Minutes of Regular Council Meeting and Re-zoning Hearing

August 15, 2011 at 7:00 p.m.

The meeting was called to order by Mayor Larry Haver.
The Pledge of Allegiance was repeated by all present.
Present were:, Council members, Ron Beverly, Bruce Hart, Ron Jones, Mick Pocratsky, Mike Barth & Mike Headley; Solicitor, Troy Essex; Administrator, Kent Miller and Clerk/Treasurer, Diane Collins. There were approximately six visitors.

Barth moved to approve the August 1 minutes. Hart seconded. Beverly, Headley, Hart & Barth voted yes. Pocratsky & Jones abstained.

Beverly moved to approve the bills with the removal of the Horizon bill for $107,100 and the addition of West MI Deck & Porch for $4,800. Total expenditures $80,605.87. Headley seconded. All voted yes.

Jared Orzolek of the Defiance County Economic Development office told council that they attended a conference in Houston a couple weeks ago and made a good contact that is interested in a Hicksville site. The business is manufacturing and would be good jobs.

Scott Strahley of RCAP was present and said he would like to be involved in the Bontrager condo/water run off

Re-zoning Hearing: Mel Bontrager requested to re-zone Lots 5, 6 & A pt. and 7 pt. of Shepards and Summers Addition, a/k/a 530 North Main Street from R-2 Single Family to R-3 Single Family, Double Family, Three Family. There were no residents present for the hearing. Essex stated he would bring legislation to the next meeting. Council has concerns about where run-off water will go. Due to the requirement that council make a re-zoning decision within 20 days a special council meeting has been called for August 22. Council wants Mel Bontrager to attend the special meeting.

Planning Commission: Slattery Oil Company Inc. has requested a zoning change at 502 East High Street a/k/a 194 PT Auditor's Plat from R-3 to General and Local Business. The commission will meet on September 8 to consider the request.

Storm Sewer Steering Committee: Pocratsky informed council the group met on August 8 to discuss flood areas around town. He stated there were several innovative ideas. The group chose Ed Foster to be the spokesperson. Pocratsky stated the committee is asking for suggestions but his main concern is satisfying the EPA. Another meeting has been scheduled for August 22 at 6 p.m. Strahley was asked he has heard from Dana and the answer was "no".

Park Board: Steph Mazur was present from the Park Board. The Volleyball League has finished and was so successful that they plan to do another league in the future. The donated playground equipment is installed and looks good.

Sidewalk Committee: Beverly stated the committee needs to meet. A meeting was set up for August 22 at 4:30. Collins asked the committee to consider getting the ordinance changed to state that sidewalks are required in new subdivisions.

Administrator's Report: Miller reported the following;

- Verizon wanted to know if we had any historical concerns at the area of the Industrial Park they intend to place a tower. No ones knows of any historical value.
- Yoder Construction gave Miller a proposal to remove existing concrete/asphalt in the right-of-way at the Slattery Oil offices at the corner of West High and South Main Street. Slattery Oil Company's project is set to begin on August 29. Doug Miller told Miller that he thinks saw horse barricades will not be adequate. It seemed to be councils desire to work around the abandoned street light base on the corner and put up an upside down "U" shaped piece of metal to prevent trucks from striking the street light if it is put back in place.
- Miller has still not had a response from CSX about the Meuse Argonne easement.

Miscellaneous:
Essex reported that Miller has the surveys for Railroad Street. Essex pointed out that CSX has a triangle shaped easement between Hicksville Grain and Shocks Lumber that will probably present another nightmare with CSX.

Essex brought an amended Public Records Policy at the suggestion of the State Auditor's staff. It will be brought up for approval at the September 6 meeting.

He will also bring the re-zoning legislation to the Special Council meeting on August 22.

Ordinance 2011-06 authorizing the Clerk/Treasurer to transfer funds from the General Fund to the Police Pension Fund was read by caption only for the second reading.

Resolution 2011-10 to enter into an agreement with the Defiance County Commissioners for the recovery of monies expended for providing legal counsel to indigent prisoners was read by caption only for the third reading. Jones moved to approve. Headley seconded. All voted yes.

Resolution 2011-11 authorizing the Mayor to enter into an agreement with Muirfield Energy for Electric pricing savings was read by caption only for the third reading. Headley moved to approve. Hart seconded. All voted yes.

Resolution 2011-13 to assess street-light millage was read by caption only for the third reading. Pocratsky moved to approve. Barth seconded. All voted yes.

Resolution 2011-14 to apply for Public Works Funds was read by caption only for the first reading. Pocratsky moved to suspend the rules. Headley seconded. All voted yes. Resolution 2011-14 was read by caption only for the second and third readings. Jones moved to approve. Hart seconded. All voted yes.

Resolution 2011-15 to enter into a consulting agreement with Critical Resources Group for a FD grant was read by caption only for the first reading. Jones moved to suspend the rules. Headley seconded. All voted yes. Resolution 2011-15 was read by caption only for the second and third readings. Headley moved to approve. Barth seconded. Barth, Headley, Jones, Beverly, & Pocratsky voted yes. Hart abstained. Fire Chief Doug Miller stated there is a $3,000 consulting fee only if the grant is received. We are asking for a pumper/tanker. The grant calls for a 5% match.

Resolution 2011-16 to accept rates as determined by the Budget Commission and authorizing the necessary tax levies was read by caption only for the first reading.

Beverly moved to accept the proposed apportionment of the 2012 Local Government Fund monies ($88,053.34) as estimated by the County Budget Commission. Hart seconded. All voted yes.

Police Department: Chief Szabo gave a brief report on Officer McDougall's wellbeing after being questioned about his motorcycle accident.

PD/Fire/EMS: Beverly asked if it is necessary to run the siren on an EMS run at 3 a.m. Chiefs Miller, Szabo and Solicitor Essex stressed that the law requires the siren when the emergency lights are operating.

Mayors Report: The playground equipment was installed last week. Mayor Haver thanked several people involved in the project.

Barth made a motion to adjourn. Hart seconded. All voted yes.

MAYOR ______________________________ CLERK/TREASURER ______________________________

Larry Haver Diane Collins