

## RECORD OF PROCEEDINGS

Minutes of Kenton City Council

Meeting

Lifenthal Southeastern, Inc., 1-800-837-1904, Re-Order 68665K

Held September 26, 2022

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**18<sup>TH</sup> REGULAR SESSION:**

Kenton City Council met in their 18<sup>th</sup> Regular Session on September 26, 2022, at 7:00 PM, in Council Chambers. Present: President Joel Althausen, Sue Fox Buroker, David Beazley, Antwillia Davis, Ray Lawrence, Pegg Wren, Robin Jones, Law Director John Schwemer, Mayor Lynn Webb and Safety Service Director Cindy Murray. Absent: Anda Tudor

Prayer given by President Althausen and the Pledge of Allegiance recited.

**MINUTES:**

Althausen: Everyone received minutes from our meeting held, our last meeting, does anyone have an additions or corrections to those minutes? If not, they'll stand approved as submitted.

**CITIZENS REQUESTING TIME TO SPEAK:**

None.

**COMMUNICATIONS:**

None.

**PETITIONS:**

None.

**ADMINISTRATION REPORTS:**

Althausen: Police?

Lieutenant Lutes: No, we're good.

Althausen: Fire Chief? Bruce does have a report in here. Anything you want to add to that Chief?

Donnelly: Just a couple things, I've got three guys signed up for dive class to kind of get going here and wrap that up here pretty quick by this first part of November so they can get their checkout dives done before the water gets too cold. So, we've got three from Fire Department and one from PD in that class. So, the biggest thing to make you aware of at this point in time, Engine 71, the newest engine, was being worked on by the Advantech Dealership today for a recall item. Unfortunately, by the time they got don with it, it was broken worse than it was before. So technically, right now, it's out of service, as we cannot get it started. So, we'll be in contact with the dealer, service manager tomorrow and see where we're gonna go from here with that. So, unfortunately right now we're down a truck right now. So, guys have moved equipment off, as necessary, to other trucks. So, we're still in service but other than that, that's all I've got.

Althausen: Alright, thank you Bruce. Anything on behalf of Parks & Rec or Economic Development? I'm actually looking at you Lynn. Anything on behalf of Parks & Rec or Economic Development as far as the Director...

Lynn Webb: No kayak tours tomorrow because of the weather.

Althausen: Income Tax, no report, Auditor's Office? Treasurer? John, anything out of Law Director? Safety Service Director, there is a report, Public Works monthly report for August, Cindy?

Cindy Murray: Anybody have any questions on that report? Only other thing I have to add is the pot-holing around the square for the Downtown Phase 2 project will begin on Wednesday. So, we'll make sure we get some police presence around these guys and they're going to try to stay out of intersections. So, just be aware that that's going on. Any other questions for me?

Althausen: Alright, Mayor?

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Lynn Webb: Just real quick from the garage, durapatching is continuing to the final ward, which is ward 4. They'll be roads and then alleys in ward 4. After that they'll be following up with crack sealing. So they have a list of road already submitted that they're going to crack seal. Also, last week you noticed all the new crosswalks, arrows, stop bars, have been repainted. What is it Cindy, like with a diamond dust or something? More reflective paint. So, hopefully that helps. Also, the guys, the pool and the splash pad, the splash pad in now drained, winterized. Pool is now winterized this week and sewer is continuing on their final push to get catch basins cleaned out. So, and then the final is, no, I'll just wait til the end on this one.

Althausen: Okay, thank you Lynn.

**REPORTS OF STANDING COMMITTEES AND/OR SPECIAL COMMITTEES:**

Althausen: If you have a report, I'll go down through that in order. I mean, as far as committee schedules, you see we have them on the next page, if there is something wrong or the date gets changed, you might bring that up but if the date is correct we can just go on. Anything Finance needs to report?

David Beazley: I would just note that we did have a meeting this evening and all are invites to be here the 6, going forward until we have a budget to present. Just so you'll be up to speed. Thank you.

Althausen: MOP?

Pegg Wren. MOP did meet on the 21<sup>st</sup> and we re-opened the discussion for pay raise for elected officials. That would be the Mayor, the Law Director, the Auditor, the Treasurer, President of Council, and the seven Council seats. I did present it to Finance earlier this evening. Stated earlier these positions have not had an increase since 1999. The increase, if approved in Legislation would not take effect until January 1<sup>st</sup> of 2024. So, if no one has any objections we would like to give it to John to present legislation.

Althausen: Any questions for Pegg, or any concerns with that recommendation? Hearing none, then, work that out with John. Thanks, Pegg. Public Utilities?

Robin Jones: We had a meeting in September. It was pretty informational. Mary Ann from the Water Department came and presented some billing information and late fees and disconnect fees and so we learned a lot of information from her, to kind of discuss at our next meeting and maybe take some action down the road on things.

Althausen: Alright, any questions for Robin? Thank you, Robin. Streets?

Ray Lawrence: We meet this Wednesday. The 28<sup>th</sup>.

Althausen: Legislation?

Antwillia Davis: You'll see our ordinance and resolutions in the first reading.

Althausen: You guys have been busy.

**REPORTS FROM COUNCIL MEMBERS:**

Althausen: Regional Planning?

Beazley: Regional Planning will be meeting next Thursday, October 6<sup>th</sup>.

Althausen: Anything you wanna add about Parks & Rec Board, Robin?

Jones: We were supposed to meet last Wednesday and there was a chance of that storm you know that was impending so, it was postponed until October 12<sup>th</sup> and we'll meet again then. So, we didn't make it to the quarry or the pool or anything. I don't know if Jacqueline has that itinerary to come up soon, but the weather wasn't the best so, I think it follows on October 12<sup>th</sup>, the utilities meeting at 6.

Althausen: Alright, thank you Robin. Anything to report for Grove Cemetery?

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Davis: I just keep having things written and put into first reading. So, you'll see it in a little bit.

Althaus: Tree Commission?

Sue Fox-Buroker: To my knowledge they meet October 13<sup>th</sup>, the second Thursday at 1 o'clock.

Althaus: Russ said a few of them are down already.

Webb: Oh yeah, absolutely.

Buroker: Several are down already. They are very happy, I will say that, the Tree Commission.

Althaus: BKP Ambulance District you got the minutes there a week ago. Had a meeting last week, fairly uneventful. Soon as I get those minutes, I'll pass those on. There's a related matter, a few of you are involved. Kenton CIC does meet tomorrow morning. They meet with the purpose of the YMCA issue that was already before us to take care of that, so the City of Kenton doesn't end up having the YMCA. So, that is at 10:30 tomorrow.

## OLD BUSINESS:

None.

## NEW BUSINESS:

Althaus: We do have an absent council member. Anda is absent this evening. She announced two weeks ago she would be absent. A planned vacation. Can I have a motion to excuse her?

**Motion by Mrs. Wren second by Mr. Lawrence to excuse Anda Tudor from the meeting.**

Althaus: Any Discussion?

**(Roll call vote, 6 ayes, motion carried)**

## ORDINANCES/RESOLUTIONS:

### 1<sup>ST</sup> READING

- **RESOLUTION NO. 22-010, TITLE ONLY;** A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE DISTRICT PUBLIC WORKS INTEGRATING COMMITTEE AND TO EXECUTE A PROJECT AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION, FOR THE CITY OF KENTON, CITY-WIDE STREET RESURFACING IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY.

Althaus: Lynn or Cindy anything you want to add to this?

Webb: No.

Althaus: Questions council has? We talked briefly right before council we're not aware of a deadline, but if we find out from Mark, across the street, there is one, we will bring that back up to you in two weeks. I mean obviously we'll be reading it a second time, if you all want to do that but if we find out there's emergency, we do think we have two weeks. Okay, next item.

- **ORDINANCE NO. 22-028, TITLE ONLY;** AN ORDINANCE CONFIRMING THE SALE OF THE REAL ESTATE LOCATED AT 15563 STATE ROUTE 309, KENTON, OHIO, AND DECLARING AN EMERGENCY.

Althaus: And this is what Antwillla alluded to. So...

Davis: We would like to close on this with the buyer this week. So, if someone would find it necessary to suspend the rules so we could move on this....

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Motion by Mrs. Wren and second by Mrs. Fox-Buroker that the rules requiring legislation of a permanent or general nature to be read on three separate days, be suspended. Roll call vote, 6 ayes; motion carried.

Motion by Mrs. Davis and seconded by Ms. Jones to adopt Ordinance No. 22-028.

Althausen: Any discussion? (Roll call vote, 6 ayes, motion carried)

- ORDINANCE NO. 22-029, TITLE ONLY; AN ORDINANCE ADOPTING SUBSECTION 1250.03(g) AND SECTION 1236.20 RELATING TO TEMPORARY BUILDINGS, CONSTRUCTION EQUIPMENT, AND STORAGE CONTAINERS IN THE CITY OF KENTON, OHIO, AND DECLARING AN EMERGENCY.

Althausen: So, does the committee want to chat on this? Or John? Or both?

John Schwemer: I can talk a little but, and then the committee can jump in. So, what is kind of important, is in the details because we do have some storage containers around town, most of which are not associated with residences. This relates to storage containers at residences. Okay, so if you have a business, and you have that in place, and again we have a number of them in town, this is not going to prohibit that. It's at residences, and the goal is just to make sure people aren't just using these semi-trailers for storage and such around the community. As well as, you know, the pods and such. There's just a time frame on those for, you know, active work. Okay so, it should be pretty much self-explanatory. Make sure you look at it. If anyone has any concerns, questions, you know our plan is to have this go the full three reads. So, they'll be plenty of time. Make sure everyone on council really studies it through and let me know if there is any question or concerns. Obviously, we can always change it, but that's kind of the...

Davis: And for these next two, we do have a meeting Wednesday, if you have any questions, please reach out to one of the committee members ahead of time. We will address these as they're brought to us.

- ORDINANCE NO. 22-030, TITLE ONLY; AN ORDINANCE AMENDING CODIFIED ORDINANCE SUBSECTION 1250.03 AND ADOPTING SECTION 1236.21 RELATING TO POOLS AND PONDS IN THE CITY OF KENTON, OHIO, AND DECLARING AN EMERGENCY.

Althausen: John?

Schwemer: Okay, so this is really long overdue. We've had, you know, a regulation that says if you had a pool it needs to be fenced, but there was no stipulation on what the size of the pool, if it was just like one of those small kiddie pools you buy out at Walmart. Do you need to put a fence up around that. So, this is the goal, and the nuts and bolts is, in that scenario, no you would not need, but you would need somebody of adult age to be there at all time that it's filled. You know, to make sure there would be no children, kids wandering in the neighborhood that could fall in. But the goal is really to set up like what kind of fencing it is. It's just somebody putting up a little snow fence or something, is that going to work? Well, we want something more sturdy so it does protect, and again the theory is that you have people coming from the neighborhood, they shouldn't be going on other people's property but it can happen. So, it's just to give better protection to the community and the people that have those pools. When we were doing the pools, we thought we really ought to address this as far as small backyard ponds too. I'm not sure we have a lot of properties around that that would even really apply in the future, because I don't think we're going to have a lot of ponds in town, but there are some properties around town that are large enough and we just want to make sure again the same circumstance applies there. Any ponds that are, basically in existence once the ordinance is passed would be grandfathered in. We do have a couple. Of course, the couple the ponds around, you know, are like a bit more of retention ponds, and such, and some of those are already fenced in. Just again, take a look at this, if there's questions, if there's any changes, but I think those are really long overdue. Especially with regards to what's required for pools. I think it'll make it easier for people to have just the really, you know the little plastic pools that you toss out in the yard. So, it makes it clear that hey, we're

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not gonna require a fence on that but some of those pools, even ones you buy at Walmart, you would require, you know those, some of those are bigger, that you put together and you would, depending on the size, need a fence on some of those.

Althaus: Any questions? Antwill, anything to add?

- **ORDINANCE NO. 22-031, TITLE ONLY; AN ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR MATERIALS AND SUPPLIES FOR THE CALENDAR YEAR 2023 AND TO CONTRACT WITH THE LOWEST AND/OR BEST BIDDERS AND DECLARING AN EMERGENCY.**

Althaus: You saw attached, the schedule of what she's going to contract for. Cindy shared us, there's no real time commitment here, at least, tonight anyway. So, if you all are okay we'll just read that again in two weeks.

- **ORDINANCE NO. 22-032, TITLE ONLY; AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS FOR THE YEAR 2022, FOR THE CITY OF KENTON, OHIO, AND DECLARING AN EMERGENCY.**

Althaus: This falls in the category of one of those items we can't do much about. So, it's up to you all, but basically we're affirming the number.

Schwemer: Yeah, and we are running the money through our books, so we will, we're trying to close this on Thursday; in which case we would close, I'd bring a check over to the City. Pam's gonna have that deposit in the City's account and then issue a check on Friday, which is when we cut the checks, that'd be available for the Grove Cemetery. So, the way this has always worked is, you know, all the funds would go through except our expense, and we really had one expense in connection with the sale, which was our legal advertising. So, we're keeping back that portion to reimburse us our advertising cost which was \$470-60 through Kenton Times. It was a lengthy description and that had to go five times. So, that's the only clawback that we're keeping, and the rest goes to the cemetery.

Althaus: Then we'd ask council to suspend the rules; if you would.

**Motion by Mr. Lawrence and second by Mrs. Wren that the rules requiring legislation of a permanent or general nature to be read on three separate days, be suspended. Roll call vote, 6 ayes; motion carried.**

**Motion by Mrs. Davis and second by Mr. Lawrence to adopt Ordinance No. 22-032.**

Althaus: Any discussion? **(Roll call vote, 6 ayes, motion carried.)**

**SCHEDULING OF COMMITTEE MEETINGS:**

Althaus: Anything need to be adjusted or added to there?

**OTHER MATTERS:**

None.

**COMMENTS FROM THE PUBLIC:**

None.

**COMMENTS FROM THE NEWS MEDIA:**

None.

**COMMENTS FROM COUNCIL MEMBERS AND ADMINISTRATION:**

Davis: I just need to thank you guys very much. The Grove Cemetery, selling that property, has been a six-month journey, a lot of work, and you guys were always on board with us. So, we want to thank you very much for that.

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Schwemer: The only thing, on Wednesday, for the Streets, I'll be at the 3 o'clock meeting for the Legislation but about 4:20 I need to take off because I have to get a girl to St. Mary's for a soccer game. So, I just want to let the committee and everyone know. So, I'll be there at 3 and maybe if there's something that you need to ask me before, I could maybe address it but I hate that because I know it's been on the schedule for a month but we're got a change in the schedule.

Webb: I just wanna remind everybody, Market on Main, it's the Fall Finale, and we kind of, this was kind of our last big hoorah. It was last week but everybody kinda said let's do it again, extended hours. It's been a great market this summer. Randi and John Aisel, they kind of helped us bring about, and John's getting some trucks, city trucks, we're gonna do touch-a-truck for the kids and I haven't talked to Chiefs' yet but hopefully we get some fire trucks out there. Also, Randi's organizing a raffle with all kinds of prizes and donations and that money will be then donated for shop with a cop. It's just a good collaboration of..

Davis: What time is that gonna be?

Webb: 9-3, extended hours. Glazed Over will have their Grand Opening on that day too. So, it'll be hopping downtown. So, Officer Fenwick and the Police Department will be happy the donuts are coming, right? That's all I have.

Althausen: Anyone else? So, you see our next meeting, October 10<sup>th</sup>. You see all the committee meetings listed there. Unless there's anything else, we're adjourned.

Joel Althausen, President of Council

Emma Boutwell, Clerk