

VILLAGE OF HICKSVILLE
REGULAR COUNCIL MINUTES
Monday, May 6th, 2019 at 6:00 p.m.

ANNUAL JOINT MEETING WITH HICKSVILLE TOWNSHIP TRUSTEES

The Joint Meeting was called to order by Mayor Diane Collins. Pastor Steve Eysers gave the invocation. The Pledge of Allegiance was recited by all present.

Roll Call was read with the following persons in attendance: Mayor Diane Collins; Council Members Shelia Baker, Mike Barth, Ron Jones, Eric Bassett, Larry Ridgway and Ron Beverly; Administrator Kent Miller; Fiscal Officer Cheryl Smith and Solicitor Troy Essex. Township Trustees in attendance were Greg Collins, Zane Zeedyk and Josh Metz.

The Joint Meeting was held to renew the existing Hicksville Union Cemetery contract between the Village and the Township. The Budget and Financial Report was presented at a previous council meeting. Zane Zeedyk has asked to step down from the Cemetery Board. Josh Metz was nominated to replace him. Ron Beverly made a motion to accept Zeedyk's resignation and to approve Metz as his replacement. The motion was seconded by Larry Ridgway. Baker, Barth, Beverly, Jones, Ridgway, Bassett, Collins and Zeedyk voted yes. Metz abstained.

No other business was brought forward, and Eric Bassett made a motion to close the Joint Meeting, seconded by Josh Metz. All voted yes. The Joint Meeting was adjourned at 6:05 pm.

The Regular Council Meeting resumed at this time.

Mary Wann addressed Council about the Village-Wide Garage Sales held annually. This is her 23rd year. She is now being assisted by her daughter-in-law Kari Wann. This year the sale will be held on May 31st and June 1st. The Vendor area is on the empty lot at the corner of E. Smith and N. Main. There will also be a Chicken BBQ this year with proceeds going to the Christmas Cruise-Thru. Council and the Mayor thanked Mary and expressed their appreciation for her years of service.

Minutes from the April 15th Regular Council Meeting were presented. Eric Bassett made a motion to approve, second by Mike Barth. All voted yes.

The list of bills to be paid were presented. Ron Beverly made a motion to approve, seconded by Larry Ridgway. Baker, Jones, Bassett, Beverly and Ridgway voted yes. Barth abstained.

A Notice of Public Hearing was held in the office of the Zoning Inspector, located at 108 North Main Street on Thursday April 18th starting at 6:00 pm. The Planning Commission heard a request to rezone lot 82 pt, and lot 176 pt, located on Oak Street, between Railroad Street and Ogen Street. The lot is presently zoned as M-2 Heavy Industrial. The request is to rezone to R-4 Single Family, Two Family and Multiple Family. The Commission approved the change. Minutes from the meeting are included. Legislation will be presented at the next meeting.

A Notice of Public Hearing was submitted by the Planning Commission. The meeting will be held May 23rd in the Zoning Office at 108 N. Main St. The request asks to rezone several lots on W. High Street (33, 34, 34pt, 254pt and 255) from Agricultural/Public Use and Single Family to Central/Local/General Business. Copies of the specifics have been included for Council.

Boards & Commissions:

The **Board of Zoning Appeals** met May 1st to hear a request from Justin Kuhn to change the setback from 50 ft to 40 ft for construction of a building at 967 E. High St. Board members agreed to the variance. Minutes from the meeting were included in packets.

The **Park Board** met April 17th and minutes were included in the packets.

The **Cemetery Board** met April 12th and minutes were included in the packets. Ron Beverly asked about a "False Set-Up." Shelia Baker explained it is an area for a funeral party during inclement weather or anytime being out in the open is not ideal. Ron Beverly offered to donate the stone for the area.

The **HIX TV Board** met April 13th and minutes were included in the packets. Bill Murphy reported he is still working on getting HD with Mike Dickerson. The Mayor reminded everyone that council meetings and other events are available on YouTube. Mike Barth said they are still looking for volunteers to help out at the station.

Council Committees:

The **Street/Light/Property Committee** met April 19th to tour the water damage at City Hall. After the tour it was decided that some long-term solution to the age and deterioration of

the building needs to be addressed. In the short-term Kent Miller will have the South and East walls patched, power washed and painted. Minutes from the meeting were included in the packets.

The Mayor asked the committee to follow up on sidewalk repairs started last year.

The **Water/Sewer Committee** met April 16th to discuss water issues at the American Legion building. Minutes from the meeting were included in the packets.

NOTE: All committee meeting minutes are available in their entirety in the Fiscal Officer's office at 111 South Main Street, Hicksville or by email request to hixcs@defnet.com.

Administrator's Report: Miller had the following report for council:

Administrator's Report

May 3, 2019

I will spend most of my time trying to clear up some misinformation which was posted on face book. We were not cited or fined for dangerous levels of lead in our water system. If our water supply was testing high on lead, the EPA would be all over us like Flint, MI. In February, we received a letter (attached) saying the lead level reported from sampling was higher than usual but still within limits. As per EPA requirements, we sample a total of 20 locations for lead and for years, only one home sampled was known to have lead in their plumbing. By law, homes known to contain lead in their interior plumbing need to be one of the 20 sampled. This time when sampling was done, an extra home (which never showed any level of lead during 20 years of sampling there) did have a lead level, which resulted in the letter we received. The limit is still below the acceptable level and the EPA is simply telling us to keep an eye on it. The homeowners are all volunteers (except the first one mentioned above), they take the samples and we pick them up. The owners also get the results of their sample and this second owner should be aware of the lead content shown in the latest sample, but we have heard nothing back. The 20 owners who are sampled provide us with what type plumbing is in the home, so why this home never before registered lead but did this time is unknown. There are some variables which could have affected the sample, but I won't list those to save time. However, the problem is not the town's water supply. We can add chemicals to combat the corrosive effect of lead for one or two houses, but is it worth the cost? Plus, any chemical we add to help this house will only cause people to worry (or surmise) about what effects these chemicals will have. Right now, all we add is a bit of chlorine. The next lead sampling will be done in the fall so we will find out then if this extra house is still on the radar or if it was a glitch. I would not let my wife, kids and grandkids drink Village water if I thought there was even the slightest chance of something "bad" being in there. So, no mismanagement, no fines and our system are in good shape—it is individual residents' plumbing which are causing the lead numbers. I get tired of our water being the blame for any or all illnesses and if anyone has medical or scientific proof showing it does, please share it with us.

Before moving on to the sewer, we cannot sample at houses with plastic plumbing for water, so our list of 20 names is becoming a challenge to maintain as some have gone from copper to plastic. If anyone with copper plumbing would like to be included in the once a year sampling, please contact us. We need a minimum of 20 homes, not businesses, apartment complexes, etc.

You have a copy of a sewer violation notice in your packet. The special sampling which took place on April 2 occurred during a heavy rain event and our effluent had high levels of "bad stuff". I had mentioned at the April 1 council meeting to expect such a letter. Andy Gall did the inspection April 1 and noticed the looks of the effluent; thus, he gave us the heads-up a day before the sampling event took place. The two choices Jeff had at the time of the rains were by-passing another couple million untreated gallons straight to the ditch or running more thru the plant and trying to treat it a bit. He chose the latter, and as such, when they sampled what came out of the plant, it was above the limits. Jeff has responded to Andy and has adjusted what will go thru the plant during storm mode. Evidently it is better to by-pass raw sewage into the ditch rather than discharging partially treated water, so go figure that out. This violation DID NOT result in any fine nor were we hiding anything—I told council and the public about it four weeks ago. You can't get much more transparent than giving folks an explanation prior to even getting a notice of violation. The second round of special sampling is May 7. And finally, even after all the rains of the past three weeks, the E. coli numbers from the latest (weekly) May 1 sample came back well below the limit, so by-passing more raw sewage and treating less is working. I still have a problem with it, but so be it.

For both water and sewer, the Village has not been fined for any water or sewer plant violations for as long as I can remember. Our sampling at both plants, while having hiccups at times, has kept us within the limits of OEPA rules and our permits. Yes, there are times human error or mechanical glitches enter the equation. Until humans are 100% perfect and machines run perfectly, there is a risk of errors. I'm open to being shown any business which operates to perfection 24/7 forever. The only time the Village was close to receiving a penalty was when operating with the old sewer plant well beyond its useful life.

Where we are spending millions of dollars is in Phases 1-3 to eliminate CSO's (Combined Sewer Overflows). Just to sum up our mandated sewer separation phases—the EPA requires us to get down to four events per year per CSO. Right now, we have two main CSO's which trigger events, the other three have pretty much been eliminated. The two left are at the head of the plant and just south of the head of the plant. To simplify—the plant can treat 1-2.5 million gallons per day max before quality begins to fail. The water plant pumps between 250,000-300,000

gallons per day year and yet the sewer plant treats an average of 800,000 gallons a day even when no there has been no precipitation. During rain events the plant can easily treat 1-2,000,000 gallons per day (once it gets to 3,000,000 things start going south) and we by-pass upwards of 20 million gallons or more of untreated water thru the CSO's depending on the event. You cannot dump ten gallons of water into a one-quarter inch, and no, we could not have built a plant to treat 20+ million gallons a day. It is going to be expensive to solve this problem and Phase 1 is complete. We are currently doing some design work done for Phase 2, with construction to begin in 2020. Once that is done, we still have a Phase 3 unless projects completed in Phase 2 solve the problem.

You also have a March 11 letter which references the capability screening we had with the OEPA. Just to save this becoming a face book issue, we aren't being cited for anything, regardless of how people read it. Of the eight points which need addressed, item #3 is council related (and can't be ignored) and items #5 and #8 will be handled by the water department. The remaining items are tied to the work we are doing with RCAP (Asset Management and GIS mapping). Jessi will have to get a timeline from RCAP so she can respond by the June 19 deadline. Again, no violations, no fines, no mismanagement, no public health problems.

In 2018, council passed an ordinance changing the height of weeds from 8 to 6 inches before getting a notice, but nothing was included about mowing grass into the street. I mention ~~it~~ only because it was thought by some that such an ordinance had been passed.

Lastly, the company doing the outside block sealing, caulk filling, and painting of the south and east sides of city hall may be in town within two weeks. While they are working, the alley between city hall and the fire hall will be closed to traffic. I know there will be some unhappy drivers, but the crew can't work on the alley with vehicles driving through it. Drivers can access the rear of the buildings from Wendell Ave., it will only take an extra minute to drive around the block.

Miller reminded Council they can find free seminars by RCAP online. Especially members of the Water/Sewer Committee should participate. With Asset Management Programs coming into being, available funds may be tied to an entity's compliance, which includes this participation.

Miller asked Council to revisit the Mowing Ordinance. He would like there to be an amendment applying a penalty to the action of blowing grass into the street. If there is no Ordinance prohibition, the Police Department can't issue a citation. (referred to the Street/Light/Property Committee)

At 6:45 pm Ron Beverly made a motion to go into Executive Session to discuss possible land acquisition, seconded by Mike Barth. All voted yes.

Council returned to open session at 7:00 pm...

Solicitor's Report:

First reading of **Ordinance 2019-03** by caption only authorizing the Fiscal Officer to transfer funds.

First reading of **Ordinance 2019-04** by caption only to amend the Appropriations Ordinance and declaring an emergency. Jones made a motion to suspend the rules, seconded by Bassett. All voted yes. Second and final reading of Ordinance 2019-04 by caption only. Barth made a motion to approve, seconded by Bassett. All voted yes.

Second reading of **Resolution 2019-04** by caption only, authorizing the Mayor to submit an application to participate in the Ohio Public Works Commission State Capital improvement and/or Local Transportation Improvement Program(s) and to execute contracts as required.

First reading of **Resolution 2019-05** by caption only directing the Defiance County Auditor to assess delinquent utility bills.

First reading of **Resolution 2019-06** by caption only authorizing the Mayor to enter contingent real estate purchase contract to use as a wellfield and declaring an emergency. Barth made a motion to suspend the rules, seconded by Ridgway. All voted yes. Second and final reading of Resolution 2019-06 by caption only. Jones made a motion to approve, seconded by Ridgway. All voted yes.

Department Heads:

Police: *Chief Denning was absent. Sergeant Doctor had no report.*

Fire/EMS: *Chief Cramer reported the First Responder class would be starting soon with 7 students.*

Park Director: *Val Shull was absent.*

Fiscal Officer Report: The following reports were submitted:

Fund Status

April Income Tax Collections

April Utility Collections

April Mayor's Court Collections

1st Quarter Mediacom Franchise Fees
Estimate from Arend Enterprises to replace Servers at the Police Dept. and Municipal Bldg.

Mayor’s Report:

- The Mayor had a letter from the Fort Defiance Humane Society thanking the Village for their support and updates on the last spay/neuter clinic. There were 65 procedures done, with 11% of the cats from the Village.
- There was a copy of a message concerning texting and the dangers involved with public business being conducted in this manner. Any text or email used to discuss official Village business becomes a public record, even on a personal cellphone and must comply with the Records Retention Schedule.
- The Mayor received a complaint about open burning in the Village. She wanted Chief Cramer and Sergeant Doctor to explain the process when someone calls 911 to report a “fire.” They said this would cause the 911 center operator to send out the whole unit- police, fire and EMS. If the person only wants a possible campfire investigated, they should call the non-emergency number and make clear what they are calling about. The police will respond and If they determine the Fire Dept. needs to be called, they will do it at that time. If it is an illegal fire, the resident will be cited.
- The Mayor would like to have the Village elections become non-partisan. She asked Essex about the process. He said it needed to be a grass-roots movement beginning with a petition. The Council cannot decide - only the residents can ask for the change.
- The Mayor had more information on the Downtown Revitalization (CDBG) grants available. Many restrictions have been removed making them much more attractive. Business owners should contact the Mayor or Paulette at Maumee Valley Planning.

Larry Ridgway made a motion to adjourn, seconded by Eric Bassett. All voted yes. Meeting adjourned at 7:40 pm.

Mayor Fiscal Officer