

REGULAR

May 9, 2023

The regular meeting of council, open to the public, was called to order by Mayor Dennis Finley at 7:32 P.M. with the following council members present: Sword, Scheibe, Johns, Rabatin, and Bucklew. Solicitor Carpenter attended by phone. Council Member Nussbaum was excused.

Guests

Council Member Sword welcomed guests.

Public Participation

Motion to accept and approve minutes from the April 11, 2023 regular meeting by Sword, second by Bucklew. Sword, Bucklew, Johns, Scheibe voted yes; Rabatin abstained.

Committee Assignments and Reports

Finance

Finance Committee met May 1 to develop a capital improvement plan and fire department budget for 2024. Committee set a minimum balance for capital funds at \$225,000. Finance committee recommends approving a property inspection at fire station. Safety Services levy language on tonight agenda - three readings. Chamber of Commerce property transferred to Village. Council needs a tax review board to review appeals; CCA provided list of delinquent taxpayers for 2022. Recommend solicitor draft resident letter with final request for payment. Unpaid accounts turned over to Ohio Attorney General, collection fee added to amount owed by resident.

Motion to approve invoices, vouchers and warrants by Sword, second by Scheibe. All council members voted yes.

Motion by Sword and second by Bucklew to authorize the Mayor to enter into a contract with the lowest quote for a building inspection at the Dalton Fire station, pending authorization by Dalton Volunteer Fire Department. Council Member Rabatin abstained, Sword, Scheibe, Bucklew and Johns voted yes.

Motion to approve new contract for color copier at Village Hall by Sword, second by Rabatin. In discussion, the contract cost for existing copier will be higher than a new lease on a color copier. All council members voted yes.

Fiscal Officer

Bank balance as of 4/30/2023 is \$2,104,758 including approximately \$200,000 in ARPA funds. Receipts totaled \$151,964, payments totaled \$141,137. Payment listing attached. Received BWC safety grant, \$15,190.50, equipment ordered. CCA provided Y/E review for 2022 showing 97.64% collection rate. Will remain with Sedgewick as Village's MCO for next two years.

Ohio tax law requires residents to make quarterly muni tax payments if over \$200 owed annually and no payroll taxes deducted. Previously, residents paid Village with lump sum payment when return was submitted, with no penalty. As a result, penalties and interest are owed for 2022 by some residents.

Motion by Sword, second by Bucklew to waive penalties and interest for municipal taxpayers who should have paid quarterly installments in 2022, but paid lump sum when return was filed. All Council Members voted yes.

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BPA

AWWWO contract for WWTP Operation finalized. Number of hours reduced due to licensing requirements and eliminating the laborer. Cost reduced from \$1,950/week to \$1,500/week for the operator charge.

East Wayne Fire District

No report

Public Safety

Interim Chief and Asst Chief met with five fire dept to work on logistics and relationships.

Police Chief

Quote from B&C Communications for annual service agreement/replacement batteries for tornado sirens. Council Member Sword requests battery check be done with power shut off. Motion by Johns and second by Rabatin to approve the annual, reoccurring service agreement and purchase of replacement batteries for tornado sirens pending legal approval. All council members voted yes.

Safety committee approved purchase of \$7,467 in ammo for training/qualification purposes.

Department participated in Seat Belt Challenge at Dalton High School and investigated theft of vehicles at local auto dealership.

Fire Chief

No report

Parks and Street

Five quotes for Mason Allotment paving project. Vasco was lowest bidder. Four of five bids within \$2,000. Motion by Scheibe, second by Scheibe to award the Mason Allotment paving project to Vasco Paving at the quoted price of \$41,875. All Council Members voted yes.

Pavilion rental form updated. Refunds on cancellation policy revised/clarified. Motion to adopt revised rental form by Rabatin, second by Bucklew. All council members voted yes.

Rails to Trails presented grant information to Street Committee to repaving/repair Sippo Valley Trail. Project presented by Rails to Trails in 2021, authorized then with the stipulation Village would not incur expenses to participate in project. This year, they have asked the Village to apply for the grants. Street recommends that investigating the grant be tabled until the Village can confirm what outside funding sources are available to cover the Village's contribution for the project. Deadlines on these grants are April and September. Suggest emailing grants to Solicitor Carpenter to review terms. Village will need more information on cost and funds available to cover Village costs.

2023 Spring Clean-Up costs comparable to 2022, totaled \$3,509. 38 residents participated, totaled 45 drop-offs. No problems, Superintendent Reynolds recommended keeping same format for future.

Motion by Sword, second by Bucklew to move into executive session for the purpose of discussing pending or imminent court action, requesting the Fiscal Officer and Street

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Superintendent remain for the session. All council members voted yes. Council entered into executive session at 8:38 p.m.

Motion to return to regular session made by Sword, seconded by Bucklew. All council members approved, council returned to regular session at 9:12 p.m.

Motion Bucklew, second by Rabatin to approve spending up to \$500 to retain outside council regarding the matter at 160 N. Church Street. All council members voted yes.

Planning and Housing Commission

No report

Cemetery Committee

No report

Mayor's Report

Fines for month of March were \$614.00. Thank the Boy Scouts for setting sign back up on west end of town. EWFD mediation ongoing. Engineering still working on Woodridge project. Current electric aggregation contract effective until October, new contract will be negotiated. Residents can still sign up under the old contract.

Regarding the bridge on the Sippo Valley Trail, Solicitor Carpenter recalls that during last conversation with Massillon Law Director, Massillon considers the bridge that Massillon repaired to be complete in its current state (i.e., no guardrails were replaced) and repairs meet industry standards.

ORDINANCE 23-07

AN ORDINANCE OF THE VILLAGE OF DALTON, WAYNE COUNTY, OHIO ESTABLISHING THE TERMS OF EMPLOYMENT FOR POLICE OFFICERS IN THE VILLAGE OF DALTON, OHIO REPEALING ORDINANCE NO. 23-05 AND DECLARING AN EMERGENCY

A motion was made by Sword and seconded by Johns to suspend the rule requiring an ordinance be read on three separate occasions and that Ordinance 23-07 be accepted and passed as an emergency measure by title only. All council members voted yes.

A motion to accept Ordinance 23-07 by title only by Sword, second by Bucklew. All council members voted yes.

ORDINANCE 23-08 First Reading

AN ORDINANCE DECLARING THAT IN ORDER TO PROVIDE FIRE SAFETY SERVICES, EMERGENCY MEDICAL SAFETY SERVICES AND POLICE SERVICES, IT IS NECESSARY TO INCREASE THE VILLAGE INCOME TAX BY 0.5% EFFECTIVE JANUARY 1, 2024

A motion to approve Ordinance 23-08 by title only on its first reading by Sword, second by Scheibe. Council Member Rabatin abstained, Scheibe, Sword, Bucklew and Johns voted yes.

ORDINANCE 23-09

AN ORDINANCE OF THE VILLAGE OF DALTON ESTABLISHING AN INCOME TAX REVIEW BOARD AND DECLARING AN EMERGENCY

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A motion was made by Sword and seconded by Bucklew to suspend the rule requiring an ordinance be read on three separate occasions and that Ordinance 23-09 be accepted and passed as an emergency measure by title only. All council members voted yes.

A motion to accept Ordinance 23-09 by title only by Sword, second by Bucklew. All council member voted yes.

RESOLUTION NO. 23-09 – First Reading

A RESOLUTION PLACING AN ADDITIONAL 0.5% GENERAL INCOME TAX ON THE BALLOT FOR THE NOVEMBER 7, 2023 GENERAL ELECTION, FOR EXPENSES RELATING TO THE PROVISION OF SAFETY SERVICES WITHIN THE VILLAGE, SAID INCREASE TO BE EFFECTIVE JANUARY 1, 2024, AND NOTIFYING THE WAYNE COUNTY BOARD OF ELECTIONS TO CAUSE NOTICE OF THE ELECTION

A motion to approve Resolution 23-09 by title only on its first reading by Sword, second by Bucklew. Council Member Rabatin abstained, Scheibe, Sword, Bucklew and Johns voted yes.

RESOLUTION 23-10 – First Reading

A RESOLUTION OF THE COUNCIL OF THE VILLAGE OF DALTON, APPOINTING DON SHILLING AS FIRE CHIEF FOR THE DALTON FIRE DEPARTMENT

A motion to accept Resolution 23-10 by title only AS AMENDED by Sword, second by Bucklew. Amendments include removing section on emergency measure. Council Member Rabatin abstained, Scheibe, Sword, Bucklew and Johns voted yes.

Old Business

Flood insurance – Both PEP and NFIP can give the Village quotes.

New Business

Need to provide residents with information about Safety Services levy. Also include quarterly filing requirement under Ohio tax law. Solicitor Carpenter will work on an information sheet.

Electric aggregation results in more applications for solicitor permits as businesses try to enroll residents in their programs. Cost/time permit is valid needs reviewed. Fiscal Officer Miller will check requirements.

Motion by Bucklew and second by Johns to adjourn. All council members voted yes.

Meeting adjourned at 9:47 p.m.

Mayor Dennis Finley

Council President Patrick Sword

Fiscal Officer Neena Miller