

RECORD OF PROCEEDINGS

Minutes of

Kenton City Council

Meeting

Lilienthal Southeastern, Inc., 1-800-837-1904, Re-Order 6885K

Held January 9, 2023

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1st REGULAR SESSION:

Kenton City Council met in their 1st Regular Session on January 9, 2023, at 7:00 PM, in Council Chambers. Present: President Joel Althausser, Sue Fox Buroker, David Beazley, Antwillia Davis, Ray Lawrence, Pegg Wren, Robin Jones, Anda Tudor, Law Director John Schwemer, Mayor Lynn Webb, Safety Service Director Cindy Murray.

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

MINUTES:

Althausser: Alright everyone, welcome. We'll try to keep a nice pace this evening so folk can get home to watch the ball game, as they may desire. With that, are there any additions or corrections to the minutes from our December 27th meeting, as they were printed? Hearing none, they'll stand approved as submitted.

CITIZENS REQUESTING TIME TO SPEAK:

None.

COMMUNICATIONS:

None.

PETITIONS:

None.

ADMINISTRATION REPORTS:

Althausser: Police Chief, Chief Musser do you have anything you want to talk about this evening?

Chief Musser: I have nothing, thank you.

Althausser: Fire Chief, Bruce, Chief Donnelly, do you have anything you want to talk about this evening?

Chief Donnelly: Nothing tonight.

Althausser: Parks & Rec?

Jacqueline Fitzgerald: We have a park board meeting on Wednesday.

Althausser: And is there anything regarding economic development you'd like to share?

Fitzgerald: Not at this time.

Althausser: Alright, Income tax then; you do have a report in your packet and that is the report that shows through month end, December 2022. Are there any questions? We have no one tonight here from the auditor's staff, or the treasurer's staff. So, law director, John anything you want to talk about this evening?

John Schwemer: I have a report that I'm going to hand deliver.

Althausser: John has his annual report.

Schwemer: I know this is always an exciting matter.

Althausser: It is.

Schwemer: Of course, I'm not in the business of collecting monies. So...

Antwillia Davis: Same one as last year?

Schwemer: The dates are different.

(laughter)

Lynn Webb: Template.

Schwemer: Tim, I would never forget you.

Antwillia: Except for, John, the dates aren't different.

Schwemer: Well, the date should be 2023. There, you're right.

(laughter)

Antwillia: The date isn't different from last year.

Althausser: We'll note that there is an edit to be made to this report.

Schwemer: Critical. Critical.

Althausser: The date is actually January 9, 2023. Let the record state that, on this rare occasion, our law director made a slight error. Any questions for John? Alright, thank you John. Safety Service Director, Cindy Murray?

Cindy Murray: The only thing I have is that we have a new employee. Theron Hogan started today at the water treatment plant.

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Althaus: Great. So, Mayor, Lynn, do you have anything?

Webb: I just want to touch base with the Columbus Street Project; ahead of schedule, at least a week. So, right now we're doing laterals where we're tying into the catch basins and making our way back to Barron Street, I do believe. SO, again, patience to the residents. They try to do the best they can not to inconvenience anyone. But they're moving pretty quick. So, should be as little as possible. So, once after we do the laterals to the catch basins, and we make sure everything is good to go then you'll see a break in the action. Then, they'll come back in March for soft cuts for the concrete and then you remove the concrete after we put, cause we're going to put it in, it's not like a concrete; it's like some substance kind of like a concrete. Then, probably end of March, early April, weather depending, then you'll see the curbing get put in. So, you'll see a delay in the action once we get the laterals put it. It's going along quite well. That's all I have.

Althaus: Alright Lynn, thanks for that update.

REPORTS OF STANDING COMMITTEES AND/OR SPECIAL COMMITTEES:

Althaus: Does any committee have a report this evening? Being the beginning of the year I anticipated none.

Antwillia Davis: Cemetery, just one update on cemetery; oh wait, that's not standing committees, I'll wait.

REPORTS FROM COUNCIL MEMBERS:

Althaus: That's alright no one answered standing. So, let's go right on to that, Antwillia.

Davis: The only thing is we did increase the price of concrete for our footers. It's a minimal increase but it is to match the increase we got from Hensel's starting at the beginning of the year.

Althaus: And I would add BKP will meet next week. I don't have a report; any update for BKP at this time. Anyone else?

Sue Fox-Buroker: Tree meets Thursday.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

ORDINANCES/RESOLUTIONS:

1ST READING

- **ORDINANCE NO. 23-001, TITLE ONLY; AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS AND FOR TRANSFERRING FUND FOR THE YEAR 2023, FOR THE CITY OF KENTON, OHIO, AND DECLARING AN EMERGENCY.**

Althaus: And, I don't know; I think anyone could talk about it, but David, you got it?

Beazley: Yes, I did communicate with the auditor when she sent this out and there are additional donations in the amount of \$170,400, which would bring the total which has been donated to \$420,400. The quote for the park is at \$420,397.54 and they were wanting to get a purchase order in as quickly as possible. This appropriation is met by and off-set of additional donations so it will be an in and out revenue situation. That was what Pam explained to me.

Althaus: Correct, um, just a question I would pose to all of you; is there any reason not to go ahead and...

Beazley: I think it would be to their advantage to be able to get the purchase order in and get the equipment ordered.

Althaus: Does anyone have any questions on this whole project?

Robin Jones: No.

Althaus: Everyone's pretty up-to-speed on what we're doing, and as David explained, just an in and out. So, I would entertain a motion to suspend the rules.

Motion by Mr. Beazley and second by Mr. Lawrence that the rules requiring legislation of a permanent or general nature to be read on three separate days, be suspended. Roll call vote, 7 ayes; motion carried.

Motion by Mrs. Wren and second by Mrs. Tudor to adopt Ordinance No. 23-001.

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Althaus: Any discussion?

(Roll call vote, 7 ayes, motion carried)

- **RESOLUTION NO. 23-001, TITLE ONLY;** A RESOLUTION AUTHORIZING CINDY BROOKES FROM THE OHIO RURAL COMMUNITY ASSISTANCE PARTNERSHIP (RCAP) TO SUBMIT A USDA RURAL DEVELOPMENT APPLICATION VIA THE RD APPLY ONLINE APPLICATION SYSTEM FOR THE DOWNTOWN PHASE 2 PROJECT AND DECLARING AN EMERGENCY.

Althaus: Who wants to chat about this a little bit?

Emma Boutwell: So, we passed this at our last meeting here. It was the exact same wording, and the only difference was that it has the incorrect name in there. So, where it says Cindy Brookes now, that is the correct person to be authorized.

Beazley: As opposed to the Pam Ewing we..

Boutwell: Correct.

Murray: Yes, just change the name. Just a change of the name.

Schwemer: Do we need to change in section one though? Let's amend on the record.

Althaus: So, I would entertain, so if you see in section one, the prior name still exists.

Beazley: Yessir.

Althaus: I would entertain an amendment. We'll put that on the record.

Motion by Mrs. Davis and second by Mr. Beazley to strike Pam Ewing and adding Cindy Brookes in section one of Resolution No. 23-001. Roll call vote, 7 ayes; motion carried.

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, 7 ayes; motion carried.

Motion by Mrs. Buroker and second by Mrs. Wren to adopt Resolution No. 23-001.

Althaus: Any discussion?

(Roll call vote, 7 ayes, motion carried)

2nd READING

- **RESOLUTION NO. 22-011, TITLE ONLY;** A RESOLUTION FINALIZING THE ACTIONS UNDER THE ORDINANCE NO. 22-021 TO PERMIT THE CITY OF KENTON, OHIO TO ENTER INTO A HIGHWAY IMPROVEMENT PROJECT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY.

Althaus: Again, this was 67. This is the final resolution in regard to ordinance before that, the ordinance 22-021. Is there any discussion? Any thoughts? You can suspend the rules. Has anything come up in the interim that?

Murray: What'd you say Antwill?

Davis: I thought you said when we first read this two weeks ago we had the ability to go three reads

Murray: Yeah, we do.

Althaus: Yeah, we do, we do.

Davis: Okay.

Althaus: Alright if there are no objections then we'll read that again in two weeks, or at the next meeting; whichever comes first.

3rd READING

- **ORDINANCE NO. 22-042, TITLE ONLY;** AN ORDINANCE AMENDING PART EIGHT OF THE KENTON CODIFIED ORDINANCES BY THE ENACTMENT OF CHAPTER 862 FOR THE CREATION OF THE KENTON OHIO PORT AUTHORITY FOR THE CITY OF KENTON AND DECLARING AN EMERGENCY

Althaus: To keep us kind of organized because I got us unorganized two weeks ago; which is not atypical for me at times, let's just focus on the formation of the port authority, and depending on what you all do; then we can move onto other matter down below. Are there any questions, first of all? Anything new come up, thoughts, concerns? As such, as it being on a third reading, I would entertain a motion to consider if you so desire.

Motion by Mrs. Buroker and second by Ms. Jones to adopt Ordinance No. 22-042.

Althaus: Any discussion?

(Roll call vote, 7 ayes, motion carried)

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SCHEDULING OF COMMITTEE MEETINGS:

Althaus: We do have a couple of meeting schedule there, any additions or corrections to that schedule?

Beazley: I would make the additional that finance will be meeting two weeks from tonight on the 23rd at 6 PM, in chambers.

Althaus: Alright, any other meeting to schedule?

OTHER MATTERS:

Althaus: I asked Emma if we needed it under other matters to put the comment of the port authority board. You did receive a couple different emails, I think between the email that accompanied the packet, and then a prior email that listed the proposed port authority members the mayor is considering and some basic bio information. You have then the names, their basic bio, and the proposed term, or who would be in what term. So, let's just open the floor for discussion on that if you will, questions, concerns? Whoever, and you've ironed those concerns out; we can entertain a motion also.

Beazley: Mr. President, I did express a concern to both you and the mayor at the conclusion of our last session, individually. My concern is a proprietary one with, we're considering starting a board. We're wanting to make sure that everything is above board, this is an economic development tool. The council has spoken, unanimously that we believe this to be a thing to our advantage. Mrs. Fitzgerald is proposed as a one-year member of this board. Mrs. Fitzgerald represents the City of Kenton currently in the capacity of economic development. I see the potential, at least from an optics standpoint, of a conflict of interest; whereas you're representing and a liaison to the board, representing the interest of the city and you're a voting member of the same board approving issues that would impact economic development citizens of our community and this comes to me not just my own opinion, as it's reinforced by a number of people. It's surprisingly an issue, which many people took the time out to speak to me about it. So, I echo their concerns and would ask that we would consider a slate that did not include Mrs. Fitzgerald, as she is already working in a capacity on behalf of the city.

Althaus: Other concerns or thoughts? I don't know if the mayor has anything that you'd like to say in response to that or...

Webb: Um, no. It just, and again, talking with each of you the, in working to put this board together, looked at multiple, multiple, multiple boards and to see what the makeup, the fabric was of the board, and you know it's not rare that it was finance, business, and economic development. Individuals who sat on the board. So, I think it's imperative for us, for the kick-off, that's why, I put Jacqueline in as a one-year term. Just for the fact that she sees a lot that coming in that we can present and get in front of the port authority. So, she would be there anyway. So, it's not a paid position, I think too, that helps.

Althaus: By you, I think what you meant is you looked at other boards in other communities and looked at their makeup.

Webb: Right.

Beazley: And again, I will comment to that; both of you and express that some other boards in the area do choose to do that but again, this is a new venture for us and just because another political subdivision chooses to do something, I don't think that's necessarily viable ground for us to say that it's a good idea. There are a lot of things that political subdivisions do up and down the board that I find less than ethically appealing. Because of that I still stand in opposition to that nomination.

Althaus: Okay, other thoughts?

Robin Jones: I think that if she has a one-year term and that is her job, as economic development and she's very educated about that job, as with her other job at the Hardin County Economic Development with the chamber. So, she's going to be involved with all of the economic development anyway, at that point. So, what, I guess I'm not reading, is it a personal conflict? A business conflict?

Beazley: Nothing personal about it at all. My point being is that as an employee of the city, and her job responsibilities, she is to represent our interest.

Jones: I think she does that.

Beazley: I'm not disputing that, but in sitting on this board she would have the opportunity to be at odds with that decision, optically or otherwise because she, yes, you're right she would be involved in the negotiations and presenting the city's position on any of these potential developments to the board.

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But if you're doing that, then you can't sit, at least in my mind, ethically, in receiving, that and voting upon it.

Althaus: We'll just clarify and for all practical purposes, a lot of potential development might come through her position; but the city doesn't present that to the board, the particular company or group, or investments...

Beazley: I understand that Mr. President, but the city would have an interest in how the board decides.

Althaus: Sure.

Beazley: And it would be incumbent upon..

Althaus: Yea, I just wanted to clarify.

Beazley: Our economic development person to represent the city, first and foremost.

Althaus: And then that also, just to keep in mind, that, the authority of that-the authority held by that port authority encompasses only the City of Kenton; make certain of that.

Understood, but the potential does lie outside of that to contract services if it is in agreement. I've had that conversation and that was presented to us by the legal persons earlier. So, for instance, if Buck Township elected to come to the City of Kenton port authority; and contract with them for a specific project, they are legally eligible to do so and fees could be negotiated and so forth.

Althaus: Yes. Any other comments?

Ray Lawrence: Is the position a one-year term, or is it just that she has a one-year term in the position?

Althaus: It's, so you stagger your terms in the beginning so you're not appointing everyone in that. So, she would have to be...So, I guess if you want to look at that specific one; all those would have one year. The mayor would have to put them up for reapproval in one year or request someone new if they, if she didn't want that person or they chose not to, yeah.

Schwemer: So, we will have one or two people going off the board every year and that then would come before council every year, presumably, in January to kind of confirm the appointments. So, this will be kind of an agenda item that we take care of every January because even putting the same person in is subject to approval.

Althaus: Any other concerns, thoughts?

Davis: And I just want to clear this up because you and I spoke and there was a concern about you being on the CIC verses also being on this board. Now, I did get some clarification from John, just because I don't know that I necessarily knew what the CIC does. They're kind of this entity in the background and essentially as we spoke on the phone earlier today, in case anyone else had gotten this, because I did receive this in a public place, that they would be able to work together with very little conflict. If there was a conflict, then of course...

Althaus: I don't know how there would be any. I cannot think of a type of project that actually would do something through both at the same time. I can't think of...

Davis: But I wanted to make that clear because I know that there are other people, well I don't know if everybody got it, but there were other people in the room when I received that comment.

Althaus: Okay, any others? I thought it might be good just to kind of get these all thrown out in front of everybody to see, and what Antwill is referring to is I do, along with, I mean, David's on there, John, Lynn, Cindy, I don't know who else, serve on the Kenton Community Improvement Corporation, or CIC. We have staggered appointments as well. That CIC is used rarely but it is used some. In fact, we have something we did this past year. It is another section of the ORC very close to the section that port authorities are discussed in, and that organization is able to also perform some economic or provide economic tools that have benefit the county and city and that was the question; that I happen to serve on that already.

Sue Fox-Buroker: Back to Mrs. Fitzgerald sitting on that board; isn't she the person though that is in knowledge of, potential knowledge of corporations or businesses that might be wanting to come here? I mean, is there somebody else that does that in our town? I mean, don't we need to have somebody that knows or is looking for making this port authority worth while having, you know, to go out and find...

Beazley: The port authority becomes a tool in her toolbox. I'm not opposed to the port authority. I'm not opposed to Mrs. Fitzgerald performing her duties in Economic Development. I don't

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think you can do both at the same time. She goes before that board. She will bring the names before the board. This board sits as a public entity in is such, would be subject to the sunshine laws and public meetings just like this is. They can go into executive session to discuss private matters, but they have to take action in public, just as we do. Okay, but the two, if she's going to represent and be and employee of the city and a member of the board, I think those two come into conflict if the resulting decision of the port authority doesn't necessarily align with what the city, what would be best for the city. That's where my concern is and I think whoever this person is in economic development should be separated so that they can 100% represent the city in the negotiations and the business dealings that need to take place.

Althaus: I would make a comparison to think about also, as was brought up; the CIC also is an economic development tool and to contrast with that point of view, we've always, at the county level, always requested someone with economic development be on that corporation.

Beazley: As you also note, Mr. President; as the president of that organization, is a rarely used tool and typically to transfer property without competitive bidding. That has been the primary principal use of the CIC. This tool, as it's being explained and the potential that it has; goes well beyond that and we're introducing this as a new entity today, with this council giving approval and we have the opportunity to set those parameters and that's my opinion on the subject of why.

Davis: And I just thought of this as we were speaking, we do pay Jacqueline...

Althaus: The board does not pay Jacqueline.

Davis: Correct, the board does not pay. We pay Jacqueline. So, during board meeting would you then obviously clock out if you're working on the port authority? Or would we be paying for her time for research on the port authority? Because are those lines going to be blurred? Are we going to be paying her then for work she's doing for the port authority for the board? The potential is there. Also, if we have a meeting, if they, port authority meets at 10am on Fridays, I don't know what that time is going to be.

Webb: I do believe we'll; they'll be meeting in the evening.

Davis: Okay. Those are just questions I have because would she be on our clock then for those meetings?

Althaus: Okay.

Webb: Good question.

Althaus: Any other thoughts? We've heard quite a few pros and cons to, and mostly revolved around two of the appointments. If anyone is, and this is just straight up vote; if anyone even moves, I'd ask for a motion to accept the mayor's appointments and we can just see where we are. If not, if I don't receive a motion as such then we can, I guess send it back to the mayor for her to consider revising. So, does anyone wish to...

Motion by Ms. Jones and second Mrs. Tudor to approve the slate of board members to serve on the Kenton Ohio Port Authority Board.

Althaus: Any further discussion? **(Roll call vote, 4 ayes 3 nays, motion carried.)**

Althaus: Any other matters?

COMMENTS FROM THE PUBLIC:

Althaus: Yessir, I thought you maybe you might be here to talk with us and if you want to come on up here to the mic that way Emma can pick it up better.

John Aisel: My name is John Aisel, I'm an operator for the City of Kenton. I just wanted to come up here because over Christmas we had that bad weather and I just wanted to thank people of the city that I had to work with. It was a very rough week. I wanted to thank the City of Kenton, the plowing part of them. Pretty much everybody was able to come in and help. They came in early Tuesday morning to get that ready for everybody to be able to park and when the storm came, we try to stay on top of it and get started early. The Hardin County Engineer's plowing driver, I thank them too. There's plenty of time I came through and they worked hard, and I saw their plows down in our town, helping us. The Hardin County State plow driver, they worked 12-hour days and they helped and did salting for us. I was on call that week. I did 36 calls for water shut off and turn ons, two calls for salt and two plow calls. I just say that because I wanted to thank people that I work with that helped me on that; Justin Wyomic, he was another operator, when I needed to salt, he came in and helped. He lives out of town. Without any questions, he come and helped, both times. He helped me on a water leak. Helped get that shut down

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so it wouldn't ruin somebody's house. Eric Lightner, he's a crew leader for our water division, he come and helped me and actually stayed with me for most of the day, I was so busy, and we were trying to get water on for somebody and I kept getting call after call after call so he stayed with me. Tirey Latham, he lives out of town, and he does our water turn ons and shut offs and he knows where all the taps are. He come late at night, about 12:30 at night just to come helps me find the tap that I couldn't and I was having trouble. I appreciated that. By the end of the week my fingers were so painful from sitting in the cold and the water that my wife actually helped me buckle my belt that morning but I wanted to thank Jeremy Purcell, he worked with me Friday afternoon, Friday all day and changed all my meters and meter bottoms because I just, I physically couldn't touch anything with my fingers, they hurt so bad. The Kenton Fire Department, they were, got calls out where I wasn't able to get there fast enough or could not find the stop. They were able to shut down the sprinkler systems for a quite a few businesses so they wouldn't be shut off at the road. I thought that helped a lot that I got to work with them some. On a communications side, I had Mayor Lynn Webb, she called because she was getting calls from people and it was a little faster process and she let me know where I needed to go and what not, and when Eric was with me, that's when I had Lynn on the phone, and I had the Sheriff's Departments on this phone, it was pretty intense. So, that's why Eric actually stayed with me for a while, he felt sorry for me. So, I appreciate him feeling sorry for me. Burl Helton, he's our Superintendent; it didn't matter what time, or what day it was, Christmas, Christmas Eve, whatever, he answered the phone every time and helped me and my situations that I needed help on. The Kenton Police Department, the officers that were on duty at that time, they didn't pressure me to hurry because they knew that I was involved with something else. They just gave me a list of what they needed done, as far as plowing, or salting at that time, and then I was able to get that done. The Hardin County Sheriff's Dispatch department, those guys were really, really good. I think there's two females and I male and I talked to all of them every day. The one lady I felt bad for because she had to listen to me vent a couple times at like one in the morning, but she never got upset when I called back to get that address that I needed to go to to get their water shut off or turned back on. My wife, I wanted to thank her because she was very understanding about my job. I missed Christmas and I missed Christmas Eve. I missed pretty much the entire week of Christmas because I stayed and worked my regular shift, plus my overtime shifts and she just kept saying that I got this and that I'll get through it and I did get through it but there was a lot of people that I worked with and I feel like the citizens sometimes don't understand everything that we all do and how much we all work together and how hard we all work, as far as the police department, the sheriff's departments, the public works departments, the fire departments, I just thought we did a good job that week of saving people's houses from getting ruined and getting people's water turned off and back on so that they would not have to go to a hotel or something that week. But I just wanted to thank everybody, and I also want to thank the council for the equipment that you guys have let us get. I've worked here, this is my third winter season that I've been here. So, I was here when we didn't have very good equipment and we didn't have very good things and it's all starting to come together. I just want you to know that we all appreciate everything that you guys do for us too. So, that's all I have.

Althaus: We can't thank you enough and I thought of our crews quite often through those few days. That was a load and you said it correctly, I think a lot of folks don't understand what all is involved and a lot of that communications was because you did such a good job communicating too.

Beazley: It's a true statement.

Lawrence: I think that's a good example of the character of employees that we have. For you to come forward and do that, I applaud that.

Althaus: Any other comments?

COMMENTS FROM THE NEWS MEDIA:

None

COMMENTS FROM COUNCIL MEMBERS AND ADMINISTRATION:

Althaus: We'll start with Sue. Dave? Antwillia?

Davis: I have nothing to add.

Althaus: Ray? Pegg? Anda? Robin?

Jones: No thanks.

Althaus: Any last comments, Chief, either Chiefs? Jacqueline? Cindy?

Murray: I think Lynn is going to touch on it but I just, John thank you.

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Webb: Just real quick, I can't say enough about John, the crew, everybody. It is, it's really the entire piece that makes the whole thing work and it's kind of a privilege to watch it all come together. Also, just a final, today is law enforcement appreciation day; salute to you Chief and your crew. Every day has a day, right? So, we appreciate you and we appreciate fire, and we appreciate public works, appreciate the council, and everybody who works on the administrative side. So, look forward to 2023.

Althausen: Okay then, with that, we've got one meeting of 2023 down, 23 to go. We will reconvene here on January 23rd at 7pm. Keep in mind the committee meetings that are schedule there and obviously remember anyone is, those meetings are open, you're encouraged to attend if you can. We also understand if you cannot. So, with that, we're adjourned.

Joel Althausen, President of Council

Emma Boutwell, Clerk