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Emergency Council-Ordinance 2020-13
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The Cadiz Village Council met October 20, 2020 in emergency session in council Chambers with Councilmen Terry Capers, Eric Miller, Dan Ossman, Chace Smith, John Vermillion, Mayor Migliore, Clerk Amy Ossman, and Village Admin Ted Andrzejewski in attendance; Solicitor Mastros joined the meeting via telephone. Councilman Hyde was absent due to work scheduling.

Mayor Migliore called the meeting to order with the Pledge of Allegiance. He then explained that the purpose of this meeting was to pass Emergency Ordinance 2020-13.

Ordinance 2020-13
1st Reading

**AN ORDINANCE AUTHORIZING THE VILLAGE OF CADIZ TO
PREPARE AND 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 AND
DECLARING AN EMERGENCY**

Clerk Ossman reported that Solicitor Mastros was on the phone, and informed him that the Mayor had emailed the frontage numbers, which were 65.5%, and the other lots were 61.23%. Councilman Capers gave his thoughts, saying that we needed to be sure everything was in order before we started assessing the property taxes for anyone. He wanted clarification as to whether we were going by frontage, or by lots. Solicitor Mastros replied that legally, we can do this by “petition” which meant it can either be by 75% of the ownership of the lots if they consent to it, or you can go by frontage, and the “yes” votes have to be at least 60% of the total frontage of the job. For example, if the total job is 100’ then you have to have over 60’ to move forward with the assessment. This is all moot if we don’t get the grant, but we have to understand that there is a “resident match”, and take out some type of loan for the difference, and we use the assessment to pay back the note. Once we determine if we are able to get the grant, we still have decisions to make, but at least we’ve gotten over the initial hurdle. Councilman Capers then remarked that legally, we go with the frontage calculations by Quicksall at 65.5%, with Mastros in agreement that it is being done correctly, adding that in the end, Council makes the decision as to whether we want to do this or not, and that this ordinance is only to apply for the grant, and it is for the 60% of the frontage of the area to be done. He (Mastros) added that he had never done this before, and he will double-check everything, but this is how he reads it, so we can apply and see what happens. We will have to make other decisions later on, and there is a time issue here, and if in the end, we are not reading the ordinance correctly, they will let us know and the grant money won’t be awarded.

Mayor Migliore went on to say that after the last council meeting, he went out to the site with Quicksall regarding the storm drains, they went back and fine tuned everything. Originally the cost was to be \$500,000 with \$100,000 assessment, and now it has come down to \$305,000 with a \$77-78,000 for the assessment. This will be on the application, and this ordinance has to be passed to get in by the October 30 deadline.

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Councilman Capers asked if Solicitor Mastros prepared the ordinance, with Mastros replying that it had been done by Quicksall. Capers went on to say that he understands that this ordinance is only to apply, but it also states to “execute contracts as required”, and he wanted clarification for that phrase. Solicitor Mastros explained that as he understands, it means that if we need to sign anything later on down the line, if the grant is awarded, and it may be also for applications that we need to sign. He felt that we should delete the words “execute contracts as required”. Village Admin Andrzejewski then remarked that if the State of Ohio reads this with the deletion, it may not be accepted. His opinion was that if we are only applying for the grant, we can always say later on that we don’t want to do this. Solicitor suggested amending the ordinance and omit the words “execute contracts as required” and he will prepare another one for us. If it comes back that we need to sign something, we can always pass a voice vote. Councilman Capers reiterated that he was only trying to ensure that we are all clear on what we are passing, *if* we pass it. Mastros added that this is only an application, not a contract. Village Admin questioned if the application required a copy of this ordinance, to which Mastros and the Mayor both indicated that yes it did. More discussion on the ordinance language, with the final wording being decided on was to have a motion to amend the ordinance to say “execute contracts for application only”.

Councilman Vermillion questioned that if we are granted this application, and later on down the road we decide not to do the project we are not stuck with this; to which Mastros answered no, we are not. We can refuse the grant before we sign anything. Vermillion then asked why the Village was to take out a loan, because he understood that we would not have a dime in it, and he was not in favor of another loan as we already had so many outstanding. Mastros explained that the way it works is that you have to have the residents’ share in hand, because the contractor needs paid. So, you pass all the legislation, you pay with the grant money plus the loan money, the assessment money is what you use to pay back the note. The other way we did this was only for 1 developer, where we applied for Issue II money, and the developer gave the Village all the money, which was held in a fund, so essentially, they were the bank. There could be other ways to do this, but he does not know of any. Councilman Vermillion stated there still is a risk to the Village if someone doesn’t pay their property taxes, Mastros agreed. Mayor Migliore added that we will get a zero % loan from OPWC, and then the property owners will pay it back from their assessments. Mastros went on to say that this needs to be done in a more orderly manner, and while he understands there is a time issue, we need to further our research, with Mayor remarking that once we get the application in, we will have all the time in the world to research.

Councilman Smith questioned what the property owners share was, with Mayor saying it will be approximately \$1-150/year for 15 years at zero % interest, and if they (council) did not want to do this, just say so. Vermillion went on to say that the only problem he had was that things like this are shoved in his face for emergency vote, and he is not that kind of a person. If you want to propose something, then he is good for that. Mayor commented that if he (Vermillion) had been at the last meeting, he would have known about it, and Vermillion then said that “it only takes one no vote, and I can do that so I don’t have a problem.” Mayor then remarked that if “you want to shut it down you can,” and that he has worked hard on this project.

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Village Admin stood behind the Mayor, and pointed out that this was a good thing, and since he has been here, they have been bugging us to fix that road. He has told some of the residents that we are not fixing the road because it was never meant to be fixed by the Village, but if you get together and agree to pay for it, we will help you with the way to do it. Now some of them are willing to pay their share, and it will be a way to get it fixed once and for all. He didn't think we would be on the hook for the taxes, because we could always assume the lots, with a small risk to us. Councilman Capers revisited the issue of the amount the residents would be asked to have assessed, and after looking at the numbers, it would come out to around \$104-105 per lot per year; Smith then said that there was no reason that we couldn't have discussion with reasonable questions concerning the numbers.

Councilman Capers then motioned to amend Ordinance 2020-13 to include "to execute contracts for application only and declaring an emergency"; second from Councilman Vermillion. Mastros suggested to make sure the motion includes that the motion be changed throughout the body of the ordinance as well. Capers then added "in the body of the ordinance to have the language amended for application only". Vote of all ayes.

Councilman Capers then motioned to suspend the rules and have the 2nd and 3rd readings of Ordinance 2020-13 for the preservation and protection of the health, safety and welfare of the citizens of the Village of Cadiz as amended; second from Councilman Vermillion and vote all ayes.

Ordinance 2020-13
2nd, 3rd Reading/Emergency

AN ORDINANCE AUTHORIZING THE VILLAGE OF CADIZ TO PREPARE AND 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 FOR APPLICATION ONLY AS AMENDED AND DECLARING AN EMERGENCY AS AMENDED.

Councilman Capers motioned to approve Ordinance 2020-13 with second from Councilman Miller; vote all ayes.

Motion to adjourn.

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APPROVED: _____
John Migliore, Mayor

ATTEST: _____
Amy Ossman, Clerk-Treasurer

(DIGITAL COPY OF MEETING ON FILE)