

BOROUGH OF SUGARCREEK COUNCIL MEETING MINUTES

December 21, 2016

I. WELCOME AND INTRODUCTIONS

Council President Bogan Goughler opened the meeting at 7:00 pm, welcomed everyone to the meeting and noted there will be no hurtful or harmful speech allowed.

II. PLEDGE OF ALLEGIANCE (American Flag)

Council President Goughler led the Pledge of Allegiance.

III. MOMENT OF SILENCE

A moment of silence was observed.

IV. ESTABLISHMENT OF QUORUM

Present at the meeting were Council members Bogan Goughler, Howard Barger, John McClelland, Robert Resinger, Larry Baughman and Mayor Jeffrey MacKenzie. Also present were Borough Solicitor Brian Spaid, Chief Carlson and Zoning Officer Larry Moyer

V. DISTRIBUTION OF AGENDA

VI. COUNCIL CHANGES TO AGENDA

VII. PUBLIC PARTICIPATION (*limited to 3 minutes each*)

- A. Jeremy Simcheck expressed support for the Fire Departments.
- B. Mike Garbacz expressed support for the Fire Departments.
- C. Linda Turner expressed support for the Police Department.
- D. Bridget Baker reminded Council that some of their terms are coming up and no one has complained to her about the millage increase.
- E. Charles McDaniel asked what the current status was of the street lights in Sugarcreek Village.
- F. Don McNany expressed support for the Police Department.
- G. Darlene White expressed support for the Police and Fire Departments.
- H. John White expressed support for the Police and Fire Departments.
- I. Ruth Freeman stated she was appalled at what people have been saying on social media and how they have been conducting themselves in these meetings. She expressed support for the Council.
- J. Lori Everett expressed support for the Police and Fire Departments.
- K. Amber Everett expressed support for the Police and Fire Departments.
- L. Joe Carulli expressed support for the Police and Fire Departments.
- M. Andrew Eckel expressed support for the Police and Fire Departments.
- N. Devin Irwin expressed support for the Police and Fire Departments.
- O. Brandy Richards expressed support for the Police and Fire Departments.
- P. Bob Richards expressed support for the Police and Fire Departments and appreciated Mr. Sporer's comments on some of the questions in regards to budget issues/concerns.
- Q. Jaylee Donovan expressed support for the Police and Fire Departments.
- R. Jackson Donovan expressed support for the Police and Fire Departments.
- S. Jasey Donovan expressed support for the Police and Fire Departments.

VIII. COMMISSION/COMMITTEE REPORTS

- A. No report.

IX. STAFF REPORTS

- A. Maintenance Foreman:
 - 1. No report.
- B. Police Chief:
 - 1. Chief Carlson presented Council with a written report. Chief also reported the Department has been awarded \$18,000 from the Jesse L. Peters Fund. Those funds can be used for safety items, shields, plates, helmets, fire arms, ammunition, etc. The ARLE grant is still being worked on. Mr. Spaid recommended that the Borough Treasurer administer the ARLE grant paperwork. And the Borough is responsible for any overage in costs incurred

from the installation of the new lights and the maintenance of the lights. The paperwork needs to be handled similar to the CDBG Funds. Chief also said the Department was approached by the Officer Phil Program to begin presenting the program in the Valley Grove School District.

2. Motion by Robert Resinger, being duly seconded by John McClelland to accept the \$18,000 grant from the Jesse L. Peters Fund. Motion carried unanimously.
 3. Motion by Larry Baughman, being duly seconded by Robert Resinger to authorize the Borough Treasurer and Borough Manager to administer the paperwork and bidding process for the ARLE Grant. Motion carried unanimously.
- C. Administrator/Special Projects:
1. Mr. Sporer updated Council on the Borough's Cable Franchise Agreement which is due to expire in February 2017. The Borough has been in contact with the Cohen Law Group to represent the Borough during negotiations with Time Warner Cable. The Borough is currently receiving 3% of Time Warner Cable's current cable revenues; but should be receiving a minimum of 5%.
 2. Motion by Larry Baughman, being duly seconded by John McClelland to authorize the Borough to enter into an agreement with Cohen Law Group to represent the Borough in negotiations with Time Warner Cable in regards to a new Cable Franchise Agreement, at a cost of \$6,900.00. Motion carried unanimously.
 3. Motion by Larry Baughman, being duly seconded by Howard Barger to adopt Ordinance No. 284 of 2016, which fixes expenditures for Fiscal Year 2017 at \$2,991,092 with a tax rate of 6.0 mills and a tax rate of 0.55 cents on each front foot assessment for street lights in the Villages of Rocky Grove and Reno. Mr. Barger, Mr. McClelland, Mr. Goughler and Mr. Baughman voted in favor of the motion. Mr. Resinger opposed the motion. Motion carried.
- D. Zoning Officer:
1. Motion by Larry Baughman, being duly seconded by Robert Resinger to adopt Resolution No. 3 of 2016, which creates the Borough of Sugarcreek Uniform Construction Code Appeals Board. Motion carried unanimously.
 2. Mr. Moyer reminded Council there will be a Zoning Hearing Board of Appeals hearing being held on December 22, 2016, at 6:00 PM. Shaw Industries is appealing for a variance for setbacks and a Special Exception to install storage units on the business's property.
- E. CDBG Administrator:
1. No report.
- F. Solicitor:
1. No report.

X. COUNCIL REPORT

- A. Mr. McClelland suggested to have Council to look at the Budget and Public Safety on May 1, 2017.
1. Motion by John McClelland, being duly seconded by Larry Baughman to reassess the 2017 Budget, in particular the Public Safety Section, as of May 1, 2017. Motion carried unanimously.
- B. Mr. Resinger expressed concerns over the street lights in Sugarcreek Village. Mr. Resinger stated he has received numerous calls about the Budget in general and funding for the street lights; i.e. the legality of paying for the street lights out of the Borough's General Fund. Mr. Resinger said he would propose the Borough adopt the original budget that was presented to Council in October. He stated he has received threats in regards to him getting re-elected at the end of his term as well as Rocky Grove V.F.D. being the last trucks to respond to his house in the event of an emergency. Mr. Resinger stated during his tenure as a Member of Council he has done what he has thought to be best for the Borough as a whole. Mr. Simcheck said it is public knowledge as to when the terms expire and it was not meant as a threat. Ms. Baker stated it is a fact that Rocky Grove V.F.D. would be the last to respond if cuts are continued to be made to the fire departments. Mr. Spaid said he is looking into the legality of the Borough's funding for the street lights and will get back to Council by the January 4, 2017 Council meeting.

XI. APPROVAL OF MINUTES

- A. Motion by Larry Baughman, being duly seconded by John McClelland to approve the minutes of the December 7, 2016 Council Meeting. Motion carried unanimously.

XII. FINANCIAL REPORTS

- A. Motion by Howard Barger, being duly seconded by John McClelland to approve the payment of bills/issuance of checks as presented by the Treasurer. Motion carried unanimously.

XIII. OLD BUSINESS

- A. Mayor Jeff MacKenzie wanted to thank the Public for their support during the Budget process. Mayor MacKenzie stated the current Council has little appetite to expand the Police Department and that is their prerogative. This is not his view and he does not have a vote as Mayor.

XIV. NEW BUSINESS

XV. CORRESPONDENCE

XVI. BOARD OF APPEALS

XVII. EXECUTIVE SESSION

Council recessed at 8:07 pm for an executive session to discuss personnel and legal issues which, if conducted in public, would violate a lawful privilege of information or confidentiality protected by the law and any action to follow. The meeting was reconvened at 8:47 pm.

XVIII. ADJOURNMENT

- A. Motion by Larry Baughman, being duly seconded by Howard Barger to adjourn the meeting at 8:47 PM. Motion carried unanimously.

Joseph M. Sporer, Borough Manager

Bogan Goughler, Council President