

14TH REGULAR SESSION:

Kenton City Council met in their 14th regular session on July 26, 2021, at 7PM in Council Chambers. Present: President Joel Althaus, John McEntee, David Beazley, Antwillia Davis, Ray Lawrence, Pegg Wren, Robin Jones, Law Director John Schwemer, and Safety Service Director Cindy Murray. Absent: Patti Risner and Mayor Lynn Webb.

Prayer given by Mr. Beazley and the Pledge of Allegiance recited.

MINUTES:

Althaus: You had minutes in your packet. Does anyone see any additions or corrections? Hearing none, they'll stand approved as submitted.

CITIZENS REQUESTING TIME TO SPEAK:

None.

DEPARTMENTAL NEWS/UPDATES:

Chief Bruce Donnelly: Basically, I just kind of updated Finance with some of the additional funding we're looking to get to finish up our Confined Space training that we're conducting with the Public Works guys. We're hoping to do that the end of August...we have the 23rd & 24th tentatively scheduled for right now. I haven't gotten any new updates since the last meeting in regard to the ladder truck...we're still proceeding with repairs. The swivel that's being repaired, which is the major problem, has cleared all the hurdles for still being under warranty so we're that much closer to having it done. They had to send it back to the manufacturer for them to actually look at & to rebuild it. Lead time on that is probably 2-3 months so unfortunately, it'll be 3-4 months before we actually get it back by the time they get it back, put on the truck & go through the rest of the repairs. Hopefully we don't need it anytime soon. Nothing much too big going on with the department, just kind of doing some business inspections and a fair number of PR events...we've done a thing at the Abundant Life Church and Eats on the Streets...just being out there being visible and still making our EMS & fire calls that we normally do. That's about it.

McEntee: You had a very successful golf scramble. Jason did a super job...

Chief Donnelly: I appreciate the support of the community. I know the guys always do their best...

COMMUNICATIONS/PETITIONS:

Althaus: We did get the newsletter from Ohio Passenger Rail at your seats. I have nothing else to discuss at this time, other than the thank you card we sent around from the Kenton Area Swim Team.

Beazley: It's made it all the way around, Sir.

Althaus: Does anyone else have any communications they'd like to share? Petitions...I know of nothing we have outstanding right now.

MONTHLY/ANNUAL REPORTS:

Althaus: Cindy, do you want to walk us through the water loss report?

Murray: The Water Loss report for May...a couple of Councilmembers asked me beforehand why it was up over the last reports. As a group we need to do a better job of tracking month to month and asking ourselves why the difference. We do know we had a leak out at Grove Cemetery & we weren't metering any of the water out at the Cemetery, so that could be part of the problem. But again, we're going to do a better job each month tracking it to prior months & trying to stabilize the production numbers and the billing numbers and things like that. The next report is the WWTP Daily Discharge Flow and you can see we had a bypass on June 2nd. Also, we added on there what the WTP output was so you can actually see...again, that's an average but you can see the difference between what we treat vs. what we produce, so that's the I&I that we talk about all the time (stormwater that comes in). Then the next report is the Public Works report. Again, it talks about what they accomplished in June, and upcoming projects which I'll talk about when I get my turn when we go around the room.

Althaus: Cindy, can I ask a couple of questions...the first is something we've talked about and I've never done any research on it, maybe you have or Councilmembers have, but when we get down to the bottom of that Water Loss report that's the percentage unaccounted for.

Murray: Yes.

Althaus: So of the total that we deem we produced, and I think this would be obtainable, but I wonder if we talk to a few other communities if any others are tracking...I mean, certainly there would be a number.

Murray: The goal from the EPA was either 10% or 15% (note: Councilmembers agreed 15%).

Althausser: I wonder if the EPA's goal is realistic vs. what's really out there.

Murray: I'd like to shoot for it, but I'd just like to see us get more consistent with our numbers. If you look from one month to the next the production may be up 500,000 cu. ft. and what we bill isn't matching so we're working on it.

Beazley: We're actually measuring it & trying to get a handle on it now, which is something we've just kind of turned a blind eye to in prior years. So these numbers are going to be all over the board and that was part of our conversation until we really hold the feet to the fire so to speak...

Murray: It's one of those things where the guys will get called out for a water leak on a weekend and unless I pick up on it in the police report that they called the MOC out for a water leak, then I have to go and ask how much water do you think we lost in that water leak? Or I have to ask Bruce, hey you had a fire did you guys report how much water you used to fight that fire and that kind of stuff. So we've just got to get everybody working together to let them know how important this is to get a grip or handle on this report.

Jones: Maybe that should be their responsibility to reach out to you instead of you having to track it down.

Murray: It should, but I've got to get them to that point because for so many years it's not been a priority.

Althausser: It's been a finding in 2 audits...that specific issue.

Murray: Yes, it's in this one too.

Schwemer: We didn't have a meter on the splash pad...

Murray: Yes, we didn't have one on the splash pad.

Althausser: Well, we were specifically told we won't do that, we don't care what you say Council.

Schwemer: Right, exactly. But that was part of our problem...

Althausser: I'm not being critical but now as we get more & more data...that's what you were saying, we get our own data first...

Beazley: Consistency.

Murray: We have to make it more visible within our groups to say this is where we are. That's like I said, Burl you should post this report to your guys & let them know they're being reported on so that they realize how much time we lose from them not being at work.

Jones: Right. Every day at Kroger we had to put in the computer getting a good close. It took maybe 10 minutes at the end of the day, but you were held accountable for everything you did and if you didn't get it done you had to say...like maybe you had to do 10 deliveries or something but that goes in at the end of the year for your evaluation.

Murray: Right, but when you first started that it was a pain in the rear end wasn't it?

Jones: Yes, it was.

Murray: Okay, so we're at that point where we're just starting to do all this reporting.

Jones: So maybe that's what Burl has to say to his guys...okay, here we go.

Murray: He will.

Jones: That's good, Cindy, thank you.

Lawrence: Don't sell yourself short there Cindy. I talked to you in the beginning & you said the average was 40% & since you guys have started hammering on that it's not been 40% or above. So I mean there is a progress there. 3% they may say is small, but 3% is progress. There is achievement in it.

Beazley: Excellent work.

Murray: Thank you.

COMMITTEE REPORTS:

Finance, Beazley: Finance did meet this evening & I expect legislation at our next meeting principally dealing with transfers within the budget for specific accounts that the Auditor's Office has determined need attention because of changes or what have you. That should be at the next meeting & quite possibly you'll want to try & pass that with emergency reading. I'll warn you, Mr. President, again that I will not be here so we may be below the threshold to do that. The Auditor's Office is supposed to let me know if it can go to the 2nd read.

Althausser: Well, we will be short. I can confirm that.

Beazley: So, we'll have to address that either with a special session or something of that nature.

Althausser: So, the Auditor's Office is to let us know if it can go to a 2nd read?

Beazley: That's correct. They're going to determine the timing on that. Doris was at our meeting earlier and she's going to be charged with finding out timings & specifics for us.

Althausser: The best thing would be to try to figure out a way to let it go to a 2nd read.

Auditor Brian Hattery: I did discuss it with her & she thought she'd know within a day or so.

Althaus: So what I'd pass on to her is it will be very difficult if it cannot.

Beazley: There will also be some longer-term considerations for some additional appropriations for additional training at the Fire Dept., as well as some engineering for the formulation of more permanent storm sewer rates based on square footage of structures and the flow of rain into the ground. Regional Planning has not met. We took July off & we're scheduled to meet again in August.

Cemetery, Davis: The Cemetery meeting was moved to tomorrow night. So our August meeting will be tomorrow night at the Cemetery at 5PM. Nothing on Safety. Nuisance, we have our ordinance in old business. Ray did meet with the Pastor personally and a lot of the things that bothered him are legal things we can't change semantics, but I'll have John explain that when we get in discussion on the ordinance.

Althaus: Okay, when we do that I was actually going to ask Ray if he wanted to talk right before that and John too. Pegg, anything going on with MOP?

Wren: No.

Murray: I don't know if I need to request it formally, but can the MOP Committee look sometime at the strength ordinances?

Althaus: Sure, you guys can work that out. Any particular area?

Murray: Just clean up...

OLD BUSINESS:

RESOLUTION NO. 21-005, 3RD READING, TITLE ONLY; A RESOLUTION AUTHORIZING THE MAYOR AND/OR SAFETY SERVICE DIRECTOR OF THE CITY OF KENTON, OHIO TO ENTER INTO AGREEMENT FOR THE PURCHASE AND FINANCING OF A GAPVAX COMBINATION JET/VACUUM MACHINE AND DECLARING AN EMERGENCY.

Althaus: I don't think there is anything new to report on this.

Motion by Mr. Beazley & second by Mr. Lawrence to approve Resolution 21-005.

Althaus: Is there any discussion?

Beazley: Mr. President, I'd just make a note that we did amend that to correctly reflect it is not a lease, it is a purchase.

Althaus: That's why you have an updated agenda at your desk that added the "and financing". But yes, we are purchasing that unit & it was amended to take out lease and add purchase & financing. So, I guess now we've voting on the Resolution as amended. **(Roll call vote, 6 ayes; motion carried)**

ORDINANCE NO. 21-016, 3RD READING, TITLE ONLY; AN ORDINANCE AMENDING AND RESTATING KENTON CODIFIED ORDINANCE SECTIONS 660.03(d), 660.05(f)&(k), 660.07, AND 660.08 AND ADOPTING SECTIONS 660.18 AND 660.19 RELATING TO SAFETY, SANITATION, AND HEALTH IN THE CITY OF KENTON, AND DECLARING AN EMERGENCY.

Althaus: So this is the 3rd reading for the ordinance that Nuisance & Safety worked on quite a bit. We did have a speaker last week with questions & Ray met with him. Do you want to talk about that?

Lawrence: I met with Dave in length & he went over each one of his items. I addressed what I could address with him at that time...some of his issues were legal terminology. I did forward notes back to the Nuisance Committee so they could individually look over it to see if there was anything in his concerns that would've deemed a change. We didn't see anything at that time. I will get back with him and follow up with what we've discussed & stuff. But I appreciate the fact that he came forward with his concerns. We asked for public participation & we got it. We've addressed it...

Davis: We appreciate Ray taking on his ward & handling that.

Althaus: John, anything you want to add?

Schwemer: The main thrust or concern is what do you do when you have people that are just complaining that may not have a lot of merit in their complaints? The problem is we can't legislate discretion with the ordinance. How do you do that? But I will say this, I don't think...all we have is our track record and our administration treating this and obviously when there is a complaint, they're going to investigate it either by the KPD or Safety Service Director and sometimes they determine it may not be one that reaches the level. But there is a lot of discretion in doing these and also how bad is it? So many times we have enforcement issues where if we wanted to enforce every single one we'd need a whole fleet of people going around to do it. So we truly have to attack the worst offenders because we don't have the manpower to do it. So that was a lot of his comments, which were well taken, but again how do we legislate that? We are not different than other communities in what we're trying to do and how we do it. In fact, a lot of what we've done is modeled off of what was done in Lima. So yes, can there be an abuse of discretion? There could be by the administration, but we've never had that. I've never had a

legitimate complaint from this administration, or really past administrations, where we've overreached or picked on individual property owners. Another way you can look at this is one solution, which I don't think is a workable solution, is to have a committee review these. Do we want to have a committee meet several times a week? We have difficulty keeping our committees in place for what they do right now, our boards & committees. It's very difficult & I don't think we want to have multiple meetings a week for a voluntary committee because I can see that not working in the long run because it would be time consuming. But that's one way to get more accountability & more opinion, but again I don't think we've had a problem with that in the past with our administration enforcement. Now the one substantive issue that he did take issue with was the height of the grass. To be very clear we're going from 8" to 6". So that's something we can look at in the future...if we pass this & figure it doesn't work out, we can take it back up.

Davis: I'll leave that up to Council. That is something the Nuisance Committee went over & over but if that is something you feel you should amend now is the time to do that. We can also amend this later but it's a 3rd read so if you want to amend it back to the 8" now is the time to do that. If you choose not to, we can always look at it if it poses an issue later on.

McEntee: My opinion is, we've had it at 8" and we know you've stated what the issues are with that, so why not have it at the other? If that is a bigger issue, then like you said it can be addressed.

Davis: I appreciate that, John.

Lawrence: I think the new program that the Mayor, Cindy & the Police Chief have implemented, I think it's working well. They even seem to be pleased with how they're addressing nuisance complaints. I think we move forward with that, it's a newer system & it seems to be a better system. They're all onboard to take care of it.

Althaus: Just a passing comment on the 6" and I thought about this later, but I can see where that might cause a little bit of concern with folks. But remember the way these get addressed...someone typically calls in. We're not sending a squad out running around with a tape measure looking for grass that's 6" tall. At least not to the best of my knowledge. Ha. I'm certain that's what Cindy wants to do. Ha. That was sarcasm. The point is the 6" is based on the fact that alright a neighbor decides to call it in, we're going to get somebody out, but there may be a day or two there, so I'm going to say the bulk of the time by the time somebody gets out there it gets mowed.

Davis: And then nothing happens.

Althaus: But if it doesn't get mowed & we find it definitely is and a few more days go by, in no time we're at 7"-8" so by the time we go through the whole process it's closer to...

Davis: A foot.

Althaus: Right. So I struggle with that. Yeah, if there is a dandelion here or there that's above 6" I can't fathom that is going to be an issue. If your neighbor is that picky then we'll have to address that. Any other thoughts? Okay, that was a 3rd reading so if Council is interested...

Motion by Mrs. Davis & second by Mrs. Wren to approve Ordinance 21-016.

Althaus: Is there any further official discussion? **(Roll call vote, 6 ayes; motion carried)**

ORDINANCE NO. 21-017, 3RD READING, TITLE ONLY; AN ORDINANCE AUTHORIZING THE CITY OF KENTON, OHIO TO ENTER INTO A HIGHWAY IMPROVEMENT PROJECT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY.

Althaus: I don't believe anything has changed on this either, so I'd entertain a motion on this at this time, if Council so desires.

Motion by Mr. Lawrence & second by Mr. Beazley to approve Ordinance 21-017.

Althaus: Is there any discussion? **(Roll call vote, 6 ayes; motion carried)** Is there any other old business to be considered?

NEW BUSINESS:

Althaus: There is no new business on the agenda. Does any member have, or the administration have any new business that we should consider?

COMMENTS:

Murray: Once again, I want to remind you at 5:30PM at the WWTP on Aug. 9th to come down for a tour. I think Mike is really excited...he's got all kinds of presentations ready for you. I think all of the guys are going to be there to give presentations in each of their areas. It should be a good tour and if you're nerdy like me it is a very interesting tour. The next thing I want to talk about that I'm going to try to remember to talk about at the first of every meeting is safety. I've got to give kudos to Stephanie Carson...she is revamping our safety program. We're trying to work a lot of inter-department trainings

together and coming up with monthly training for our guys to do. Our Public Works guys are going to go over to St. Mary's to do some work with St. Mary's & Wapakoneta for trenching training. So she is doing an excellent job of getting that together. Speaking of trenching, the Public Works Dept. got a BWC Trenching Grant where the City pays \$2500 & BWC will pay \$10,000 for us to update our trenching equipment, trench boxes & things like that. Moving on, Decatur Street the guys did a great job fixing the 2 leaks down there. And that may be where some of our water loss was too, so I want to give a shoutout to them. The Fire Dept. did have a great golf outing. I was out there & everybody had a great time. I left at the end and I heard it went a little bit longer than that. The Transfer Channel is almost complete & it should be wrapped up this week. Then that will be our next tour too. This past week we did inspections of the clear wells & the tower. The clear wells are at the WTP and that's another interesting tour for us nerdy people. And the water tower, from what I hear, is the first time it's been inspected in years. That's very interesting...they have divers that go down & do the inspection. We just completed our leak detection survey for the City & we did find a huge leak out at Brim's Salvage Yard & I guess there are several others so that will attribute to our water loss reports. We started, well we're preparing for the negotiations...the AFSCME group is the first group to go and that will be in August followed by the Fire & Police Depts. So that's keeping us on our feet and keeping us busy. Lynn Street, they started the Lynn Street waterline replacement project today...actually, they started a little bit last week. We put a note out that Lynn Street will be closed to thru traffic for the next month. Our guys are doing this waterline replacement so we're getting our guys some experience in doing project work. We are restricting parking on Lynn Street to the evening hours & overnight, but we'd like the cars moved during the day so we don't have any property damage & for the safety of our guys. And we met with the County Engineer today down at the Leighton Street Bridge. We're going to be doing some work to it...on the north side there are some holes, so we'll be shutting the Leighton Street Bridge down, cutting out asphalt, putting down new steel decking, and then filling back in with concrete and more asphalt. So that bridge in the next 5 years we're going to have to do some major work to that bridge. But that is one we share with the County & Brenda looked it up, so the County pays 25% & we pay for 75%. So you'll be hearing me talk about that project. Any questions for me?

Chief Donnelly: On Sept. 14th at 1PM we're doing a Civil Service Exam for Firefighter so if anyone is interested come and get an application.

McEntee: I'm too old & retired. Ha.

Schwemer: I think everyone in this room is too old except maybe Emma. Ha.

Emma Boutwell: I'm too old. Ha.

Sue Fries: I'll just wait & talk after the meeting, otherwise, I may lose my temper.

Hattery: Thank you, Mr. President. I'm a member of the Abundant Life Church and we had our annual kids camp this past year that the Chief mentioned. We had 234 boys & girls, I think it is K-8th grade that attend, it's 3 ½ days that wears out the adults more than it does the kids I'm pretty sure. A couple of those activities were inside/outside from essentially 9AM-9PM. Friday is typically a mud day where they get muddy with mud wars & tug of wars, and then we ask the Fire Dept. to come in & hose them down. We had a couple of new firefighters this year & I was there when they arrived. I don't remember their names, but I know they've never been a part of this so the initiation I'm sure was interesting for them to hose down kids. Ha. I just want to, on behalf of my church...again we had 234 kids, we had over 80 counselors which are typically older teenagers, and over 100 adult volunteers, and the City has continuously year after year the Fire Dept. comes & does that & we're tracking the water also because we have some other water activities outside. I just wanted to, on behalf of my church, thank the City, and thank the Chief for being willing to send firefighters over to hose down some muddy kids. It's a very successful event that we like to do for the community. Maybe at most half of the kids are the children who actually attend our church, and the other 50% are miscellaneous kids from throughout the community. It's as much of an outreach as it is something for our own kids. It's always successful & we've always had the City's backing & support, so on behalf of my church I wanted to tell the City thank you very much.

Beazley: Our Safety Service Director reminded me that the calendar grows short and we begin budget conversations at our August meeting. I'm sure the Auditor's Office & Administration will be working on that again. They were very much the leaders of the last go around & I appreciate that. So we'll be beginning that process shortly.

Davis: I would just like to thank the members of the Nuisance Committee, Safety Service Director Cindy Murray, the Mayor, Chief Musser...that was a very, very long process & it was a hard process and we made a lot of decisions that we're still going to have to work on, but I just wanted to thank everybody for being there twice a month for 1 ½ hours some nights completely avoiding their family to do this.

Wren: The only thing I have is if MOP can meet with Cindy briefly after Council to see when is a good time to get together?

Althausser: Okay, I'd just ask for a motion to excuse Patti. She is recuperating and I may talk to all of you individually afterwards...

Motion by Mrs. Wren & second by Mrs. Davis to excuse Patti Risner.

Althausser: Is there any discussion? **(Roll call vote, 6 ayes; motion carried)** Again, our next meeting will be August 9th at 7PM and, as Cindy mentioned, the tour beforehand at 5:30PM at the WWTP. Granted it's been 14-15 years since I did that tour, but it's very interesting.

Murray: Wear your walking shoes. Ha.

Althausser: I want to thank Emma for getting her feet wet here...we'll see more of that because sometime in the next 5 years Brenda is going to decide to retire. Ha.

Schwemer: 10 years...I think it's somewhere in the Codified's. Ha.

Althausser: Oh absolutely...if it's in the Codified's we can find it. Ha. Well Emma has been shadowing Brenda for quite a while now and I know the two of them get along, so she's going to be very well prepared. I have nothing further, so unless there are objections we're adjourned.

Joel Althausser, President of Council

Emma Boutwell, Acting Clerk