce Saber Engine (out of service due to new one approved by Council)
- General (used Community Center equipment)
 - i. TurboAir Model JRF-19
 - ii. WinHolt Heater Proofer cabinet

Motion Authorizing the Administration to dispose of certain surplus property not needed for any municipal purpose made by Councilman Rose, seconded by Councilwoman Westhoven. Roll Call. ALL YES. Motion passed 6-0.

First Reading Ordinance 2020-XX: Appointing Village Solicitor and Establishing Compensation made by Councilwoman Kreuz, seconded by Councilman Rochelle. Roll Call. ALL YES. Motion passed 6-0.

- No change from the 2020 agreement

Mayor's Report:

Fire & EMS

- Wauseon is pulling out of the countywide EMS District
- A new District must be formed
- New District may include a joint Fire & EMS District
- Planning to meet with the eastern Fulton county officials *to start the discussion*

CoVid-19

- Lt. Governor discussion
- Likely not to abate until mid-2021

Continue to attend meetings with the Mayors Association of Ohio bi-weekly; regular Monday meetings with the Administrator; meetings with Fire Chief; field phone calls from residents; in mayor's office daily. Attended the Main Street (and Beyond) Monster mash

Administrator's Report:

1. Planning Commission
 - a. One Public Hearing continuation set for November meeting
 - b. Will also look to review permitted uses in business district

2. Utility accounts
 - a. Storm Sewer
 - i. Identified 34 accounts being charged the residential rate when in fact should be charged the commercial rate
 - ii. Work orders created to calculate square footage of impervious area at these locations
 - iii. Intent is to generate a template letter and send out to all accounts informing them of this
 - iv. Will not ask for retroactive pay but will begin charging the correct amount once calculations are made
 1. This may take some time so specific date is unknown at this time
 2. Could be December 15 or January 15

3. Employee Check Ins
 - a. Mrs. Hoelzle scheduled a check in meeting with each full time and as many part time employees as available
 - b. Will meet over the next four weeks and weekends to catch all shifts
 - c. These informal conversations are important to check in with employees and gain any feedback that may help better operations moving forward

4. Project Updates
 - a. Project 8 & 9 Sewer Separation
 - i. Engineers reviewing results from smoke testing
 - ii. Asked reps from Jones & Henry to provide the update at the November 9 Water & Sewer Committee Meeting
 - b. Business & Dodge Alleys
 - i. Wrapping up underground work
 - c. Safe Routes to Schools

- i. Poggemeyer Design Group working on getting all the documents to ODOT for final approvals
 - ii. I will need to work on RFQ for contract administration since one of the requirements when receiving grant funds through a local- let project is the firm who designs the project can't be the firm who administers the project (similar to the Garfield Avenue Bridge project)
- d. Beard Pavilion
 - i. Poggemeyer Design Group is finalizing design build specs to be able to bid out this project
 - ii. It has been a long time coming going back and forth with insurance and the quotes from the claims adjuster

5. Community Development Implementation Strategy

- a. Maumee Valley Planning Organization has scheduled a meeting to discuss the 2021 Community Development Block Grant program on behalf of Fulton County Commissioners
- b. Will fill out the Community Development Implementation Strategy form and submit on behalf of the Village
- c. Information will be used from the recently approved Capital Improvement Plan

Personnel Report

1. Resignation

- a. Mr. Michael Fox submitted a letter of resignation from the SFRD
- b. Mr. Chad Jendrzejak

Motion accepting resignation of Mr. Fox effective October 13, 2020 made by Councilwoman Kreuz, seconded by Councilman Rose. Roll Call. ALL YES. Motion passed 6-0.

Motion accepting resignation of Mr. Jendrzejak effective immediately made by Councilman Rochelle, seconded by Councilwoman Kreuz. Roll Call. ALL YES. Motion passed 6-0.

Public Comment: Bill O'Connell; Julia Benfield, Vice Chair Person Swanton Area Chamber of Commerce; Paul Wise, Director Swanton Area Chamber of Commerce advocated for Live Streaming.


Motion to go into Executive Session at 8:16 p.m. to consider employment of a public official made by Councilman Rose seconded by Councilman Pilliod. Roll Call. Motion passed 6-0.

Mayor called Council back to order at 8:41 p.m. Roll Call 6-0.

Adjourn:

Motion to adjourn meeting at 8:41 p.m. made by Councilman Rose, seconded by Councilman Rochelle. Roll Call. Motion passed 6-0.


Neil Toepe, Mayor

Attest: 
Jennifer Harkey, Fiscal Officer

Water and Sewer Committee Meeting Minutes

October 26, 2020 • 6:00 p.m.

J. David Pilliod

Craig Rose

Tony Stuart

1. Chairmanship
 - a. With the passing of Mr. Dzyak, there is a vacancy in chairmanship for the Water & Sewer Committee

<i>More Discussion Needed</i>	YES	NO	If yes, resume when:
<i>Decision/Recommendation</i>	YES	NO	No Decision Needed
<i>Decision Details/Comments: Mr. Pilliod recommends Mr. Rose.</i>			

Committee of the Whole

October 26, 2020

6:05 p.m.

1. Personnel Handbook

- a. Annual review completed by Mrs. Harkey and Mrs. Hoelzle as well as presented

<i>More Discussion Needed</i>	YES	NO	If yes, resume when:
<i>Decision/Recommendation</i>	YES	NO	No Decision Needed
<i>Decision Details/Comments: Recommended by Committee, motion needed under New Business</i>			

to Division Heads for comments

- b. Significant changes reviewed

2. Community Development Assistant

- a. For the past nine (9) months, Mrs. Hoelzle has been trying to attend to field work related to code enforcement
- b. She is also the main coordinator for newsletter, social media, and website content and maintenance
 - i. These tasks grew out of Mrs. Hoelzle creating the newsletter and placing an emphasis on redesign of website and social media content
- c. Additionally, much time is spent on research and analysis on various programs, initiatives, and projects
- d. In order to look ahead to properly devote time to all of these tasks my recommendation is to look at the creation of a Community Development Assistant
- e. This position would be centered on community development activities such as code enforcement, parks, the potential to include recreation (longer discussion needed), as well as enhancements to ways the Village interacts with residents and businesses
- f. This would allow Mrs. Hoelzle to devote time to long range projects and planning

<i>More Discussion Needed</i>	YES	NO	If yes, resume when:
<i>Decision/Recommendation</i>	YES	NO	No Decision Needed
<i>Decision Details/Comments: Committee recommend a formal proposal including employment status and wage.</i>			

- g. The Community Development Assistant would be an addition to the Administration Staff and help round out ways to better serve the community
- h. Discussion of creation of position. Committee recognizes the need for additional staff to assist Mrs. Hoelzle with tasks outlined above.

3. Rules of Council

- a. Recommendation to change terminology of “President of Council”
- b. This phrase has been used by the Village for decades to reference the individual elected by Council each January however the terminology should be “President pro tempore” per Ohio Revised Code
- c. Ohio Revised Code 731.10 outlines
 - i. *President pro tempore of the legislative authority - employees.*
 - ii. *At the first meeting in January of each year, the legislative authority of a village shall immediately proceed to elect a president pro tempore from its own number, who shall serve until the first meeting in January next after his election. The legislative authority may provide such employees for the village as it determines, and such employees may be removed at any regular meeting by a majority of the members elected to such legislative authority.*
 - iii. *When the mayor is absent from the village or is unable, for any cause, to perform his duties, the president pro tempore shall be the acting mayor, and shall have the same powers and perform the same duties as the mayor.*
- d. Ohio Revised Code 733.24 outlines that [the Mayor] shall be the president of the legislative authority and shall preside at all regular and special meetings thereof, but shall have no vote except in case of a tie.
 - i. Mayor Toeppe is recommending moving the line indicating President of Council shall preside at all meetings of the Committee of the Whole
- e. Suggestion from the Administrative Staff, is to include a description of Standing Committee
- f. Discussion of proposed changes. Mr. Lehenbauer takes exception to Mayor Toeppe’s interpretation. He states it is simply a matter of semantics and the Rules of Council are followed correctly as outlined in ORC 731.10.

4. Live Streaming

- a. Policy draft presented for review
- b. Discussion included:
 - i. Mr. Lehenbauer: Sited Oberlin College lawsuit in which found liable in a case involving audio recordings. He also mentioned liable laws concerning defamatory statements uttered by a third-party.
 - ii. Mayor Toeppe: Strongly encourages live streaming. He stated many residents are unable to attend in person meetings due to other commitments.
 - iii. Councilman Rochelle: Who would have the responsibility to stop live streaming in the event a third-party would begin to make defamatory statements. He stated it should be full live streaming or none at all. Concerned about mitigating liability.
 - iv. Councilman Pilliod: Has no problem with live streaming
 - v. Councilwoman Kreuz: Recommends trying it for awhile
 - vi. Councilman Stuart: Inquired if meetings are audio recorded. Typically, they are recorded and are available upon request. Over the last six months, the meetings have been recorded via Zoom.
 - vii. Councilwoman Westhoven: Recommended a Release of Liability formed signed by the public prior to each meeting.

<i>More Discussion Needed</i>	YES	NO	If yes, resume when:
<i>Decision/Recommendation</i>	YES	NO	No Decision Needed
<i>Decision Details/Comments: Mr. Rose recommends a special meeting to discuss details of live streaming policy.</i>			

<i>More Discussion Needed</i>	YES	NO	If yes, resume when:
<i>Decision/Recommendation</i>	YES	NO	No Decision Needed
<i>Decision Details/Comments: Mr. Rose recommends following procedures as currently outlined in Rules of Council.</i>			