

VILLAGE OF SWANTON

Council Meeting Minutes

October 11, 2022

7:00 p.m.

Prayer

Pledge of Allegiance

Roll Call: Samantha Disbrow Derek Kania
 Mike Disbrow Patrick Messenger
 J. David Pilliod Dianne Westhoven

Councilman Kania moved to approve agenda as Amended to include Executive Session and revise from a Resolution to an Ordinance. Seconded by Councilman Pilliod. No Discussion. Roll Call. ALL YES. Motion Passed 6-0.

Councilman Messenger moved to approve minutes from September 26, 2022. Seconded by Councilman Kania. No Discussion. Roll call. ALL YES. Motion Passed 6-0.

Finance Committee Report

Councilman Kania motioned to proceed with the investment policy as directed. Seconded by Councilman Kania. No Discussion. Roll Call. ALL YES. Motion Passed 6-0.

New Business:

1. Resolution 2022-XX: A Resolution to Amend Resolution 2022-19 Clarifying Street, Road or Avenue Names within The Village of Swanton and Declaring an Emergency.
Councilman Kania moved to Suspend the Rules for Resolution 2022-XX. Seconded by Councilman Messenger. No Discussion. Roll Call. ALL YES. Motion Passed 6-0.
Councilman Kania moved to Approve Resolution 2022-XX. Seconded by Councilwoman Disbrow. No Discussion. Roll Call. ALL YES. Motion Passed 6-0.
2. Resolution 2022-XX: A Resolution Authorizing the Submission & Support of an Application to Walmart & Sam's Club and Declaring and Emergency
Councilman Kania moved to Suspend the Rules for Resolution 2022-XX. Seconded by Councilwoman Westhoven. No Discussion. Roll Call. ALL YES. Motion Passed 6-0.
Councilman Pilliod moved to Approve Resolution 2022-XX. Seconded by Councilman Kania. No Discussion. Roll Call. ALL YES. Motion Passed 6-0.

3. Resolution 2022-XX: Resolution Accepting the Amounts and Rates as Determined by The Budget Commission, Authorizing the Necessary Tax Levies and Certifying them to the County Auditor & Declaring an Emergency.
Councilman Kania moved to Suspend the Rules for Resolution 2022-XX. Seconded by Councilman Disbrow. Discussion ensued about Contract Details as well as the amount that would be collected. Because this information was not readily available, no vote occurred and this was pushed to the next meeting.
4. Ordinance 2022-XX: An Ordinance Authorizing the Sale of Playground Equipment and Declaring an Emergency
Councilman Pilliod moved to Suspend the Rules for Ordinance 2022-XX. Seconded by Councilman Kania. No Discussion. Roll Call. ALL YES. Motion Passed 6-0.
Councilman Kania moved to Approve Ordinance 2022-XX. Seconded by Councilwoman Disbrow. Discussion follows. Roll Call. ALL YES. Motion Passed 6-0.
It was inquired why this Ordinance was necessary. This is because of the possible amount of sales revenue received from the sales of these items.
5. First Reading: Ordinance 2022-XX: An Ordinance Amending Section 36.01 Penalty for Returned Checks of the Codified Ordinances of Swanton, Ohio.
Councilman Pilliod moved to Approve the First Reading of Ordinance 2022-XX. Seconded by Councilwoman Disbrow. No Discussion. Roll Call. ALL YES. Motion Passed 6-0.
6. First Reading: Ordinance 2022-XX: An Ordinance Adopting the Swanton DORA Plan
Councilman Pilliod moved to Approve the First Reading of Ordinance 2022-XX. Seconded by Councilman Kania. Discussion Follows. Roll Call. Motion Passed 4-0-2, with Councilman Kania and Councilwoman Westhoven Abstaining
Councilman Kania:
Regarding Section 4: Police Chief can modify for special events. Wants to know who the Director of Public Safety that is called out is.
Should state that it ends at 12:00 am, not 12:00 pm
After Public Hearing feels we should push off for a month for further discussion.
Wants to know the roles and responsibilities of business owners, especially in terms of liability
There is no mention of council review in the Ordinance as presented.
Mayor Rebuttal:
To address concerns, we should take the DORA proposal to a second reading.
Feels we can amend, per title 43
Mayor:
Discussed with 9 other communities. Feels we should have 1, 2, 3-year reviews
Councilwoman Westhoven:
Stated we would need an Amending Ordinance to change the current Document.

Police Chief:

Spoke with Perrysburg, Sylvania, Defiance and Napoleon. There have been no real issues with their DORAs. They also had similar initial concerns. Those municipalities also have coverage fees in place for events.

7. Swanton Fire & Rescue Recognitions
8. Water Tower Painting
 - a. Options B and C seemed the most popular with a concern that the purple stripe might fade. Administrator Shulters was to look into the possibility of that.
9. Approve September Financial Statements as Presented
Councilman Kania moved to Approve the September Financial Statements. Seconded by Councilwoman Westhoven. No Discussion. Roll Call. ALL YES. Motion Passed 6-0.

Mayor's Report:

1. Regular Meetings with
 - a. Administrator Shulters
 - b. Chief Dziengelewski
 - c. Asked Police Chief Berg to research with other Police Chiefs experience with DORAs
2. Reviewed proposed budget with Mr. Vasko
3. Numerous visits with Firefighters, EMTs and Paramedics
4. Responded to numerous residents and business inquiries – including Weeds and Grass on W. Garfield. Also a resident expressed concern about updating 911 info related to street name changes and address changes.
5. Attend an Economic Development seminar hosted by the RGP.
6. Met with Village Solicitor regarding DORA and other personnel issues.
7. Contacted many communities regarding their experiences regarding their DORAs
8. Meeting on 10/13 regarding Economic Development Commission development
9. Will be attending the Fire Department Open House this Sunday 1-4 PM. Department Pumpkin Contest – Public Votes
10. Fire/EMS average over 100 p/month

Administrator's Report

General Updates

1. Mr. Vasko & Administrator Shulters attended the county finance meeting and met with Brett Kolb and Annie Hernandez to walk through additional budgeting steps
2. Mayor and Ms. Shulters attended RGP's Economic Development Training
3. Swanton's Snowflake Shuffle planning is underway for the evening of December 3rd.
4. Attended Fine Art Exhibit
5. Attended Rotary Dueling Pianos Event
6. Met with Foertmeyer
7. Swanton Fire & Rescue Open House Sunday, October 16 1:00- 4:00p

Tree Commission

- September meeting was cancelled; next meeting will be on October 17th

Planning Commission

- October meeting was cancelled; next meeting is November 1st

Project Updates

- **Memorial Park Playground**- Removal of old equipment has happened. Install is set to happen next week/at the end of the month.
- **Project 8 & 9**- Underground Utilities came back to re-seed and other items on the list that were addressed back in July when the project walk-through occurred. We will do another walk through in May/June to make sure the grass is growing back as it should.
- **Project 3, 11 & 12**- Ohio Public Works Commission priority points were awarded through the County on September 22nd to the Munson Road Project with an understanding that Small Government Grant funding could be a better avenue for Project 3, 11 & 12. However, it doesn't mean this project will not get awarded through OPWC still, we just have to wait until next month to find out. Sewer main break on South Main Street that happened on Monday, September 26th was a result of Camtech 's jet rod getting stuck in the pipe. The age of the pipe is a concern after meeting with Jones & Henry. We are working with them once the repair work is complete on payment of the break. As long as all continues to go well work will begin in the 3rd/4th Q of 2023.

WRRF Report

- 09/12/2022 - NPDES renewal issued by Ohio EPA. New permit valid until September 30, 2027.
- 09/12/2022 - Met with Doug Dunn from Fishbeck for brief meeting about equipment selection for upcoming headwork's improvement plan.
- 09/20/2022 - Attended a meeting with Shannon at Believe Dental Care to speak with them about mercury in the collection system. Meeting went well, and they are properly maintaining their amalgam separator.
- 09/22/2022 - Buckeye Pumps performed 1st half of annual preventive maintenance of the 28 pumps (24 at plant, 4 at lift stations).
- 09/23/2022 - Buckeye Pumps performed 2nd half of annual preventative maintenance at plant, but was unable to complete to due issue with their equipment. They will return on October 11th to finish.
- 10/04/2022 - Attended a meeting with Shannon at Swanton Dental to speak with them about mercury in the collection system. Meeting went well, and they are properly maintaining their amalgam separator.
- 10/05/2022 - Water Supply Treatment Class 2 and Wastewater Treatment Class 2 licenses renewed until 2024 for Mikael Stiles.

Water Report- The membrane project continues to wait on materials and is still expected to start work in mid-November. Submittals for the membranes have been submitted for

review from Wigan. After reviewing them Shoaf Consulting had a few questions and once those are taken care of the membranes will begin to be built. An updated project schedule has been requested and will most likely be available once the membrane submittals are approved. We are still waiting on a bid from DJE for the SCADA work, this work is part of the Membrane Project. Once we get the bid from DJE we can choose one and the SCADA work can begin. Had our second meeting with 120 water. This meeting was to start gathering information they need to start the lead service line inventory project. Midwest Compost hauled sludge out of the lagoons, they hauled out roughly 330,000 gallons of sludge. We haven't been able to pump much water to the reservoir recently due to low flow in Swan Creek. The reservoir is currently at a depth of 11.6 feet which puts us at almost two feet below the overflow. The accounted for water for August was at 82%, which puts us at 84% for the year so far.

Personnel Report

Councilman Kania moved to approve the placing of Ashley Leach as a Full-Time member of the Swanton Fire and Rescue Department at a Rate of \$17.50 per hour, contingent upon successfully passing any necessary requirements for hire as denoted by the Fire Chief. Seconded by Councilman Messenger. No Discussion. Roll Call. ALL YES. Motion Passed 6-0.

Councilman Messenger moved to approve the placing of Brianna Morgan as a Full-Time member of the Swanton Fire and Rescue Department at a Rate of \$17.50 per hour, contingent upon successfully passing any necessary requirements for hire as denoted by the Fire Chief. Seconded by Councilman Kania. No Discussion. Roll Call. ALL YES. Motion Passed 6-0.

Councilman Kania moved to approve the promotion of Alva Conger to the rank of Lieutenant of the Swanton Fire and Rescue Department at a Rate of \$20.25 per hour, with a probationary period of 180 days. Seconded by Councilwoman Disbrow. No Discussion. Roll Call. ALL YES. Motion Passed 6-0.

Public Comment

Ms. Julia Benfield, owner of Benfield Wines, noted that there is a 5-year revision lookback required per the Ohio Revised Code.

Mr. Deacon Dzierzawski, President of Epiphany Community Services, stated that it was disingenuous of Council to have a public hearing without allowing an opportunity to read a copy of the Ordinance that was being presented.

Executive Session

At 7:49 pm, Councilman Kania motioned to enter Executive Session regarding Public Employee Discipline. Seconded by Councilwoman Disbrow. No Discussion. Roll Call. ALL YES. Motion Passed 6-0.

At 8:23 pm, Councilman Kania moved to reconvene from Executive Session. Seconded by Councilwoman Disbrow. No Discussion. Roll Call. ALL YES. Motion Passed 6-0.

At 8:24 pm, Councilwoman Westhoven moved to Adjourn. Seconded by Councilman Kania. No discussion. Roll Call. ALL YES. Motion Passed 6-0.



Neil Toeppe, Mayor

Attest:



M. Jason Vasko, Fiscal Officer

Public Meeting Notes:

Opposing View: Kenny Garland of 5819 Malden Ave, Toledo, Ohio. 1989 Graduate of Swanton High School. Current Pastor at Swanton Baptist Church

- Concerns about children and families, those impacted by alcohol and drug deaths
- Worried about the example we are setting
- Concerned about crossing the train tracks
- Does not want a “college town vibe” because Swanton is a small town
- Mentioned facilities, in a restroom regard, and fears urine and feces in streets and alleys
- Law enforcement concerns
- Prefers a smaller area or for Benfield Wines to have a fenced in area

Clarification View: Deacon Dzierzawski of 305 N. Main Street

- Noted this was required to be done by Ordinance
- Would like to have a copy of the ordinance

Opposing Views:

- Believes that this does not help all downtown businesses
- Believes that the DORA is too big, too far and too fast.
- Asked if other permits were considered, alternatives to DORA
- Asked if we considered the residences inside the DORA.

Opposing View: Pam Moore of 95 Dodge Street

- Thinks the DORA is way too big to start with
- Perrysburg has 13 – 17 trains a day, Swanton has over 100 trains a day.
- Does not want DORA to extend over the tracks
- Concerned that DORA will not really benefit everyone down town.
- Does not know if we can amend current process or if we will have to start over (Clarification request)
- Noted she had a lady fall on her sidewalk and that her insurance had to cover it.
- She is “not against it, but it’s too big”

Favorable View: Julia Benfield, owner of Benfield Wines, 102-104 N. Main Street

- Their business cannot have a fence without a DORA.

- Benfield Wines does not own the sidewalk, their liquor license ends at their door.
- Their attorney states that a business is not liable for someone who falls on the sidewalk
- As a nurse, she appreciates the ill effects of alcohol
- Believes this will help with economic development and the small business group
- Ohio Revised Code requires 2 businesses within the DORA district, they wanted to include the VFW for a third.
- Per statutes, the DORA is required to be reevaluated in 5 years.
- DORA can be suspended due to events, incidents, at the request of Council.
- Their business has been hurt since the end of the COVID changes because customers cannot go outside with beverages.

Favorable View: Joyce Berry of 405 S Main St, and owner of Younique Boutique

- Does not think DORA will promote as much alcohol usage as the pastor is concerned of
- Does not think the DORA will make much of a difference.
- Concerned there is a lot of negativity and putting the cart before the horse.
- Believes we should give DORA a try
- Feels the Village should only react if there is a problem, that Council should not jump to conclusions
- She cannot guarantee that DORA will help her business, but thinks it will help lead to events that will help her increase her revenue.

Favorable View: Mike Westmire of 114 Peachtree Lane, and Owner of Hub's Swantucky Pub

- Believes this will bring people to downtown Swanton.

Adjourned at 6:31 pm

Finance Committee (Westhoven, Chairperson), Kania, Messenger

October 11, 2022 • 6:30 p.m.

- 1) Financial Document review
 - a) September 2022 financial documents
 - b) Information present in Dropbox, for review

- 2) Discuss Investment Concerns Re: Treasury Bonds
 - a) Interest Rates
 - i) Liquid Account 2.5%
 - ii) Smaller CD 2.25%
 - iii) Larger CD 0.39%
 - b) Forfeiture if we cash in CD early is approximately \$4,000

- 3) No Oddities and Enormities in September

- 4) 2023 Temporary Budget
 - a) The intent was to balance or increase the fund balance from YE 2022 to YE 2023
 - b) Caveats:
 - i) Reduce carried balances in debt service and capital accounts for enterprise funds
 - (1) Once the money goes into those accounts, it will not come back out
 - ii) Use Permissive License Tax Dollars for road work
 - (1) County also carries a balance for us, currently at \$93,556
 - (2) We do not think that the Crestwood project will be funded, so these dollars will not be utilized and the balance would continue to grow.
 - c) As long as General fund stays at \$2M, we are not pulling from reserves
 - d) Allocate dollars from income tax as follows:
 - i) Anticipated collections of \$1,576,430
 - ii) \$150,000 to Fire Operating Fund
 - iii) \$843,570 to Police Operating Fund
 - iv) \$356,000 to Capital Projects Fund
 - v) \$156,000 to Fire Capital Fund
 - vi) \$60,000 to Parks and Recreation Fund
 - (1) This is necessary to ensure that there is available fund balance at the end of the year, or for use should there be an emergency situation with respect to the park.
 - e) Departmental Capital Requests:
 - i) SFRD:
 - (1) Increase in training budget
 - (2) Genesis Spreader Tool

- (3) Training room, Information Technology, Door Lock Upgrades
- (4) Storage Lockers
- (5) Chief's Vehicle Replaced per CIP
- (6) Turnout Gear per CIP
- ii) Police:
 - (1) Stop Sticks
 - (2) Body Armor
 - (3) Outer Vest Carriers
 - (4) Laptop
 - (5) Portable Breathalyzer Test Kits
- iii) Public Works
 - (1) Mower with Plow for Sidewalks
 - (2) Backhoe
- iv) Water Treatment Plant
 - (1) Water Tower Updates
 - (2) Repair and replacement of various pumps and meters
 - (3) Membrane Project per CIP
- v) Water Resource Recovery Facility
 - (1) Trickle Filter Replacement
 - (2) Sludge Pad Extension
 - (3) Screen / Headworks per CIP
 - (4) Projects 3, 11, & 12 will start late 2023
- vi) General Infrastructure Updates
 - (1) Munson Road Repair and Resurfacing

5) 2023 Priorities

- a) Utility Rate Study – EPA required, we are behind
- b) Funding Discussion regarding Parks, Police, Fire
- c) Late 2022 – Insurance renewal is coming, we are looking to move away from UHC
- d) Cost of living EOY increase
- e) Banking Study – Do we want to stick with 5/3 or look for better rates / service elsewhere
- f) Clean up delinquent income tax list
- g) Handbook Revision

Adjourned at 6:46 pm