

**Village of Wellington  
Council Minutes  
October 1, 2012  
Council Chambers**

**I. PLEDGE OF ALLEGIANCE**

Mayor O'Keefe called the meeting to order with the Pledge of Allegiance at 7:03 pm

**II. ROLL CALL:**

Council President Sandy Denes-present	Councilman Steve Maurer-present
Councilwoman Helen Dronsfield-present	Councilman Hans Schneider-present
Councilman Jeff Hyde-present	Councilman Guy Wells-present

Others Present: Village Manager Pyles, Finance Director Shaw, Law Director Bond, Electric Superintendent Bealer, Public Works Superintendent Brasee, Water/Wastewater Superintendent Rosemark, Zoning Inspector Furcron, Police Chief Rollins and Clerk Gundert.

**III. APPROVAL OF MINUTES -**

- **Approval of 09/17/12 Council Minutes** – Motion by Wells, 2<sup>nd</sup> by Denes to approve minutes of the September 17, 2012 meeting as written. Vote was taken, motion carried with all voting “yes”.

**IV. APPROVAL OF EXPENSES**

- Approval of expenses from 09/17/12.

101 General Fund	\$33,228.46
201 Street CM & R	8,329.70
204 Recreation	0.00
208 Permissive Tax	4,345.76
290 Caring Fund	600.00
291 Safety Services Mem.	36.00
501 Water	16,269.19
502 Sewer	13,633.76
503 Electric	25,568.22
503 Power Costs	28,734.48
504 Trash	25,024.75
505 Cable	0.00
508 Consumer Deposit	400.00
Payroll	<u>98,535.59</u>
Total	\$254,705.91

Mr. Maurer asked for clarification on one expense. Electric Superintendent Bealer explained the expense. Motion was made by Denes, 2<sup>nd</sup> by Maurer to approve the expenses. Vote was taken, motion carried with all voting “yes”.

**V. COMMUNICATIONS FROM MAYOR, COUNCIL AND VILLAGE OFFICIALS:**

- **Police Chief Rollins** – nothing to report.
- **Clerk Gundert** – Ms. Gundert noted a correction to the October calendar included in tonight’s council packet. The Homecoming Game and parade were this past Friday, not on October 5th. She apologized for this error.
- **Finance Director Shaw** - Ms. Shaw noted that her report was in tonight’s packet and asked if there were any questions. She sent an email to all council members regarding the conversion of tax accounts to RITA. There may be some costs involved in this conversion.

Ms. Shaw is also working on end of the year budget concerns. She will work with Mr. Pyles and is hoping to have information at the next finance committee meeting. Ms Shaw had language added to the contractor's registration form regarding liability for income taxes. Mr. Hyde requested that the budget information be brought to the next finance committee meeting if the information is ready.

- **Law Director Bond** – nothing to report.
- **Village Manager Pyles - Staff Reports** - Staff reports were included in the council packet. He stated that he or the superintendents would be happy to answer any questions. **EAP Provider** – Mr. Pyles reported the Nord Center will no longer provide EAP services. Mr. Pyles met with the Fire District and the Ambulance District to combine efforts to provide this coverage for all employees. They interviewed three providers. It was the consensus that coverage will now be provided by Assist Now. This service provides coverage for the CDL process and to employees in need of emotional or financial counseling. The cost for this coverage will increase approximately \$300.00 per year. Mr. Wells inquired as to why the Nord Center was no longer providing this service. Mr. Pyles did not know but it may budgetary concerns. **Grade Separation Project** – Mr. Pyles provided information that was discussed in the Public Works Committee meeting regarding the grade separation project. He explained the full width paving on North Main Street and the slope requirements for the underpass. The slope will begin at approximately at the crosswalk in front of Lormet Credit Union. Mr. Pyles also found a conceptual drawing of the underpass project from many years ago that showed the same basic design as the current design. There have been no changes recently. There have also been questions regarding storm water on Taylor Street. Mr. Pyles explained the storm water process. The storm water pump station will have a retention basin, a wet well and a pumping station, along with an electrical building to control all of these items. It will be designed to handle an extraordinary amount of rain water. There is about 150,000 gallons or more of storage in the wet well and the retention pond is probably twice that amount. The storm water basin will empty via a 12" pipe on Taylor Street. The water will move east and north via progressively larger pipes – 36" and 48" – to the White Creek Those sections of pipe are some of the newest that we have in town. The pump station will have a 10 hp dewatering pump that will run once every four hours, during non rain events, for about 20 minutes. There will also be a backup pump. The cost should be less than \$50.00 per month. Mr. Wells inquired what the cost to the Village would be for this project. The current estimated costs for the project from ODOT are currently at \$24 million. Mr. Pyles reported that the Village of Wellington's portion of this cost is \$1.2 million by current estimates. Mr. Pyles has funding plans that will be shared with the Finance Committee at the next meeting.

## **VII. REPORTS OF COMMITTEE**

- **Finance/Audit Committee** – Mr. Hyde reported the Finance Committee minutes from the last meeting were included in the packet tonight. The Finance Committee will meet again on October 15. It will be decided later this evening as to the exact time of the meeting when Ordinance No 2012-36 is decided.
- **Fire Board** – Mr. Hyde reported that the Fire Board will meet Wednesday, October 3<sup>rd</sup> at the Kelly Street Fire Station at 7:00 pm
- **Planning Commission** – Mr. Hyde reported the Planning Commission did not meet in the month of September. If there is business, they will meet the 3<sup>rd</sup> Wednesday in October.
- **Police Committee** – Mr. Maurer reported that the committee will hold a short meeting tonight after the council meeting.
- **Ambulance Board** – Mr. Maurer reported ambulance board meeting will be on Tuesday, October 9<sup>th</sup> at 7pm at the ambulance headquarters.
- **Public Works Committee** – Ms. Dronsfield reported the committee met prior to the council

meeting tonight. **Park Place** – The committee approved concrete improvements to Park Place. There will be two phases done in combination with CDBG Grant money. The first phase will be the replacement of the east-west section of the street. Motion by Dronsfield, 2<sup>nd</sup> by Wells to approve the bid of Fantastic Concrete for the east-west section of concrete work on Park Place. Vote was taken, motion approved with all voting “yes”. **Weber Court** – The Committee approved putting a crosswalk will on Weber Court at the request of Weber Health Care. **Full Time Equipment Operator I** – The committee reviewed the job description for a full time equipment operator. Motion by Denes, 2<sup>nd</sup> by Maurer to approve the job description for a Full Time Equipment Operator I as amended in the committee meeting. Vote was taken, motion carried with all voting “yes”. This will be posted in house in order to hire one full time employee for the public works department, then publically if needed. Mr. Maurer noted that this is a replacement position caused by retirement and resignation of employees.

**Public Works Foreman** - The committee reviewed the job description for Public Works Foreman. This is also a replacement position. Motion by Hyde, 2<sup>nd</sup> by Maurer to approve the job description of Public Works Foreman. Vote was taken, motion passed with all voting “yes”. There will be two openings for this position. One foreman will supervise the water side of the public works department and the other foreman will supervise the recreation park and the street and sewer departments of public works. These positions will be posted in-house first then publically if needed. **Building Improvements at Public Works**

**Department** – The committee discussed the installation of garage doors and a new roof to an open building at the Public Works Department. Mr. Brasee received a quote from Wagner Dock & Door LLC to perform the work at a cost of \$13,700. Motion by Maurer, 2<sup>nd</sup> by Schneider to approve installation of overhead doors and metal roofing to the building at the Public Works Department by Wagner Dock & Door LLC at a cost of \$13,700. Vote was taken, motion carried with all voting “yes”. **Review of Public Works Superintendent** –Bob Brasee had successfully completed his 6 month probation period as Public Works Superintendent. Mr. Pyles recommended ending Mr. Brasee’s probation period and increasing his pay to \$63,500.00. Motion by Wells, 2<sup>nd</sup> by Denes to end the probation period and increase Bob Brasee’s pay to \$63,500.00. Vote was taken, motion carried with all voting “yes”. Ms. Dronsfield complimented Bob Brasee for the great work he does along with his department.

- **Utility Committee** – Ms. Denes reported that the minutes from the last Utility Committee meeting were in tonight’s packet. The next meeting will be on October 15 with the time to be determined later in the meeting.
- **Ordinance Committee** – Mr. Wells reported that the Ordinance Committee is scheduled to meet after the police committee tonight however as there are no items on this agenda, the meeting will be cancelled. The next Ordinance Committee Meeting will be held in November.
- **Cable Commission** – Mr. Wells reported that a meeting for the Cable Commission has been scheduled for Thursday, October 11<sup>th</sup> at 3:00 pm at the Police Auxiliary Building on Johns Street.

## VIII. ORDINANCE AND RESOLUTIONS

- **ORDINANCE NO 2012-35**  
AN ORDINANCE AMENDING ORDINANCE 2006-51 ADOPTING THE STATE RETIREMENT SYSTEM MINIMUM MONTHLY COMPENSATION RELATIVE TO COMPENSATION FOR THE MAYOR, COUNCIL PRESIDENT, AND MEMBERS OF COUNCIL  
**1<sup>st</sup> Reading**  
Member of council felt this ordinance should be discussed in the next finance committee meeting and asked that this be added to the agenda for the next meeting.

- **ORDINANCE NO 2012-36**

AN ORDINANCE AMENDING SECTION 121.01 OF THE CODIFIED ORDINANCES RELATIVE TO COUNCIL MEETINGS AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE **1<sup>st</sup> Reading**

Mr. Maurer explained that council is considering moving the time of the council meeting start time to 7:30 pm and having the committee meetings before the council meeting. Council discussed this change and decided to try this format for the October 15<sup>th</sup> meeting. The Utility Committee will meet at 6:00 pm followed by a Finance Committee Meeting at 6:45 pm. The Council Meeting on October 15<sup>th</sup> will begin at 7:30 pm. Council also suggesting contacting the cable company to make sure this did not conflict with their schedule.

**IX. OLD BUSINESS**

- **Issue 60 Ballot Language** – Mr. Rosemark inquired if the Village had received the exact ballot language for Issue 60. The clerk’s office received this from the Lorain County Board of Elections. The ballot Language will be published in the October 11<sup>th</sup> and 18<sup>th</sup> editions of the Wellington Enterprise. Mr. Bond stated that the charter states that amendments must be published in the newspaper, it does not need to be mailed to all voters.

**X. NEW BUSINESS**

- **Trick or Treat Times** – Mayor O’Keefe announced that Trick or Treat Times will be held on October 31<sup>st</sup> from 6:00 – 7:30pm. This is the same time as the county trick or treat time.
- **Terry Mazzone** – Resident Terry Mazzone requested the opportunity to speak. *I was appointed in 2004 and 2005 to serve on the committee for the grade separation, elected in 2009 as a member of the Charter Committee and served as the committee’s secretary. I also served 17 years as a firefighter for the Wellington Fire District. Too many times I waited for trains as a member of this department. I have been a long time supporter of the grade separation project. To me, it is about two simple things – safety and convenience. We have an opportunity and responsibility to enhance the safety of Village residents and our neighboring townships for the ambulance and fire districts. That being said, I am really concerned with the proposed charter amendment before the voters on November 6<sup>th</sup>. I believe this sets a bad precedent. It is my understanding of the amendment that any changes in the underpass plan must go back to the voters for approval and only in November. This is very cumbersome. The 13 member charter commission elected by village voters worked 7 months drafting a charter that placed the necessary legislative authority in the hands of 6 council members and the mayor. This charter was overwhelmingly approved in 2010. A few months ago, I was invited along with other members of the former Charter Commission to attend an Ordinance Committee meeting regarding possible changes to the charter. Some these amendments had merit but the overwhelming view of the people attending that meeting was that we should let the Charter work for a few years before making amendments. It is a neat feature of the Charter that voters do have the opportunity to place items before the voters because of a provision in the Charter. Last week many members of the former Charter Commission met to discuss this proposed Charter Amendment. These members are against this amendment. In my opinion, this proposed amendment violates the spirit of the Charter. We should not be limiting the decision making powers of our elected leaders. Wellington is one of the few communities that operates on a one percent income tax that was instituted in the early 1970’s. We get full 24/7 police protection. Our roads are well maintained. Leaves and brush are picked up in a timely manner. The streets are plowed in the winter. We went through the recession without layoffs or reductions in services. How many communities were able to do that? We did it here. That speaks very highly of our administrative staff and this council for being to effectively manage our financial affairs. That is why we elected you.*

*Why should we limit your decision making powers with this amendment. If the cost of this project rises to a cost that we can't afford, you have the power to negotiate and make changes. If for some reason, it begins to encroach on the downtown district, you can alter the plan. You are our elected officials. That is your authority as elected members of council. That is why I am normally against constitutional amendments. It is too difficult to legislate once those are adopted as there is no room to maneuver. That is what this does, limit our maneuverability. Finally the charter does provide for election of our council members and mayor. The only major change was that we went to nonpartisan voting. We began talking about this underpass 15 years ago. If someone wanted to defeat this underpass, there have been seven different elections during that time period to elect people to council that would have changed the direction of the grade separation. To the best of my knowledge, we only have one member of council that opposes the grade separation. I believe we need to vote no on Issue 60. And I would like to see council vote no on it too. Thank you.*

- **Candidate's Night** – Ms. Denes stated that she hoped everyone had a chance to watch candidates' night on Channel 12 that was held last Thursday evening. The Village had an awesome show of support and solidarity for the underpass and in opposition for Issue 60. We were joined by State Representative Terry Boose and State Senator Gayle Manning. Terry even took the time in his own reelection speech to speak about support of the underpass. If residents get an opportunity, Ms. Denes urged them to watch this program. Ms. Dronsfield stated that she was not informed that members of council would be attending Candidate's night. Ms. Denes attended as the designated representative for council which was voted on at the last meeting. Mr. Wells noted that it was not an official function of council. They attended as voters and stood up for something they believe in. Ms. Dronsfield was upset that she was not informed that other members of council planned to attend Candidates night. Motion by Hyde, 2<sup>nd</sup> by Maurer that this council takes an official stance that they are against Issue 60 in the upcoming November election. Motion passed with the following votes: Denes – yes, Dronsfield – no, Hyde – yes, Maurer – yes, Schneider – yes, Wells – yes.
- **Mr. Ridenour** - Mr. Ridenour who lives on 118 Clay Street expressed his objections to the underpass. He claimed that nobody had contacted him and his house is located in the construction area of the underpass. Mr. Ridenour expressed his dissatisfaction, claiming he had not been contacted by ODOT or the village concerning his property. He did admit that he received a letter from ODOT and had phone contact with someone but still claimed there was no contact. Council members held a brief discussion with Mr. Ridenour. Mr. Ridenour's house will remain after construction; however they will be using a small piece of his property. Mr. Pyles will meet with Mr. Ridenour to further discuss and investigate his concerns.
- **Main Street Wellington** - Stacy Barlow spoke on behalf of Main Street Wellington. She expressed appreciation from Main Street to the village for all their work and support for the events held by Main Street Wellington. The Fall Home Tour will be held on October 14<sup>th</sup>. Main Street Wellington is urging all downtown businesses to be open during the Fall Home Tour.

**XI. Adjourn** Motion by Maurer, 2<sup>nd</sup> by Denes to adjourn the meeting at 7:42 p.m.

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Clerk of Council

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Mayor