

**VILLAGE OF DELTA  
VILLAGE COUNCIL PROCEEDINGS  
MONDAY, AUGUST 31, 2020 AT 5:30 P.M.**

Meeting called to order at 5:30 p.m. by Mayor Bob Gilbert

*Pledge of Allegiance* was led by Mayor Gilbert

Employee's present: Stephanie Mossing (Finance Director), Drew Walker (P.D.), Bob Gilbert (Mayor), Brad Peebles (Administrator), Nathan Hartsock (Police Chief) and Kevin Heban (Law Director)

Visitor's present: Bill O'Connell (Village Reporter), John Bay, Jill Schaller, Chris Bauer, John Zeigler, Angie Zeigler and Tim Cowden

ROLL CALL—Present: Ashley Todd, Chad Johnson, Mike Tanner, Lynn Frank and Tony Dawson

Absent: Frank Wilton

*A motion was made by Chad Johnson, seconded by Mike Tanner to excuse Mr. Wilton's absenteeism from the August 31, 2020 council meeting. All votes yea, motion carried.*

**Minutes August 17, 2020:**

*A motion was made by Ashley Todd, seconded by Chad Johnson to approve the August 14, 2020 minutes with corrections pertaining to September's council meetings. All votes yea, motion carried.*

**Public:**

Chief Hartsock introduced Ava Zeigler and Eve Smith, who had a Back the Blue lemonade stand on West Main Street. They donated the proceeds of the lemonade stand to the Delta Police Department. Ava Zeigler explained the reason they had the lemonade stand was to thank the police department for

all they did. They raised \$140.00 and donated it to the department. Chief Hartssock presented both girls with certificates.

John Bay, 713 Greenview Drive, questioned the water and wastewater handout from August 17, 2020 council meeting. He explained that he compared his water bill with the handout and couldn't get the base fee to come out correct. Mr. Peebles states he would be happy to sit down with Mr. Bay and go over it with him.

Chris Bauer, 807 Helvetia Street, asked what the current cost was to produce a 100 cubic foot of water and how that has changed since 2018. Mr. Peebles replies he would have to get that information.

Mr. Bauer asked about Nature Fresh's rate of \$2.46 for a 100 cubic foot. Mr. Peebles explained that was for raw water, not treated water established in 2017.

Mr. Bauer questioned the outside rate for Winchester's. Bauer believed there was Ohio Revised Code that limited the outside rate to 10% of what the inside rate is. Mr. Peebles claimed he was not aware of that ORC. Mr. Kevin Heban also stated he was not aware of that Code and if he could send him the Code, he could check into this. Heban reminded Mr. Bauer the Village was a Home Rule municipality.

Mr. Bauer also questioned the ordinance that eliminated income tax going into the Water account. Mr. Peebles explained Council approved legislation a few years ago eliminating the income tax going into the water fund, which at the time was 33%, so roads and other projects could be accomplished. Bauer asked if this was another way to get money into the General Fund vs the Water Fund. Mr. Peebles states in part yes, and the Water Fund should be self-funded and not have the General Fund support it.

**Administrator Report:**

- Written report was submitted to council
- Taste of Delta water

Brad explained that the Water Department has been flushing hydrants and part of the reason they are doing that is because they have been testing the

chlorine and PH levels at the furthest point of distribution. Peebles also explained that every year we also experience the Reservoir roll over, he explained he didn't know the formal terminology for this, but it basically aerates itself because of the water temperature changes. The water has been tested and meets the EPA drinking water standards and it will get better.

**Finance Director:**

- Certificate of Recognition – Delta Assembly of God
- Special Assessment – Lawn Mowing

*A motion was made by Lynn Frank, seconded by Ashley Todd to assess property taxes for \$100.00 due to mowing a parcel. All votes yea, motion carried.*

*A motion was made by Chad Johnson, seconded by Mike Tanner to approve a Certificate of Recognition for Delta Assembly of God to use Memorial Hall on Tuesday evenings from 6:00 p.m. to 7:30 p.m. for a women's bible study. (September 29, October 6, 13, 20, 27 and November 3) All votes yea, motion carried.*

**Law Director:**

Mr. Heban states he was asked to address council about the money that was donated to the police department. He explains there is two ways that the funds can be expended out of the police department. One, is to set up a special fund in the Village of Delta, called a supplemental law enforcement fund or a similar fund that the money can be entered into and it could be only spent for the police department. This fund would be under the finance of the Village and would be audited. The second way is to set up an independent trust fund that is not part of the Village of Delta's finances and is

totally under the police department, it has its own federal tax identification number and is not affiliated with the Village. The police department then would determine how the money is spent.

Mr. Heban explained that his office would set this trust fund up at no cost to the Village, but council needs to be aware that Council has no control over that trust, and it is not audited by the Ohio State Auditor.

This decision is up to Council to decide on how much oversight they would want over those funds. Although Heban doesn't think it will happen here, he has seen situations that money in this fund was used for Christmas parties for the police or something that the Council didn't approve of.

Mayor Gilbert asked if this would be a line item on Mossing's report. Heban said no, not if the trust was set up.

Ms. Frank asked how the Trust would be set up, can anyone from the police department have access to it? Heban explains that in the past, the trust would be set up with the Chief of Police as the trustee and he would manage the money and it would say the money can be used for law enforcement purposes.

Mr. Johnson asked what it would take to set up the supplemental fund under the Village? Heban said he would refer that to Stephanie. Mossing explained that we would do legislation to create a new fund.

Mossing explains to Council the police trust funds are created for specific reasons and can only be expended for those specific things.

Mr. Johnson says we can still create a supplemental fund that will be within the budget and the Chief can bring us proposed use and ask for council's approval. Johnson states he would like that to be done personally.

Mr. Dawson commented that for \$140.00 it would be more of a headache for Stephanie to take care of it than the Police Chief.

Johnson commented that the Trust is an account that anyone can donate to in the future, it could be half a million dollars.

Mossing explained that she can set up a line item for the revenue and expense in the Police Fund, that way the donation can only be spent the way the police department sees fit.

Mayor Gilbert asked if that would make more sense having someone else watch over it instead of just the police department?

Heban explained that's exactly why they brought it to council, does council want to have oversight of the expenditure of that money?

*A motion is made by Chad Johnson to create a supplemental account for the donation of \$140.00 from Ava Zeigler and Eve Smith. Motion dies for lack of second.*

*A motion was made Lynn Frank, seconded by Mike Tanner to allow Mr. Heban to set up a Trust Fund for the Police Department for the Police Chief to manage. All votes yea, motion carried.*

Chief Hartsock asked Mr. Heban if he could put a stipulation on the Trust Fund that council approves the expense before the money is spent? Mr. Heban said he thought that would trigger an audit issue.

Mossing asked if an asset is purchased from the Trust Fund, would the asset then go on the Village of Delta's liability insurance?

Heban said, yes, the police department would have to donate the asset to the Village to be placed on the liability insurance.

Lynn Frank commented she doesn't think an asset can be purchased for \$140.00.

Kevin Heban explained that just like the Fire Department received a donation from an elderly lady of \$50,000 the Police Department Trust could receive donations of significance.

Mr. Peebles asked if the Trust could be set up so there is check and balances, with the Police Chief and maybe some members of Council with spending authority?

Kevin wasn't sure if it would trigger an audit issue having members of Council on the Trust.

He said this is not an easy issue, because this has the potential of embarrassing the Village, not that this Chief would do that but if there were issues with expenditures in the future.

Mike Tanner asked if the Trust is created with the Police Chief to decide where the funds go without any oversight from council, does this open the door for any funds that are donated from then on out? Heban answered no, it would have to be donated to the specific trust that is set up.

Kevin Heban tells council that he will circulate a draft of the Trust to Council. Lynn Frank asked if he would find out if this would be audited from the Ohio Auditor? Heban said, yes.

**Property:**

Mr. Peebles discusses approximately 12 acres of land on the Madison Street property that has been farmed for hay by Bob Trowbridge. Peebles had conversations with two farmers adjacent to the land about the possibility of farming the property and producing revenue to the Village. He would like to move forward with an arrangement with one of these two individuals to rent the land to produce crops. Brad anticipates roughly \$125 - \$150 per acre per year.

Johnson asked what side of the property it was. Brad said the southern end of the property and wraps around on the west side.

Tanner asked who would spend the money to get the property ready for farming? Brad said the renter would sustain the cost for farming it, which may impact the rent rate for a couple years.

*A motion was made by Mike Tanner, seconded by Chad Johnson to allow Mr. Peebles to negotiate a contract with a farmer to rent approximately 12 acres of land on S. Madison Street. All votes yea, motion carried.*

**Old Business:**

**Ordinance #20-16:** Amendment to contract 2017-67 w/Fulton Co Commissioners

A motion was made by Johnson, seconded by Tanner to authorize the Village Administrator to execute amendment to contract 2017-67 with Fulton County Commissioners for the treatment of leachate from the former County landfill on its 3rd reading. All votes yea, motion carried.

**Ordinance #20-17:** To increase the water rates for the Village of Delta  
A motion was made by Tanner, seconded by Frank to increase the water rates for the Village of Delta amending Section 931.09 and repealing Section 931.08 of the codified ordinances on its 2nd reading. All votes yea, motion carried.

**Ordinance #20-18:** To increase the sanitary sewer rates for the Village of Delta

A motion was made by Tanner, seconded by Todd to increase the sanitary sewer rates for the Village of Delta on its 2nd reading. All votes yea, motion carried.

**New Business:**

**Ordinance #20-19:** To make supplemental appropriations for the current expenses

A motion was made by Frank, seconded by Todd to supplement Ordinance #19-15 to make supplemental appropriations for the current expenses of the Village

of Delta for fiscal year ending December 31, 2020 on its 1<sup>st</sup> reading. All votes yea, motion carried.

*A motion was made by Tony Dawson, seconded by Lynn Frank to approve invoices in the amount of \$196,844.67. All votes yea, motion carried.*

*A motion was made by Ashley Todd, seconded by Chad Johnson to enter an executive session to discuss personnel at 6:26 p.m. All votes yea, motion carried.*

*A motion was made by Mike Tanner, seconded by Tony Dawson to exit the executive session at 7:29 p.m. All votes yea, motion carried.*

*A motion was made by Ashley Todd, seconded by Mike Tanner to suspend the September 14, 2020 council meeting. All votes yea, motion carried.*

Next regular council meeting will be on Monday, September 21, 2020 at 5:30 p.m.

Dawson made a motion to adjourn at 7:32 p.m., Johnson seconded.

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Mayor Bob Gilbert

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Clerk of Council