

24TH REGULAR SESSION:

Kenton City Council met in their 24th Regular Session on December 27, 2021 at 7PM in Council Chambers. Present: President Joel Althausser, John McEntee, David Beazley, Ray Lawrence, Pegg Wren, Jacqualine Fitzgerald, Robin Jones, Mayor Lynn Webb, & Safety Service Director Cindy Murray. Absent: Antwillia Davis and Law Director John Schwemer.

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

MINUTES:

Althausser: The minutes of the previous meeting held 12/13/21 were in your packets. Are there any additions or corrections to those minutes? Hearing none, we'll record them approved as submitted.

CLOSED SESSION:

Althausser: I'd ask Council now to consider a motion to go into Closed Session in regards to Section 121.22(G)(4) of the ORC, Labor Negotiations.

Motion by Mr. Beazley & second by Mr. Lawrence to go into Closed Session under Section 121.22(G)(4) Labor Negotiations.

Althausser: Is there any discussion? **(Roll call vote, 6 ayes; motion carried. Time: 7:04 PM)**
I'd ask everyone to step outside if you could.

Motion by Mr. Beazley & second by Mr. McEntee to return to Regular Session. Roll call vote, 6 ayes; motion carried. Time: 7:22 PM.

Althausser: Ok, now that we're back, we have received an update with regards to negotiations for the Ohio Patrolmen's Benevolent Association (OPBA). Both the Sergeants & the Patrolmen have ratified the agreement and we received an update with regards to that agreement. Any thoughts from Council?

Motion by Mr. Beazley & second by Mr. Lawrence to also ratify both the Sergeant's and Patrolmen's agreements.

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

CITIZENS REQUESTING TIME TO SPEAK:

Althausser: We don't have any citizens on the agenda requesting time to speak. If you did happen to show up & would like to address Council & the Administration, there will be time at the end of the meeting under public comments.

DEPARTMENTAL NEWS/UPDATES:

Chief Dennis Musser: I just want to let everyone know we got our car ordered and the outfitting package for it, so hopefully there shouldn't be any huge supply chain issues in that regard & we should be getting that relatively soon. I just want to thank Council for moving quickly on that and the un-named gentleman & his family for donating the money. That's all I've got, thanks.

Chief Bruce Donnelly: The timeline for the ambulance got pushed back a couple of days because of the holidays & guys taking time off. He's making the final confirmations on the striping & stuff today, so hopefully it should be wrapped up tomorrow or Wednesday and we'll be getting it back. We're getting the rest of the supplies ordered for that & I was working with Pam last week on finalizing any of my necessary budget adjustments for this year. I appreciate her time & helping me throughout this first year of my being Chief of the department with all of the ups & downs & sideways & every other direction I feel like this department has kind of been pushed this year. I want to thank the Administration, Mayor Lynn, Safety Service Director Cindy for all of their help & patience with me this year, the Finance Committee, Council, just everybody being supportive of what we've had going on. It's been a challenging year, but it's also been a good year & we've seen a lot of success. We're setting another record for the number of runs this year. We're already at 1265 this year & here for the last couple of weeks we've been averaging about 3 runs/day so we're probably going to be pushing 1280 by the time this year wraps up. Other than that, I feel like we've been able to hire some good candidates this year and I feel like we've got a really good group of guys to go into 2022 with. So, I just thank everybody for their time & help this year.

Emma Boutwell: I actually have something tonight...I just wanted to share that it looks like, depending on the mail, Income Tax numbers for withholding might be down this month. We have the paychecks company & another that I can't remember...but anyway, two of the big payroll providers that withhold are still using the PO Box 220 address and our forward ran out on it. They've been sent multiple letters and multiple emails and they failed to update their stuff, so I spoke to a woman today on the phone and everything has been updated now. But those withholding payments will be late, so you'll see that reflected in January when it comes in.

Beazley: Thank you, I appreciate that update.

COMMUNICATIONS/PETITIONS:

Althausen: The only communications we had that you all saw in our packets were the Kenton Hardin Health Dept. minutes from 11/16/21 and also the Tree Commission minutes from 12/9/21. Does any Councilmember have any communication?

Fitzgerald: Can I ask about the Tree Commission? The first bullet point...did they get that taken care of at 405 N. Main Street?

Clerk: Yes.

Fitzgerald: Perfect, thank you.

Althausen: Any other communications? I don't think we have anything petition wise to look at.

MONTHLY/ANNUAL REPORTS:

Althausen: We have the Public Works monthly report for November. Cindy, did you want to add anything? Any questions from Council?

COMMITTEE REPORTS:

None from Finance, Regional Planning, Safety, Nuisance, BKP...

MOP, Wren: MOP did meet tonight for clarification of a position in Ordinance No. 21-036. We got a job description & got a better understanding of what the position is going to entail.

Althausen: I'd just make a comment on committees...I will send out an email to you all and our 2 new Councilmen later this week or next week regarding preferences for committee chairmanships and committee appointments and even some new committees. So look for that in your city mailbox this week. I need to get back with Lynn & Cindy yet this week to continue our conversation we had earlier that derailed into all kinds of other topics. So I'll get that out & you guys can look it over & see what you think.

OLD BUSINESS:

ORDINANCE NO. 21-033, 3RD READING, TITLE ONLY; AN ORDINANCE TO MAKE APPROPRIATION FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF KENTON, STATE OF OHIO, DURING JANUARY 1, 2022 THROUGH DECEMBER 31, 2022, AND DECLARING AN EMERGENCY.

Althausen: Okay, you've got a summary there...Pam, do you want to start?

Chief Dep. Aud. Pam Romanko: These proposed amendments to the 2022 budget come as a result of Ordinance 21-036 where the Safety Service Director's salary is split differently according to that ordinance. And the amount for the Emergency Management has been increased so we're taking that money out of Council Incidentals and actually making a line item for the Hardin County EMA. So those are things that have changed since the creation of the original budget.

Althausen: Questions from Council? So Brian, MOP & Finance, we need to consider these things in the right order too.

Beazley: I'd also add to this, Mr. President, that we should address on page 1 of the budget under Administration...it says Community Planner and we're going to align it with what the proposed MOP Strength Ordinance allows that we'd change that wording from Community Planner to Community Improvement Director. Likewise, on page 6 under RSPO line 2, it says Rec Community Planner and I'd like to propose that we amend that to Rec Community Improvement Director to align directly with what the strength ordinance provides so the wording in there has no confusion. There is no change in the amount, it's simply the wording itself of the position and that it aligns & matches with what is in the MOP Strength Ordinance 21-036.

Althausen: Right, but that's part of my concern though. Do we need to table Item A in old business and move to 21-036?

Beazley: Well, one could do that or one could presume that we're going to move forward with 21-036 because we're not compelled to do so tonight, but we are compelled to move on this 3rd reading.

Althausen: Some of your amendments are related to 21-036...

Beazley: But they would align should 21-036 pass. There is no designation under 21-036 for Community Planner. This would align should 21-036 pass. I can't change the direction of how those were introduced.

Althausen: Well unless you suspend the rules...

Beazley: We're not compelled to do so on that, whereas we are compelled to act on the budget. If you want to table this and go to 21-036 and see what happens that's certainly within your purview.

Althausen: I just think it will be kind of odd...let's get Pam's issues and do one thing at a time.

Romanko: Like I said, I'm not sure what the ordinance was where we agreed for the increase in the EMA Contract with the County, but that's the first item on here to change those line items.

Beazley: There does not exist a line for Hardin County EMA. She is proposing that we'd add it under I presume Council, or do you want to add it under another line in City Hall?

Romanko: Probably a line in General Government underneath Regional Planning and the Health District Payment.

Althaus: Does everyone have their budget with them from 2 meetings ago?

Beazley: That would be on page 3 and into page 4 under General Government. So to amend according to Pam's request, here is how I'll take a shot at it. Mr. President, I'd move to amend Ordinance No. 21-033 under Council & Council Clerk amending Council & Clerk Incidentals 3rd line from the bottom from \$2200 to \$200 and add on page 4 at the conclusion of General Government Appropriations under Conservancy Taxes, a line for Hardin County Emergency Management for \$2500. In addition, under the various departments as designated here we'd reallocate the Safety Service Director's salary as the amended amounts reducing general & street and increasing water & sewer and arriving at the same total. If you want me to point to those lines I can do so.

Althaus: My discussion point would be here is where I'm concerned about that's all well and good unless you all don't pass 21-036. Aren't those dollar amounts under Safety Service Director's salary...

Beazley: Those are a part of the agreed allocation, but there is also an allocation that we can put in front of the State Auditor's Office based on our best...

Althaus: I'm just reading the comments on the proposed amendment...

Beazley: I don't know that it's dependent, I don't necessarily agree with that comment that it is dependent...it aligns with, but I don't know that it is dependent upon. We've always displayed to the State Auditor's Office our reasoning for sanctioning different expenses based on an allocation up to this point. I don't know that it is dependent on, but it does mirror the language...

Althaus: I'm trying to get this resolved here. I see 2 things that conflict, the way I look at it. Maybe I'll look to the Auditor's Office now for the comment that's in here. Are you saying in your opinion this is part of 21-036 those percentages?

Romanko: Dave makes a good argument, is it dependent upon it? If we don't pass 21-036 tonight...

Althaus: Or at all.

Romanko: Right, or at all, but then I'd have to go in and amend it again.

Beazley: If we amend the budget to do this, we can pay out of these accounts regardless of whether 21-036 passes or fails. If we amend it to these amounts and these allocations, we can choose to do that as part of the budget because we've justified that to arrive at the numbers in 21-036 correct? We have the mathematical justification for it which is all we really need to satisfy the State Auditor when they come in and look at our figures. We have a reason that we're moving to these numbers. So, I don't know that dependent is necessarily correct. It would be neat & packaged well...

Althaus: I just want to make certain that we're all on the same page.

Beazley: Brian's over here with his eyes closed and reasoning through this...I'd be anxious to hear his opinion as well.

Auditor Brian Hattery: Do we have a line item for Safety Service Director pay out of street?

Romanko: Yes. The previous amounts there are what are actually on the current budget.

Murray: The only thing that changed is the percentages.

Hattery: The only time we'd run into a problem is if we reach the ceiling on these line items...if 21-036 doesn't pass we can't really do an allocation to make those changes.

Beazley: Why can't we?

Romanko: MOP is responsible for...

Hattery: We could until we exceed or hit the ceiling.

Murray: Until you run out of money & then we'll be coming back to you.

Hattery: I see what you're saying, she'd still get paid, but...

Beazley: If we amend the budget the line item there supplies the amount that you're requesting based on the allocations that you predetermined.

Hattery: Yes.

Romanko: But the most recent ordinance that has passed regarding this is the split of 50%, 12.5% & 12.5%...that's what is approved currently.

Althaus: Those percentages are actually in the ordinance? The Codifieds?

Romanko: Yes, in the Codified Ordinance.

Beazley: I move to table the budget until such time we...you know if we don't pass 21-036 tonight that means we have to pass a temporary spending ordinance.

Romanko: Or we can table these and I can make it 22-001 and change it.

Beazley: There are all kinds of scenarios that can play out at this point.

Althausen: We've never had something like this brought at the 3rd reading of the budget in my tenure since I've been here. I'm just being frank.

Romanko: The only reason I did is because we have an ordinance in front of Council that says these are the percentages.

Althausen: An ordinance that's only it's 2nd read.

Beazley: Mr. President, I would move that we delay discussion on the budget and give us an opportunity to review Ordinance 21-036 prior to further discussion on the budget.

Althausen: I don't know that we need a motion for that.

Beazley: Then I would suggest we delay discussion.

Althausen: Does anyone have any opposition to moving forward on the agenda and coming back to Item A? Okay, let's move forward to item B then.

Clerk: Everyone should have at their stations a corrected version of this legislation we read at the last meeting highlighting corrected typos in the heading and first paragraph of the legislation, but the body of the legislation was not changed.

ORDINANCE NO. 21-036, 2ND READING, TITLE ONLY; AN ORDINANCE AMENDING KENTON CODIFIED ORDINANCE SECTIONS 202.03(C), 228.01, 230.05, 234.01, 234.05, 236.01, 249.13, 249.15(B), 249.16, 249.21, 249.25, AND 249.46 AND REPEALING CODIFIED ORDINANCE SECTIONS 236.011, 236.02, 238.05, 238.06, 238.07, 238.09, 238.10 AND 238.11, RELATING TO LEGAL HOLIDAYS, APPOINTMENTS AND COMPOSITION OF DEPARTMENTS, PAY ASSIGNMENTS, CLASSIFICATIONS AND SCHEDULES, CERTAIN BENEFITS, AND DECLARING AN EMERGENCY.

Althausen: (Note: Can't hear...static)...I don't know that you could not move forward on 21-036 and this not still be discussed. By this I'm holding up the proposed job description of the Community Improvement Planner. Am I wrong on that?

Beazley: The job description remains fluid and will until such person is hired (static)...

Murray: The strength ordinance reads 0-1 on that position so it does not have to be hired.

Wren: This is a new position the Administration wanted to incorporate into a better service of what needed to be done.

Althausen: So with that said, is there any Councilmember that has a desire to suspend the rules?

Motion by Mrs. Wren & second by Mr. Beazley that 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. Wren & second by Ms. Jones to approve Ordinance No. 21-036.

Althausen: I'd just add as it has been corrected to the highlights on the title. Is there any discussion? **(Roll call vote, 6 ayes; motion carried)** I'd ask Council to now consider going back and reconsider Item A, Ordinance No. 21-033. Obviously, I won't ask Brenda to read it, unless you want to hear her melodic voice again. Ha.

Beazley: I'd propose we waive that. And, Mr. President, I would propose as I originally intended to amend the budget as I indicated under Council Incidentals & Hardin County Emergency Management; and also the reallocation of the Safety Service Director which complies with the recently passed Ordinance 21-036 and likewise the additional amendment that I proposed under the lines of correcting from Community Planner to Community Improvement Director in both places in the budget under Administration and Rec. That is in description only.

Althausen: So we have a motion to amend as stated by what the Auditor's Office handed out, plus the change of the titles where appropriate. Is there a second? And again, this is only involving an amendment to the budget.

McEntee: I'll second.

Althausen: Okay, we have a first and second. Any discussion? **(Roll call vote, 6 ayes; motion carried)** Did we have another amendment to this budget?

Clerk: Yes, we had an amendment on 12/13/21 for the Grove Cemetery and also the transfer to the RSPO fund.

Beazley: That included the severance pay in Parks & Rec and then the amended total from the Hardin County Auditor as it pertained to Grove Cemetery & putting it into the correct accounts.

Althausen: My point is to just remind you we now have 2 amendments to Ord. 21-033. If you were to act on the budget tonight it would be as amended with both amendments. Any other comments or concerns on the budget?

Motion by Mr. Beazley & second by Mrs. Wren to approve Ordinance 21-033 as twice amended.

Althaus: Is there any discussion? If anyone has questions, bring them up now. **(Roll call vote, 6 ayes; motion carried)** Is there any other old business to be considered this evening?

NEW BUSINESS:

RESOLUTION NO. 21-014, 1ST READING, TITLE ONLY; A RESOLUTION AUTHORIZING THE TREASURER AND AUDITOR OF THE CITY OF KENTON, OHIO TO OPEN A NEW CHECKING ACCOUNT WITH A FINANCIAL INSTITUTION APPROVED AS A PUBLIC DEPOSITORY FOR THE CITY OF KENTON, OHIO AND DECLARING AN EMERGENCY.

Althaus: I can give some quick background on this, unless you want to Pam.

Romanko: No, you can go ahead.

Althaus: Basically, with our new insurance carrier we need to open a dedicated sweep account for those premiums. As such we'd like Council to consider this, this evening. It's not a change in budget, but Council has the final decision in opening accounts. David, I think you'd know from insurance that this is a common way a lot of insurance providers....

Beazley: I'm assuming this also deals with the partially self-funded portion & administration of claims?

Romanko: Yes.

Beazley: For those of you who don't understand, a partially self-funded program simply means the City pays up to a certain amount out of our funds rather than paying premium to the company. The net total of our liability and premiums paid has already been approved as a budget item. This just sets aside those funds into a specified account so that a direct draw can be made when a good & valid claim is presented.

Althaus: And obviously we don't want the insurance company to have direct access to our ACH and main account. Nor do they want that.

Beazley: That is correct. It is in all parties best interest, too.

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, 6 ayes; motion carried.

Motion by Mr. McEntee and second by Mrs. Wren to approve Resolution No. 21-014.

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

ORDINANCE NO. 21-037, 1ST READING, TITLE ONLY; AN ORDINANCE PROVIDING FOR TRANSFERRING FUNDS FOR THE YEAR 2021 FOR THE CITY OF KENTON, OHIO AND DECLARING AN EMERGENCY.

Beazley: This is simply the last bit of getting stuff paid. This is the Auditor's last swing at getting everything paid out of the correct accounts, so these are all transfers to make sure the funds have sufficient dollars in them to pay all of our 2021 bills.

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, 6 ayes; motion carried.

Motion by Mr. Beazley and second by Mrs. Wren to approve Ordinance No. 21-037.

Althaus: Is there any discussion? **(Roll call vote, 6 ayes; motion carried)** Is there any additional new business to be brought forth?

Beazley: Mr. President, if I might with your indulgence, we lost a very dedicated member of City Council who has been on this august body for a number of years, and I think it would be appropriate that we would honor her service and more importantly her attitude and approach to the betterment of the City of Kenton. And of course, I speak of Patti Risner, and it is my proposal that we would investigate the possibilities of renaming one of our City's parks, specifically Wharton Park, if possible. I know there are ramifications that I hope we'd be able to overcome, but I know our legal advisor would probably need to help us over those hurdles. But it is my proposal that we would honor her in such a way naming Wharton Park as Patti Risner Park.

Althaus: I'll consider that in the form of a motion. Again that is to get the ball rolling on that and look at legal ramifications. Do I have a second?

Lawrence: I'll second that.

Althaus: Okay, I have a first and second. Is there any discussion? **(Roll call vote, 6 ayes; motion carried)** Okay, we'll talk with John to get the ball rolling on that...basically the discovery phase is what I'll call it to find out how to go about this and maybe we're missing something that John will find or the Administration as well. Thank you, David. That is the least we could do for Patti Risner. Is there any other new business?

COMMENTS:

Althausser: I'd just remind everyone we have 2 Councilmembers that this is their last Council meeting, so we really appreciate John McEntee and Jacqueline Fitzgerald. John, is this your 2nd term? (Yes)

Murray: I was just going to thank both of them for their years of service to the City of Kenton. Congratulations.

Hattery: Thank you, Council, for moving all 4 ordinances involved with my department forward. I appreciate that. And, thank you both for your service.

Althausser: Anda, glad you could be here this evening. In 2 weeks the real fun starts. Ha.

McEntee: I'd like to thank the Administration & Councilmembers for allowing me to serve the City of Kenton. It was certainly a pleasure and I learned a lot. I won't say I'll miss it, but it was a good service for me and I did enjoy it, so thank you all very much.

Beazley: John, I've enjoyed sitting next to you and I can't say that about everybody who I sit next to. Ha. I've enjoyed it and I'll do my best to train your replacement on how to turn on the light.

McEntee: I got pretty good at it after 4 years. Ha. Thank you, David.

Althausser: At least you didn't believe there was a panic switch there like they had me believe.

Beazley: Jacqueline, you were only here a few weeks, but thank you.

Lawrence: I'd just like to thank both of you for your time and service.

Wren: Ditto, thank you very much for your service. Dave, thank you for bringing that up about Patti. Very well deserved and she was quite the lady.

Fitzgerald: John, thank you for your service for the City. I appreciate what you've done. Thank you all, City Council and Administration, for allowing me to be up here as I was voted in. It's been a really good learning curve and I encourage more people to run for City Council and get involved with your community. If you want better, than we have to do better & be better and step up to the plate and do these things. Sometimes they're uncomfortable, but I think it's an honor to be able to serve the people.

Jones: Thank you John. I know you have your fingers in a lot of things so good luck with those projects. Thank you to Jacqueline for stepping in and filling Patti's seat.

Mayor Lynn Webb: Repeat, repeat, & repeat again...John, hit that golf course & we'll see you out there. You do a great job out there also. I appreciate you all the way around for what you do for our community. You're involved in a lot & that's really a huge piece of what keeps our community what it is.

McEntee: Thank you.

Mayor Webb: Fitz, thanks and well done for serving. Patti, I'm sure, is just like looking down on you saying that at a way girl! That's a big seat of Patti's. I appreciate you Dave for putting that out there because of just who Patti was and what the City meant to her. I don't really have anything other than it's the end of the year and it really went fast. It was a fast year, and we had some good & some bad, but we came out swinging and came out ahead and we're going to keep swinging.

Althausser: I'd just say John, I appreciated you all 4 years. You added different discussion & a different point of view that we did not always see on Council. We need more of that and we appreciate that. If you had a question you asked it. Jacqueline, you got thrown in the last little bit of the year, so I appreciate that you took the time to research and get up to speed. I hope others do the same when they are on Council or another role in the City. It takes a little bit of time to bring yourself up to speed on everything. I really don't have anything else...I'd just thank everyone for a good year, especially considering a year that we dealt with this pandemic, and if there are things we need to do a little bit differently in Council dealing with that I'm always open to considering that. I would note this is the halfway point in this Administration, so my thought is look out because they put their feet on the ground the first 2 years and the second half I assume there will no holds barred...they're going to get some things done.

Mayor Webb: Amen, brother.

Althausser: I think we need to be ready to help them succeed even more so. Our next meeting is January 10, 2022 and the codifieds, within reason, provide that bi-annually we look at Council committees so we'll do so and I'll have an email out to you before the end of the week. (Can't hear...static) I'll be looking for ideas of not only the 3 existing committees but what your preferences would be (can't hear). I have nothing further, and if there are no objections we're adjourned.