

MINUTES OF REGULAR MEETING OF SMITHVILLE VILLAGE COUNCIL  
JUNE 18, 2018

The Council of the Village of Smithville met in regular session on Monday, June 18, 2018 at 7:00 pm in Village Hall, Mayor Paul Alexander called the meeting to order. Members present at roll call were Larry Allen, Tricia Fetzer, Joyce Garn, John Heitger, Ken McCune, and Tom Poulson. . Matt Simpson, Solicitor; Pam Keener, Fiscal Officer; Beverly Hatten, Clerk of Council were present.

Minutes for the June 4, 2018 meeting were approved with some additional wording by Poulson. A motion to approve the minutes was made by Poulson and the minutes were unanimously approved. A request by Garn was made to have the minutes printed 2 sided due to the length.

The Mayor recognized Fiscal Officer Keener, inquiring about the investments. Keener advised instructions were sent to the bank today. Keener advised an investment policy was written and will be submitted to the finance committee for review before presenting it to council.

Mayor recognized Simpson regarding the *Asset User Agreement* with the Fiscal Officer concerning the laptop computer and printer. Simpson advised the agreement was ready to be signed. Keener and the Mayor both signed the agreement. Copies will be sent to Keener and Village Hall.

McCune regarding an email reference ODOT traffic study, what is happening with that? Simpson advised the traffic study was done and it was determined as long as the speed limit was 35 mph a left turn lane, center dedicated, would not be needed northbound on State Route 585. The southbound lane would be 35 mph. The Village is annexing the land beyond where the Dollar General will be built but will only be annexing the southbound side. Simpson spoke to ODOT reference the southbound lane being 35 mph and the northbound lane being 45 mph, if that would create a situation where the center turn lane would be necessary. ODOT said no that would not be necessary, although they would prefer the speed limit to be the same, 35 mph, on both sides. In order for the Village to change the speed limit a speed study would need to be done. Simpson has been in contact with the developer there, he's going to explore the option for a speed study.

McCune inquired about the progress of the sidewalk project on David Street. Poulson advised the project is done, all the sidewalks were completed. Regarding the resident whose driveway had not been done, no change order was submitted nor approved. The Village had a contract with the contractor. For them to make changes the contractor should have made a change order. There was never a change order to be approved. There is a question of who initiated the request and who approved the request. The landowner had represented that the village had approved the change. There was a letter sent out prior to the project for the residents to opt out a portion of the sidewalk or the whole sidewalk and the deadlines. He was given the option to have his sidewalk installed before the deadline and he did not. If there is a question of who is responsible for any additional cost.

McCune asked wouldn't the responsibility fall back on the engineer. Poulson advised the engineer should not have allowed it, should have known well enough to ask for a change order. If an additional bill is received it will be returned back to Engineering Associates.

Mayor advised he spoke to Evans this morning, everything said up to now is true, he did not fulfill his part of the agreement. It was pointed out to him that he had to have his portion done. He's doing a

project where he's pouring cement for a building. He was told by the contractor doing that, that if the sidewalk was in when they come in to pour the concrete they would bust it up. That's why he didn't want the sidewalk put in. He (Evans) came in and talked to Becky (Dannemiller). Becky told him it was out of her hands and referred him to Engineering Associates. Somehow when he went to Engineering Associates, Kent Baker had referred Evans to Mike Turner. None of us knew this was happening. Mike Turner listened to Evans' story, and it was plausible to him. Must have been plausible to Kent, not to put the sidewalk in due to the project Evans was doing. Apparently Evans' perception was that Mike Turner, being from the Village, gave him approval to not do the sidewalk. Baker sent the Mayor and Al Snyder an email saying they weren't going to pour the sidewalk in front of Evans'.

Garn inquired if anyone saw the email, did the Mayor still have it? Mayor advised he still had it and sent it to Poulson. Poulson advised he saw it about a month after it had been sent. Mayor advised the ramifications didn't strike him, must not have struck Snyder either, he (Snyder) must have thought it had been approved. The concern Evans has now is that the sidewalk is going to be torn up when they do the project at his house.

Garn advised it could happen to any homeowner in this situation.

Poulson advised it was presented to Mike Turner as approved. If that was what the engineer thought they should have issued a change order, that didn't happen.

Poulson stated he was copied on all correspondence with the Paull situation, but they failed to copy him on the correspondence with Evans.

Garn stated the hydrant on Fairlawn was to be fixed today and the water shut off at 8:00 this morning. It got later and the water was still on. Garn advised she called Mike Turner and it turns out that the project is postponed. They had fiddled around with the hydrant and whatever they did, it is not leaking. As of right now they are not going to replace the hydrant.

Poulson advised with the hydrant issue, it raises the problem about old hydrants and replacement.

Research can be done for grants. A replacement program needs to be put in place.

Garn advised with the new water line on Milton 4 new hydrants will be installed. Now is the time to get a program started.

**Ordinance 2018-15** Mayor presented consent legislation for resurfacing State Route 585. The consent is for ODOT to resurface the area on SR 585 from the City of Wooster to a pavement joint approximately .25 miles south of State Route 57. This area includes the 1.3 miles in the Village of Smithville. It is scheduled for the summer 2019 construction season.

Poulson motioned to suspend further readings and pass Ordinance 2018-15. Allen seconded the motion. The motion to suspend readings was approved unanimously.

Poulson motioned to pass Ordinance 2018-15, Consent Legislation for the resurfacing of State Route 585 through the Village of Smithville to be done by ODOT. No funds are required from the Village of Smithville, except for added construction items requested by the Village and not necessary for the project of ODOT. The motion was seconded by Allen and passed unanimously.

McCune reference equipment. Everyone received a list of references for the Durapatcher.

Allen reference Fire, 2 people falling needed help.

Fetzer advised she has revised the new build form. Still a process to get them approved through development.

Garn advised the restroom floors at the park were sealed today. She had requested Mike Turner bring the port-a-pots down from the soccer field to be beside the restrooms as they (restrooms) will be unavailable for 4 days. They actually brought the port-a-pot down early on Saturday. With the chicken barbeque in progress they found a plugged toilet in the men's room. They were unable to unplug it. They had to have a plumber to come in today to take care of the issue. The toilet is now unplugged.

Garn printed a copy of the OHSAA inclement weather policy and requested it be included in the rules and regulations for the park. She handed the policy to Simpson to specifically include the information on thunder, not just lightning.

Garn presented a form for groups that would be interested in hanging banners in the Village of Smithville. The banners will need to be approved by council with a start and end date of when they would be displayed. The form will be posted on the website for public access. Garn will notify the school of the updated procedure, they will also need to follow. Simpson suggested to add a proof of the banner will need to be submitted with the application. Garn moved to accept the application for banner display and will update the form, Poulson seconded and the motion passed unanimously.

Heitger advised work on the downtown sidewalk, B&K did additional work for \$1200.00 on the curb. Garn inquired if they were going to bill for it. Heitger stated if the funds are there Heitger would like to pay it. They put in the work and it needed to be done. Poulson advised he had received a phone call and checked on funds and they are available.

Garn regarding the area downtown where the trees were removed. They are a hazard. There are now just holes, ugly holes. McCune in agreement advised they look horrible. Heitger advised they will be doing planters. Garn inquired if they could be filled with gravel. Heitger inquired about the dirt area in front of the Inn. Garn explained that wasn't in the plan. The plan was just to replace what had been there. Discussion about the downtown sidewalk project.

Poulson advised that Heitger did a good job with the grant forms, had contacted all the businesses and had them sign in one day. The ordinance authorized if they signed the Village would pay for it (sidewalk). We (council) created the program so we could control it. The question is do we (council) need to approve the applications or is simply filling out the applications enough. We developed the application after doing the ordinance. The ordinance gives us the power to create the application. Now does the ordinance require someone to approve the application. This is the first time doing this.

Keener for Finance, tax budget meeting is scheduled for 7/16 prior to the regularly scheduled meeting.

Mayor spoke to the insurance company about the water tower. Initially there was not a good response. He went back to them again and posed it a different way and was referred to another agent who called today. They will talk tomorrow morning. They may submit an actual claim based on the circumstances.

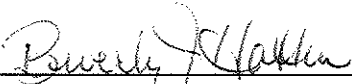
Garn motioned to pay the bills in the amount of \$38,157.81. Fetzer seconded the motion and it was passed unanimously.

Next meeting is July 2, Fetzer and Simpson will be unable to attend.

Tax Budget Meeting will be July 16.

A motion was made to adjourn the meeting and passed unanimously. Meeting was adjourned at 7:50pm.

Minutes approved on July 2, 2018.

  
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Clerk

  
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Mayor