NEW LONDON VILLAGE COUNCIL

Regular Meeting – Monday, August 12, 2019 @ 7 p.m.

Council President Stuart Cooke called the meeting to order in the absence of Mayor John Martin. He then gave the invocation followed with the Pledge of Allegiance.

Roll call was then taken with the following members present: Curtis, Myers, Paramore, Willis, Cooke and Ball.

Also present: Chief Marko, Shawn Pickworth, Steve Bond, Lynn Phillips, Marvin McCallister, Ellen Simmons, Bob James, Toby Thomas, Tom Howell, John Chapin, Steve Ball, Bryan Clime, Julie Moffit, Mary Oney, Heather Brown, Micaela Adams, Greg Massie, Dawn Hess, Pamela Massie, Patricia Bragg, Janie Bentley, Adam Gullett, Dorothy Sword, Megan Sherlund, Vicki Missler, Danny Brown, Brian Speicher, Don Patton, Jason Wuensch, Jake Mayhorn and Jordan Campbell.

Stuart Cooke then asked for approval of the agenda. Myers made a motion to approve the agenda. Ball seconded the motion. Roll call - All ayes; No one opposed.

The minutes from the July 22, 2019 regular council meeting were then presented for approval. Paramore made a motion to approve the minutes. Willis seconded the motion. Roll call - All ayes; No one opposed.

The minutes from the July 29, 2019 special council meeting were then presented for approval. Curtis made a motion to approve the minutes. Myers seconded the motion. Roll call – All ayes; No one opposed.

The minutes from the August 5, 2019 special council meeting were then presented for approval. Paramore made a motion to approve the minutes. Myers seconded the motion. Roll call – All ayes; No one opposed.

Stuart Cooke asked for any public questions or statements. He stated anyone with a question or statement would be allowed three minutes to speak.

Brian Speicher stood and stated he was on the executive rec park committee and he had Danny Brown there with him. Dan would like an application to become a member of the volunteer rec park committee so Brian Speicher asked if he could get him an application so Dan could fill it out and he could get approved by village council.

Stuart Cooke asked Shawn Pickworth if he had an application with him.

Shawn Pickworth stated they were over in the office. He told Danny Brown he would get him one.

Stuart Cooke repeated that they would get an application to Danny Brown.

Dorothy Sword stood and stated she had been at a meeting the previous month about the garage sales. She was back again because at the beginning of the month her daughter had a garage sale and they had put the signs up. She had talked to Bob James about it before that and he said it was okay for her to put a sign in the tree lawn so they did. An officer came probably three hours after the sale had begun. The officer told her she had to remove the signs because no signs were allowed in the tree lawn. Dorothy Sword continued by saying she had spoken with Bob James and he told her there was no law about putting a garage sale sign in the tree lawn. Dorothy Sword tried to explain to the police officer what Bob James had told her but the police officer told her he was told she had to remove the sign so she would need to move it. She moved the sign and then about three hours later, the police officer came back with a paper for her saying that her sign was considered

a prohibited sign. Dorothy Sword asked the police officer why. The officer told her because it was considered a snipe sign. Dorothy Sword had spoken with Bob James and he had told her that garage sale signs are not snipe signs. He said they are considered different and she had a paper that Bob James had given her. She then passed out papers to every council member. She gave them papers showing what the police officer had told her and what Bob James had told her. She wanted to know what could be done about the situation because it was becoming a problem. She stated she was at the council meeting again because she really thought it was ridiculous. She stated she thought they should be able to put their signs in the tree lawn so people can know where the sales are.

Stuart Cooke asked Chief Marko if he would respond to Dorothy Sword.

Bob James stated he would respond.

Chief Marko stated he would respond too.

Stuart Cooke stated that he wanted to be sure she got a response because she had been at council previously about the same issue.

Chief Marko stated he knew that she had been there previously, but she still was in violation and according to the village ordinance it is a third degree misdemeanor. He thought Bob James was going to address it that night so they could put the situation to rest but Dorothy Sword was in violation of the law.

Bob James stated that he, Janice Myers and Chief Marko had discussed the situation on the previous Monday. He passed out to council an ordinance he had Steve Bond prepare changing the current zoning ordinance to allow garage sale signs to be included. Along with the ordinance, Mr. Bond sent Bob James a long email because he feels the village is getting involved in some controversial issues and he asked Mr. Bond to explain his concerns.

Dorothy Sword stated she just wanted to know if they could post garage sales signs or not.

Steve Bond stated that right now there is an issue because of the ordinance and the issue is whether council wants to change the ordinance and how they want to change the ordinance. If they want to change any of the ordinance to say signs will not be allowed or signs will be allowed that is fine. If they say signs that say X are not allowed and signs that say Y are allowed, then that is a problem because how do you know what is allowed and not? You have to read the content of the sign. When you have a rule that's related to the content of the sign you are infringing on free speech. Whichever way council decides to go whether they are talking about tree lawns or wherever, when they are talking about signs it should be either signs are allowed or signs are not allowed.

Bill Curtis wanted to verify that they couldn't specify yard sale signs.

Steve Bond stated that was right.

Bob James then stated that he had a recommendation for council and he had thought about it all week. Section 541.09 of the criminal code was what Chief Marko was referring to. He thought council should repeal that section. He doesn't think anyone should go to jail for 10 days for putting a sign in the tree lawn and that is basically what the ordinance says. It's a third degree misdemeanor. He recommends repealing that out of the criminal code and just enforcing the zoning code as it is. That way it would not possibly involve the village in a constitutional issue by allowing one kind of sign and not allowing others. That was his recommendation and he stated that Chief Marko agrees with him. He concluded by saying council had the ordinance before them and they could do whatever they wanted.

Stuart Cooke replied that he thought the whole issue was started because of political signs during elections that are not allowed in the tree lawn. They have to be in the actual yard of the resident. He thought the whole sign issue was addressing the political aspect of it.

Bob James stated that was correct originally but the way the code is written it includes all signs.

Bill Curtis added that they couldn't discriminate between signs.

Stuart Cooke wanted to verify with Dorothy Sword that she was requesting to be able to put a sign in the tree lawn.

Dorothy Sword stated that was right.

Stuart Cooke then asked her why she couldn't just put it right behind the sidewalk.

Dorothy Sword stated she understood what he was saying but she doesn't live on one of the main streets. The sale she was talking about that evening was at her daughter's house, but Dorothy Sword lives on a side street. You can't see the main street from the road. If they only put it in their yard, nobody is going to know there is a sale in the middle of town because they can't see the signs. You have to put them in the tree lawn so people know where to go. She understands the ordinance states that they have to remove the sign within 24 hours and those kinds of things and she thought that was what it was under, garage sale signs. There is a part that talks about garage sale signs.

Bob James replied that as the code is written all signs are not allowed in the tree lawn. His suggestion to her would be to go to the person who lives where she would like to put a sign and ask them if she could put one in their front yard.

Dorothy Sword then added that there are other signs and she sent pictures of them to Bob James. It isn't being enforced on everybody.

Bob James replied that those signs were gone now.

Dorothy Sword stated that there are a couple that she has pictures of that are still in the tree lawn. They aren't being enforced so if some are being enforced, they all should be enforced.

Bob James said she was absolutely right.

Dorothy Sword stated she had shown Bob James that.

Bob James stated those two had been removed unless they had been put back.

Dorothy Sword replied that she knew one had been put back but one had been removed again. She gave an example of the preschool sign. The preschool has a sign right in front of their building. It's in the tree lawn and it's been there for the last couple of weeks. It's not being removed but yet her garage sale sign was removed.

Stuart Cooke stated he knew of a number of issues that have come up over garage sale signs. There were some residents having garage sales all year long.

Dorothy Sword said she understood that.

Stuart Cooke added that they were having yearlong garage sales and the signs were out there. That wasn't what they wanted to see.

Dorothy Sword stated she agreed with that because she has seen signs put up for days and days but she knew the ordinance says within 24 hours they had to remove it. She thought they already had that in there.

Bob James stated there should be a criminal ordinance to cover garage sales because they passed it to stop the 30-day garage sales.

Dorothy Sword agreed and said it was in there.

Bob James added that they have to wait at least 30 days between sales.

Stuart Cooke stated he thought Bob James and Steve Bond should get together and see if they could come up with a common sense solution to the problem and make it work for everyone.

Dorothy Sword thanked Stuart Cooke and said that was all that she asked.

Stuart Cooke stated they would get the Police Chief involved in it also.

Bill Curtis stated that most garage sales run Thursday, Friday, Saturday and maybe Sunday and then they are done.

Dorothy Sword agreed and continued by saying and then they would need to remove their signs within 24 hours because that is what the ordinance says.

Bill Curtis thought that if people were smart, they would remove them that night so they don't have people showing up at their house after the sale is over.

Dorothy Sword said of course. She then concluded by saying like she had previously that she isn't on a main road so if she puts a sign in her yard, nobody is going to see it. She won't get any business because no one is going to know she is there.

Stuart Cooke replied that she must have put it in a good spot because the police saw it.

Dorothy Sword replied that with the last incident she was right down town. She wasn't at her house.

Bill Curtis asked Chief Marko if they had been getting complaints on the signs. He wondered if that was what had started the whole issue.

Chief Marko stated that absolutely they were. Sometimes people call them on the phone. He didn't know anything about the preschool sign Dorothy Sword had brought up earlier but he said he would send an officer down there and have them remove it. He stated he would take care of it immediately. It is a call for service and it is a village ordinance. It's a third degree misdemeanor. He stated no one had been sited. They give warnings but if you are sited you can get jail time and a fine until the ordinance is repealed.

Stuart Cooke assured Dorothy Sword they would look into the situation.

Dorothy Sword told Stuart Cooke thank you.

Stuart Cooke asked if there were any other comments.

Janie Bentley stood and stated that garage sales have been going on for years. She wondered why all of a sudden last year all of the controversy started. She wondered why it did not start any of the previous years. Everybody was always allowed to put a garage sale sign up for the community sales and this was not the first community sale the village had. She stated it had never been a problem until last year.

Stuart Cooke stated he thought it hadn't been addressed because there hadn't been any complaints called in. Once complaints are called into the police department, Chief Marko has to check into it. The way the ordinance reads right now, Chief Marko had to do his job.

Janie Bentley understood and then stated there was a lost cat sign on the electric pole in front of Miller Brothers.

Chief Marko asked here where it was at.

Janie Bentley repeated that it was in front of Millers.

Chief Marko stated they had taken one down there before.

Janie Bentley stated at least a couple days ago it was there.

Chief Marko will make sure it is taken care of if it is still there.

Stuart Cooke asked if anybody else had anything. There was nothing.

Stuart Cooke then called for a report from the Administrator.

Shawn reported the following.

Water

- Water Treatment Plant Improvement Project – Work continues. Crews are still working on finishing the new clear wells. Once complete the old one will be demoed. More work to do on controls.

- Water Tower – there is still work we are doing to the inside structure of the water tower. Also, we can now continue with the communication project.

- Water Leak – Park Ave. & Third Street, this was a major leak that crews had a hard time locating. Estimated 85,000 gallons per day leak.

- GIS Project – project continues.

Wastewater

- Wastewater Treatment Plant Project – We are moving forward with the USDA-RD application.

Storm Sewers

- East Hooker & East Washburn – catch basin has been set. Crew will begin installing new tiles as weather permits and other projects allows.

Sanitation

- No Major Issues.

Street

- Potholes – with the crazy up and down temps. and the amount of moisture that is under the road we are going to have a lot of potholes. Please feel free to contact our office if you see one that is not getting addressed. 419-929-4091.

- Johnson Drive, Pearl Street, City Parking Lot – preconstruction meeting was held last Thursday in Norwalk. The streets are scheduled to be done August 27, 2019, project expected to last 2 days. The parking lot is scheduled for some time around September 9, 2019.

Other

- Terry Wilson Memorial Deck – Nothing new to report.

- A Park Board Meeting will be held at the Rec. Park every Monday night @ 6:00 pm at the Hileman Building until after Labor Day weekend.

- The Village would like to welcome Megan Sherlund. Her first day of employment here in New London was today. Megan is already busy getting involved in the Labor Day planning and park board, learning the workings of the Reservoir. Lots to learn at a busy time of year, Megan will do great.

Megan Sherlund stood and said thank you. She appreciates the opportunity. She is excited to get started. She hit the ground running. That night was her second park board meeting. They were getting a pretty good handle on Labor Day and she thinks it is going to be a great event. She concluded by saying she was excited.

Stuart Cooke welcomed Megan Sherlund to the community.

Megan Sherlund thanked Stuart Cooke.

Shawn Pickworth stated that was all he had. He asked if anyone had any questions.

Stuart Cooke asked when was the deadline for the water treatment plant.

Shawn Pickworth thought the original deadline was back in June. He continued by saying what had happened was the original problem was with WesTech that supplies a lot of their parts for the tanks. They had trouble getting equipment. The deadline kept getting pushed back and pushed back and then the clearwells, those guys from Mid Atlantic have an awesome reputation for coming in and knocking out jobs and getting out. It seems like the village's job is on the back burner he would say. He stated they have had a terrible time. They will come for a week and then disappear for a week. They will come for a week and then disappear for two weeks. It is like pulling teeth to get them here, getting a crew here and keeping them here. That's a whole different type of project when they are doing the clearwells because there is a base crew. They only do the base work. Then there is another crew that comes in to do something else. Then there is a whole different crew that does something else. It's not the same crew throughout the whole project. It makes it difficult. You don't even know who you're contacting half the time. You may call one guy and they say they are done and they've been done so then you are waiting on the next crew to come in. Shawn Pickworth stated they were getting there. They were getting done. The GAC's are in function. They are better off with what they've done but it's definitely been trying the last couple of months getting to this point.

Stuart Cooke then asked for a report from the Police Chief. Chief Marko stated he had a couple things. On August 9th at about 1855 hours which is five minutes to seven, the New London Police Department executed

a search warrant at 173 East Main Street. They confiscated drug paraphernalia and an unknown narcotic. He wasn't sure what it was because it was the first time he had seen it. They sent it down for drug testing. Three males were detained and charges are pending. Chief Marko continued by saying with that being said, prior to that, another law enforcement officer from another agency complained about Chief Marko and the New London Police Department not doing anything about the drug problem. First of all, he wanted to call him out by name but he didn't but it upset him. Huron County and Cuyahoga County have a drug problem along with the other 86 counties in Ohio. New London is no exception. Chief Marko stated they are doing what they can. The New London Police Department has executed more search warrants in the last couple of years he truly believes than any other agency except maybe with the exception of Norwalk in Huron County. It's really close so they are doing what they can. The second thing Chief Marko wanted to discuss was that he has a reserve officer he was hoping council would promote to part-time status. Chief Marko recently lost one part-timer and there is a good possibility he isn't going to come back. He works for United Airlines for his full-time job and he was injured. It was serious enough that he doesn't know if he will be able to come back so he would really like to promote one of his reserve officers. He hopes council will consider it and unless anyone had anything else, that was it for him.

Stuart Cooke asked what the officers name was that Chief Marko wanted to promote.

Chief Marko stated it was Zachary Ingraham.

Stuart Cooke then asked for a report from the Fire Chief. Chief John Chapin stated he didn't have anything unless someone had something for him.

Stuart Cooke then asked for a report from the Ambulance. Bill Curtis stated there were 63 runs for service in July. There were 26 runs that were basic; 34 runs were advanced and three of them were Advanced 2 which means they needed a medic. It was a busy month. They had five motor vehicle accidents for the month of July. There were no overdoses which was great. Bill Curtis thought maybe the search warrants were working. Bill Curtis concluded by saying that was where they were at. It was a busy month and they were looking to break another record in August because they have been busy.

Stuart Cooke then asked for a report from Zoning. Bob James stated they had a zoning board meeting that night to amend section 1118.13(A) of the zoning code. They added line number 18 which states for business offices there will be one parking space for each 200 square feet of total building space. Someone had tried to apply for a zoning permit and that was overlooked a couple years ago when they updated the code. There had been no provisions for business office's parking spaces. That was amended at the meeting that night. Bob James then noted that he had seen that the ordinance was on the agenda to be passed as an emergency reading that night. He asked Mr. Bond to correct him if he was wrong, but he thought council had to have a 30-day hearing before it could be passed.

Mr. Bond agreed with Bob James.

Bob James stated he thought they would have to amend the agenda to take the ordinance off for that night.

Steve Bond replied that they could just do a first reading on it.

Bob James said that was all he had unless someone had something for him.

Stuart Cooke then asked for a report from the Recreation Department. Megan Sherlund stated that after her first day she didn't really have a lot to go over but she did want to thank council again for hiring her for the position. She thought the biggest focus currently would be Labor Day and the events going on at the reservoir. They will be working with different employees with the village to get things set up and going for those events. They want to make sure everything is safe and everything is in line. She knew they were having

a poker run at the reservoir the upcoming weekend and then Labor Day in two and a half weeks. Other than that she didn't have anything else.

Shawn Pickworth stated he would like to make a comment. The park board is working hard and they are structured. He really loves the direction they are going and taking control. There are two members of council who are on the park board. He can't say enough about what they are doing right now. He concluded by saying thank you.

Stuart Cooke added that they would like to thank the park board for volunteering their time to make the community and parks a better place.

Stuart Cooke presented Ordinance 2019-15 An Ordinance Adopting a Pay Rate for Police Duty at the Reservoir Park and Campground. Second Reading. Curtis made a motion to approve the second reading. Myers seconded the motion. Roll call – All ayes; No one opposed.

Stuart Cooke presented Ordinance 2019-16 An Ordinance to Amend Section 955.03 of the Codified Ordinances Relative to the New London Recreation Committee. First Reading. Ball made a motion to approve the first reading. Paramore seconded the motion. Roll call – All ayes; No one opposed.

Stuart Cooke presented Ordinance 2019-17 An Ordinance Advancing Funds for Operation at the Annual Labor Day Festival and Declaring an Emergency. Emergency Reading. Curtis made a motion to suspend the rules to allow Ordinance 2019-17 to be passed on an emergency measure. Myers seconded the motion. Roll call: Ball, Yes; Curtis, Yes; Cooke, Yes; Myers, Yes; Willis, Yes; Paramore, Yes. Willis made a motion to approve the emergency reading. Ball seconded the motion. Roll call – All ayes; No one opposed.

Stuart Cooke presented Ordinance 2019-18 An Ordinance Amending Section 1118.13(A) of the Codified Ordinances, to Regulate Office Building Parking Spaces, and Declaring an Emergency. First Reading. Myers made a motion to approve the first reading. Ball seconded the motion. Roll call – All ayes; No one opposed.

Stuart Cooke presented Resolution 2019-08 A Resolution Approving of the Issuance of Cash Payouts in Connection with the Annual Labor Day Festival, and Declaring an Emergency. Emergency Reading. Myers made a motion to suspend the rules to allow Resolution 2019-08 to be passed on an emergency measure. Willis seconded the motion. Roll call: Ball, Yes; Curtis, Yes; Cooke, Yes; Myers, Yes; Willis, Yes; Paramore, Yes. Willis made a motion to approve the emergency reading. Curtis seconded the motion. Roll call – All ayes; No one opposed.

Stuart Cooke then called for Old Business. There was none.

Stuart Cooke then called for New Business.

Bill Curtis made a motion to allow the police chief to promote Zachary Ingraham to a part-time position beginning August 12, 2019. Willis seconded the motion. Roll call: Ball, Yes; Curtis, Yes; Cooke, Yes; Myers, Yes; Willis, Yes; Paramore, Yes.

Bill Curtis asked if they had to set up a 30-day special meeting for the zoning ordinance about office building parking spaces.

Shawn Pickworth stated they could make the meeting before the second council meeting in September on the 23rd if that would be okay for the public hearing.

Bill Curtis asked all the council members if that would be okay with them.

There was no opposition to that date so a Zoning Public Hearing with the New London Village Council was scheduled for 6:30 p.m. in council chambers on Monday, September 23, 2019.

Stuart Cooke asked if there was any other New Business.

Vicki Missler stood and stated it was health insurance renewal time. There was an October 1st renewal date. She had been working with the numbers so they can get things set up for payroll in September. Vicki Missler went over the renewal offered by United Healthcare and several other plans she had done research on. The renewal had come in at a 23.1% increase which she thought was unacceptable. They did tweak the plan. They lowered the deductible, they lowered the co-pays and they lowered the prescription plan, but they raised the rate. She then shopped all the other companies available. She gave council a printout of all the different plans that were similar to what the village currently has. It doesn't limit it to those plans because each company offers 15-20 different ideas. She narrowed them down for council. Vicki Missler then briefly described and compared the different options including two other options from United Healthcare. If council decided to go with United Healthcare, this would be the third year going with them. The first United Healthcare option Vicki presented had a slight increase from what they were currently paying. The second option actually was slightly less than what the village was currently paying. It wasn't a huge decrease but it was a decrease. It has a few tweaks to what the current plan is. The biggest one is raising the deductible which is of course why it lowers the premium. Vicki suggested that a solution to that may be to raise the HRA on the village side. There has only been one employee to use the HRA so far this year. She didn't really have any problems with the plan during the year as far as any complaints from the employees as to how it paid or how the HRA paid. She thought a decreased premium would be a positive for the employees. Their copay does go up five dollars per office visit, and the prescription cost increases but nothing is horrible. It was nice to see a decreased premium cost.

Bill Curtis added that you don't see that too often.

Vicki Missler stated that no you don't. She wanted to restate that the deductible would go up. She wanted to make sure council didn't think she was trying to hide anything. It goes from $5,000 to $6,000 out of pocket and the family went from $10,000 to $12,000. The max out of pocket for out of network would go up a little bit as well. If the village would pick up the difference with the HRA then the employees would not have as many negatives. Vicki Missler noted that the increase in copay would be what employees noticed the most but it was only $5. She concluded by saying despite the changes in the plan it was still an excellent plan compared to what most people have. It truly, truly was.

Stuart Cooke wondered when they needed to have a decision made.

Vicki Missler thought it was really up to Michelle Popa who does payroll.

The fiscal officer stated that Michelle would need to start withholding the new amounts the first payroll in September because the insurance is due in advance by the first day of the month.

Everyone agreed to have something figured out by the next council meeting.

Vicki Missler stated she had documents if any members of council wanted to go over them with her she would be happy to meet one on one with them. She also offered for anyone to call her with any questions.

Stuart Cooke asked if there was any other new business. There was none.

Stuart Cooke then presented the monthly bills for approval under Schedule A. Myers made a motion to approve Schedule A. Ball seconded the motion. Roll call - All ayes; No one opposed.

Stuart Cooke then presented the monthly bills for approval under Schedule B. Paramore made a motion to approve Schedule B. Willis seconded the motion. Roll call: Ball – yes; Paramore – yes; Willis – yes; Curtis – yes; Cooke – abstain; Myers – disqualify herself.

Stuart Cooke then presented the Then and Now bills for approval under Schedule C. Curtis made a motion to approve Schedule C. Myers seconded the motion. Roll call – All ayes; No one opposed.

Bill Curtis made a motion to enter into executive session to consider the employment of a village employee or official. Willis seconded the motion. Roll call: Ball, Yes; Curtis, Yes; Cooke, Yes; Myers, Yes; Willis, Yes; Paramore, Yes.

Curtis made a motion to return to regular session. Ball seconded the motion. Roll call: Ball, Yes; Curtis, Yes; Cooke, Yes; Myers, Yes; Willis, Yes; Paramore, Yes.

Curtis made a motion to adjourn. Willis seconded the motion. Roll call - All ayes; No one opposed.

Nancy Howell
Fiscal Officer

Stuart Cooke
Council President

Stuart K. Cooke