

RECORD OF PROCEEDINGS

Minutes of

Kenton City Council

Meeting

Lilianthel Southeastern, Inc., 1-800-837-1904, Re-Order 6665K

Held December 12, 2022

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23rd REGULAR SESSION:

Kenton City Council met in their 23rd Regular Session December 12, 2022, at 7:00 PM, in Council Chambers. Present: President Joel Althausser, Sue Fox Buroker, David Beazley, Antwillia Davis, Ray Lawrence, Pegg Wren, Law Director John Schwemer, Mayor Lynn Webb, Safety Service Director Cindy Murray. Absent: Robin Jones & Anda Tudor

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

MINUTES:

Althausser: So, take a change to look around at the new digs. Shout out to Emma; plus, I think Lynn and company had quite a bit to do with it all. So, but Emma did a fantastic job of keeping all the pieces, fitting together correctly, and if you have any issues with your chair, let us know. The microphones, by the way, they're claimed that we should be able to pick you up with them positioned the way they are. Emma will be listening off and on, as we go, she can monitor the conversations as she goes. We will be recording audio and recording video tonight. So, there's a camera up there, folks. That's a work in progress and hopefully will be, the first of the year, able to get back into either Facebook live, YouTube, one of the above or all of the above. Either recorded or live and that, somewhat, will be up to you all, and the mayor. What you all want to do. So, be thinking about that. With that, we'll move on. Approval of the prior minutes; are there any additions or corrections to those minutes as they were presented, or as they were printed? Hearing none, they're stand approved as presented.

CITIZENS REQUESTING TIME TO SPEAK:

None.

COMMUNICATIONS:

Althausser: There is a card, that if it hasn't started working it's way around, yes. We received a Christmas card; we'll move that around.

Cindy Murray: We did.

Althausser: It's already done. So, appreciate BKP district and board for sending us that Christmas card. Any other communications?

PETITIONS:

None.

ADMINISTRATION REPORTS:

Althausser: We'll start with Chief Musser.

Musser: I have nothing today.

Althausser: Nothing today? Okay, Chief Donnelly? And there is a written report for Kenton Fire in here. So, as Chief makes his way up you might look that over; if you have any questions, you can ask him.

Donnelly: I mean I guess the only thing I've got really tonight is just knowing that the weather is changing and we're looking at some colder weather coming up here, it's just kind of a PSA for this time of year with people using space heaters and stuff. Be mindful of where they have them at. Be very cautious of them. Our preference is that they be, have the tip over switches to where if they get knocked over, they shut off. So, especially be mindful if you have pets just cause they can knock them over. So, candles out this time of year, we've seen a few fires that we're gone on mutual aid calls here recently and stuff. One, I believe, might have had to do with a wood stove burner. So, if you can, get chimneys checked and all that kind of stuff. Just be mindful this time of year and with it getting colder and I know our people do extra things to try to heat their homes and stuff this year. So, just be careful how you do it and be diligent of leaving things on at this time of year too. So, other than that, that's all I've got at this time. Unless anyone's got any questions on the report?

Althausser: Alright, thanks Bruce. Next report we have would be income tax; look like the report through the end of November. Is there any questions on that? Auditors?

Pam Romanko: I'm going to let Elena speak first but tomorrow is her last day. So I just really want to thank her for all that she's done for the city, throughout this whole year and all that she's done; the whole record's disposal and just innumerable things that she's done for us throughout the year. Go ahead Elena.

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Elena Bean: Okay so, a quick update on record retention; we have a company called Shred America coming into get rid of all our approved boxes tomorrow; which will free up the entire utilities' office and clean up the Allen building quite a bit. I think the quote was somewhere around \$2,300 but give or take, we found more boxes that we can get rid of. So, could be a little more, could be a little less. So, that's where we are on record retention. My last day we'll get the project completely done, finally. So, I want to say thank you to everybody that I've worked with. Pam has been the most amazing boss. Working with Brian has been great too. It's really cool to learn from a bunch of women and Chief Musser, the only man. (laughter) You really have to deal with a lot.

Cindy Murray: He's just one of the girls. (laughter)

Bean: So, I mean, it's been a great administration to work with and I've learned a lot and I'm really sad that I have to leave. So, thank you.

Romanko: And just updating our office, budget has it's third read tonight, and we're just able to finish up. We've been working on getting the information around for the W2s and 1099s. I hope we can get those out early this year and get things done. The auditors' office is in pretty good shape, as far as out "to-do" list. There's a lot on it, but it's a lot better than it was this time last year. So, just happy for that for sure. So, again thanks to Elena and thank you guys for letting me have her.

Althaus: Well, thank you so much. We've heard very good things. Seems like you've got an awful lot of work done also.

Bean: It's been a process.

Althaus: Okay Brian, anything to add? Alright Treasurer, Law Director, John anything tonight?

John Schwemer: The only thing I have to report is, I will be out of town at the next meeting. However, I think, you know, because I'm not a voting member I can kind of cheat a little bit, in that, if you guys would need me for something I think I can probably make myself available for a call, if there would be. So we'll see, maybe as we get closer to the next meeting but I just wanted to let everyone know I would be here physically, at least.

Althaus: Okay, Lynn-Lynn? Cindy.

Cindy Murray: The public works report is in there for the month of November. One of the things you'll see on there is the Visu-Sewer, I don't know how you pronounce that, they started cleaning the trunk line on South Wayne Street. We will probably either have them back in here, they had a nice video of what condition a portion of that line is in. We got this money out of the SSES and what's required to proceed on. That'll be after the first of the year. But anyway, we're going to have them in, or we'll have Burl in, and we'll show you the video and the issues that they found and other issues that we want to address. So, and then the only other thing I have is we need to get a Legislative meeting scheduled for the first of the year. We need to pick back up on the solar. That's it.

Althaus: Alright, any questions for Cindy? Okay, our Mayor, Lynn.

Lynn Webb: Just to wrap up too with the garage, I do believe they're finished with leaves. Correct John?

John Aisel: Yeah.

Webb: Do you have anything to add, John? Would you like to be our garage spokesperson?

Aisel: Um, I don't know.

(Laughter)

Aisel: I'd say something wrong I'm sure of it.

Webb: No, you wouldn't. So, I think they did a great job this year keeping up and we had a couple workers that we kept on from moving and then we picked on up from Job & Family Services and they did most of the bag pickup. So, it really helped our guys stay on task. Columbus Street project seems to be going well. At the beginning they hit a little hiccup; they found one of those big holding tanks. Like a water tank.

Murray: Firefighting, it used to be for firefighting.

Webb: All across, the complete width of Columbus Street, brick. So, once they got, so they filled it in and everything, but it was an interesting, and I guess the last one they ran into was one down by Brims in the corner. So, a little bit of history brought up. But they seem to be moving along. Burl thinks they're moving along at a great pace. So, just a reminder, too. We sent flyers to those residents in that area from Cherry Street to Barron to have their trash out tonight. Pick up will probably be 6:30. Republic will do both sides. If your trash was today, it goes on to tomorrow. So, they're going to do Columbus

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Street all on one day and the construction company is willing to help move totes and so, trash will be done first thing in the morning in that area; and we'll keep people posted on how that goes by probably just handing flyer out per residence. That's all I have, Joel.

REPORTS OF STANDING COMMITTEES AND/OR SPECIAL COMMITTEES:

None.

REPORTS FROM COUNCIL MEMBERS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

ORDINANCES/RESOLUTIONS:

Althaus: If you note, we have two absences, we do have one item under first reading that Emma has an asterisk beside, and Pam might have more of an explanation and maybe we can kind of talk through our options when we get to that.

1ST 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: So, right now we just ask are there any questions about that?

Beazley: Yes sir, I was unable to attend the meeting and, in the boilerplate, we received from one of the successful port authorities there was a notation under Section B that indicated no person appointed to the board of directors shall hold any other public office except that of notary public. Remember the state militia, remember the reserve component of the United States Armed Forces. I was curious as to why we felt it necessary to remove that from our document.

Schwemer: And I think again, the main discussion was it just, there's always just a small pool of volunteers for any kind of public position and the thought was if we have that stipulation in there, it would kind of limit from the pool of the same folks in this community that volunteer for about everything and then you get the great majority that volunteer for nothing; so that was the...

Beazley: I understand, I understand the concern with that, but I also know that separation of powers was something that was important; that comes into play here and it concerns me that if we're establishing something new that we would consider restoring that, at least from a transparency issue, at least until we get a feel for what is going to happen.

Althaus: I would say he did find it's not a part of the Ohio Revised Code.

Beazley: I understand that. It came from the boilerplate from Toledo Port Authority; which was noted as one of the earliest and most successful port authorities in the state; which is why I thought it was worthwhile for us to at least think about.

Althaus: And it's eligible to be amended. Obviously, council can do that. Any other questions at this time?

Schwemer: So, I guess we'll have to decide with this and other legislation, what we're doing. Obviously, it's not going to be passed tonight, but I know the mayor would like to get this moving sooner, rather than later. So, I do want to throw this out there; we, once council passes this, it is really up and running. There's notifications to the State Auditor's office for audit purposes, EIN number has to be obtained, the board has to meet. However, the way this is drafted is that council still has to approve the slate of the board. So, my recommendation would be whatever the next meeting is, and I know the mayor has a list that's not yet public; but my recommendation is we may have, my recommendation would be; have the list ready for council. So, when you're asking the pass, they could also discuss the members. Otherwise, you guys can pass it, but they won't be able to meet or do anything until there's another meeting and then council affirms. So, I just would like to throw that out there. Especially in light that we aren't going to be able to get any movement on this tonight.

Althaus: The other thing that did happen, kind of related to that; David was, the boilerplate had language in it that all council did was essentially agree that the slate of directors met the qualifications under the ORC. In other words, had they had a business, or lived here for the prior 3 years, etc. That was recommended to be changed to where council can say, yes, we affirm this person, yes we affirm, or no, we do not. So, and that, David, sometimes point if very well taken we'll need to do that because that

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wouldn't require legislation; that would just be a roll call vote on the slate of them or choose if you had issues with part. Any other questions, concerns?

Schwemer: And keep in mind this ordinance, if we do pass it, it's just like any other ordinance. We can go in and modify it as soon as we want, and our only cost in doing so is the publication cost that we would have with any other ordinance. So, this is not set in stone, as far as what the legislation would be. We can always tweak it and you know, as long as we're compliant with the provision on port authorities, we can change it at any time.

Antwillia Davis: Mayor Webb, when you bring us that list could you bring us a background on the people?

Webb: Mhm.

Davis: Just because we won't know all of them and to approve them without some background information.

Webb: Sure can.

Davis: Thank you.

Althaus: Anything else? Okay, then we'll read that again a second time in two, well actually two weeks and one day. If you remember our next meeting will be on a Tuesday.

- **ORDINANCE NO. 22-043, TITLE ONLY; AN ORDINANCE PROVIDING FOR ADDITION APPROPRIATION AND FOR TRANSFERRING FUNDS FOR YEAR 2022, FOR THE CITY OF KENTON, OHIO AND DECLARING AN EMERGENCY.**

Althaus: And as Pam makes her way up to the podium, I offered her a microphone. She wants to be front and center. You might get out your explanation sheet and Pam you can elaborate on that as much as you want but it looks very detailed as it is.

Romanko: I don't have my explanation. Yeah, I sent them to everybody. Downtown Phase 2 planning, we need, we didn't put anything in the 2022 budget, and we're getting ready to put in our loan application to EPA, again. So, \$20,000 for EPA, plan permit review fees, and approximately \$8,000 for the CSX review fees, and I remember two years ago that I had to pay those. As soon as we get that bill, we have to pay it. So, OHM suggested that we put that in there and get that encumbered. So that's what that \$28,000 is. The rest...

Beazley: Your explanation indicates that will be paid from the loan proceeds. So...

Romanko: Correct.

Beazley: Thank you.

Romanko: Correct, I put in for, to be able to use the contingency funds and they have approved it. So, as soon as I get it, it can be taken from our loan. The line item, the general fund transfers, well all of the transfer is general, water and sewer are all just items. The admin hospital, we ended up having to pay a bill that I didn't expect, and I don't know what happened to fire hospital, but that ended up just a little bit short. Police overtime, I was watching it, and then I didn't watch it and it...

Beazley: It snuck up on you.

Romanko: It went crazy last, well two weeks ago and so that actually is a negative line-item number at this time. And of course, the police Medicare going with the police overtime. The fire new equipment for \$12,000, I put in the explanation from Chief Donnelly, I don't know if you have any questions regarding that. It's for some SCBA gear that would be, it's expensive, it'll help us to get gear more in a rotation.

Beazley: Staggered.

Romanko: Right, in a staggered rotation. IT support is the money to be able to put the switch in the, all of the wiring and the new computer, well not new computers but the computer transferred from 555 to the newly emptied utility office down here for Mary Ann to move here and like I said there is a negative line item in the police overtime, at this time. So, you know, we had, I suggested that we would waive the three-read rule, which we cannot do tonight. So, I'm not sure what you want to do about that and getting that...

Althaus: So what's the, will any other line, I mean you already have one line that is negative. Do you have any other that would go before the next meeting?

Romanko: No, I'm not sure how exactly soon that they needed that \$20,000 in the loan. He acted like he wanted it, needed it right away to be able to apply. I don't remember if there's, he didn't really mention if there's a deadline for the application.

Cindy Murray: I don't know. I'll have to find out.

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Althaus: I guess I'm trying to gauge what your, what auditor's office and administration's request would be as far as special session. The urgency of the need to do that, or not. Any thoughts?

Romanko: I can talk to Sean tomorrow and find out when they need that \$20,000.

Antwillia Davis: Do we know if they can even, are they sick?

Althaus: I know Robin has unrelated issues with family. I have not heard from Anda, I did text her, and I did not receive a response. I would anticipate Robin being available within the next few days, I believe, but it's hard to tell. So, with that...

Romanko: Even if you, if she's not available, to be able to get in a second read before the next meeting would also be maybe preferable.

Althaus: That would cut down on the risk of not being able to do something at that meeting, yes. Why don't you make some calls. Check on that \$20,000 and reach back out to us via email tomorrow and then in the meantime I guess I would ask council to look at their calendars yet this week. The last time we had to do this, the last couple times we did it a little earlier in the day, to try to piggyback after work hours. Did that work for folks?

Davis: Earlier would work for me just because when we hit a certain time, I start running kids everywhere, especially this time of year.

Althaus: Okay. How early does that start, I mean how early is early, 5? We do it right?

Davis: Yeah that's...

Althaus: Pegg, 5, on a night? Sue?

Sue Fox-Buroker: Depends on when it is but probably.

Pegg Wren: Yea, depends on when it is.

Beazley: You're talking a 10-minute meeting.

Althaus: Okay we have no deadline on the \$20,000. So, it's really all your line items, what you think and what you can, and cannot do.

Romanko: I know that I have to have a positive line item by the end of the year. So...

Beazley: Let's go to the next meeting and if we have to have an emergency session following that; we'll clean it up by the 31st.

Althaus: We'll turn around and come right back on Wednesday night or something.

Beazley: Yup.

Schwemer: The only issue, you know, you'll need to provide 24 hours' notice. So, if you're setting it on Tuesday at 7 o'clock it would have to be after, like Wednesday at 7:30 or 8 o'clock.

Beazley: Or Thursday at 5.

Schwemer: You could tentatively set a meeting now for the Wednesday at 7 o'clock and you could cancel the meeting because then the press has 24 hour notice.

Althaus: Yea, we can set it Wednesday at 5 o'clock.

Davis: Why don't we set it that Wednesday.

Buroker: Is it this Wednesday?

Beazley: No, no, no.

Davis: Why don't we set it for the following.

Althaus: It would be the 27th?

Beazley: No, sir.

Althaus: 28th.

Schwemer: Because if you have enough people here you won't need to meet again.

Motion by Mr. Beazley and second by Mrs. Davis to set aside Wednesday, December the 28th at 5pm for an emergency session to be determined if we really need it on the 27th when we have our regular session.

Althaus: Any discussion?

(Roll call vote, 5 ayes, motion carried)

Beazley: I would also urge the clerk to remind us on our next agenda.

Davis: That would be great!

Althaus: Hopefully it will be...

Beazley: It'll be resolved.

Schwemer: And before we leave that; just remember, you know we would have the 3rd read on those; but it's important also that we pass it with the emergency language. So, even though we would still need the 2/3rds, just not 3/4ths because we need that emergency language otherwise it doesn't go into effect til 30 days, and then you will not get what you need right.

Althaus: Okay, thank you Pam. Hopefully we will get that handled.

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2nd READING

- **ORDINANCE NO. 22-040, TITLE ONLY**; AN ORDINANCE MODIFYING THE ALLOCATION OF THE OVERHEAD OF THE REAL ESTATE SITUATED AT 513, 515, & 555 W. FRANKLIN STREET IN THE CITY OF KENTON, OHIO AND DECLARING AN EMERGENCY.

Althaus: Any thoughts or concerns since this was read two weeks ago? Alright then we'll read that for a 3rd time, in two weeks on the 27th.

3RD READING

- **ORDINANCE NO. 22-038, TITLE ONLY**; AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS FOR THE YEAR 2022, FOR THE CITY OF KENTON, OHIO AND DECLARING AN EMERGENCY.

Althaus: These are all items that are kind of end of the year. Well, and several larger items.

Beazley: Capital expenditures.

Althaus: Able to go three reads. Were there, any questions?

Motion by Mr. Beazley and second by Mrs. Wren to adopt Ordinance No. 22-038.

Althaus: Any discussion?

(Roll call votes, 5 ayes, motion carried)

- **ORDINANCE NO. 22-039, TITLE ONLY**; AN ORDINANCE TO MAKE APPROPRIATION FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF KENTON, STATE OF OHIO, DURING JANUARY 1, 2023 THROUGH DECEMBER 31, 2023, AND DECLARING AN EMERGENCY.

Davis: Can we make an amendment with only five of us here? I don't know that one.

Althaus: What is the amendment?

Davis: We were going to add the KOPA line for \$5,000. We had discussed that at the port authority meeting for costs, for legal fees.

Althaus: Are we to a point yet, John? How far are we away before we will incur anything?

Schwemer: Well...

Althaus: We know we're not reading it now until the 28th.

Romanko: I can prepare separate legislation if we can't amend it.

Schwemer: I think that would be the safer bet.

Althaus: That would be the better way to do it.

Davis: Okay, I just know we had discussed it at the last meeting, and I didn't...

Althaus: To give everyone...

Davis: An idea of the budget.

Althaus: And we again, we know that we did not move forward on the port tonight; so, we know we won't incur expenses in the next 15 days.

Romanko: If we do we have money in the 2022 budget line-item independent council.

Schwemer: A few hours, at least.

Althaus: A few hours, at least, right. Alright if that's okay with everyone else...

Beazley: Mr. President, with thanks to the administration, the auditor's office, in particular our department heads, and the member on the finance committee I would move that we would adopt ordinance number 22-039.

Motion by Mr. Beazley and second by Mr. Lawrence to adopt Ordinance No. 22-039.

Althaus: Any discussion?

(Roll call vote, 5 ayes, motion carried)

SCHEDULING OF COMMITTEE MEETINGS:

Althaus: As far as committee meetings, you heard Cindy say that we need to schedule legislation; I'm certain you'll reach out and do that. I see public utilities is schedule for January 11th is that still on?

Murray: Yes.

Althaus: Are there any other meetings scheduled at this time?

OTHER MATTERS:

None.

COMMENTS FROM THE PUBLIC:

None.

COMMENTS FROM THE NEWS MEDIA:

None.

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COMMENTS FROM COUNCIL MEMBERS AND ADMINISTRATION:

Althausser: Sue, anything?

Buroker: Just wish everybody a safe holiday season and we won't see anybody til after Christmas, right? Everybody have a Merry Christmas.

Beazley: Two things Mr. President; congratulations Elena, thank you for all you have done and two, I am looking forward to coming into council meetings and smelling smells that I haven't smelled in a while. Food.

Davis: You are freaking me out.

(Laughter)

Beazley: It's fine. We are looking at Smokehouse 101 being opened soon. Come on folks, get with the program, man.

Davis: What? I am not adding...

(Group talking over each other)

Beazley: We will have another business opening downtown in the very near future.

Davis: Man, that was some awkwardness.

Beazley: Just because you don't understand doesn't mean others don't.

Davis: No one else got it. Nobody got it, nobody.

Beazley: You are not in tune with the downtown of Kenton, Ohio.

Davis: Maybe you should not use 37 letter words to get your point across. Ray, your turn!

Lawrence: Absolutely nothing.

Wren: Wish everybody a very Merry Christmas. Thank you Elena, and good luck to you.

Althausser: Before we get to everyone else could I have a motion to excuse absent council members?

Motion by Mrs. Wren and second by Mr. Lawrence to excuse absent council members.

Althausser: Any discussion?

(Roll call vote, 5 ayes, motion carried)

Althausser: John anything you want to add? Chief Musser? Chief Donnelly? Cindy? Lynn?

Webb: Just real quick, don't forget the Lake of Lights. It's still rolling and they're working really hard out there and good stuff for our community. Also, thank you to the finance committee and the entire council for helping with budget, passing the budget. It was a great collaboration. Elena, I don't have enough words; you have been a bright spot. You jumped right in with us, what a great family member and we'll always be grateful. As long as the cheesecakes come, (laughter). Also, Merry Christmas to everyone. Jesus is Lord. Stay safe and be healthy.

Althausser: Alright we have an awful lot of folks that mean a lot to Kenton and that serve and Hardin County and all of our area and some that maybe serve behind the scenes and not a lot of folks knows much about them. Kenton and Hardin County lost a dedicated individual in Norm Fleming last week. Norm was president of HSLC, Home Saving & Loan Company, for I'm not certain how many years, probably in the neighborhood of 20 and Norm was one of those bankers that I could not count the number of people that would say, I tried to buy my first home, had difficulty, went in to see Norm, he had it figured out in 30 minutes, or small businesses. Norm was not one of those that was front and center. He was very much though, an architect of what that bank became through the 80's and 90's and 2000's and he will be greatly missed. So, just wanted to say that, thought it was appropriate. Our next meeting then is a little bit different. It's Tuesday the 27th because Christmas is celebrated on the calendar, as far as work, on the 26th and staff won't be here. We don't need them to have to come in on a day that they don't need to. So, 7pm and then obviously the next night if we need it. Anything we're missing? Alright then. We are adjourned until then.

Joel Althausser, President of Council

Emma Boutwell, Clerk