

# RECORD OF PROCEEDINGS

Minutes of

Kenton City Council

Meeting

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

Held

December 27, 2022

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**24<sup>th</sup> REGULAR SESSION:**

Kenton City Council met in their 24<sup>th</sup> Regular Session on December 27, 2022, at 7:00 PM, in Council Chambers. Present: President Joel Althausser, Sue Fox Buroker, David Beazley, Antwillla Davis, Pegg Wren, Robin Jones, Anda Tudor, Mayor Lynn Webb, Safety Service Director Cindy Murray. Absent: Ray Lawrence & Law Director John Schwemer

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

**MINUTES:**

Althausser: Hearing no such additions or corrections they will stand approved as submitted.

**CLOSED SESSION**

Althausser: I would ask right now for council to consider going into a closed session. That would be in regard to Section 121.22(G)(2) of the Ohio Revised Code to discuss property acquisition.

**Motion by Mr. Beazley and second by Pegg Wren to go out of Regular Session and enter into Closed Section under Section 121.22(G)(2) Property Acquisition.**

Althausser: Any discussion? **(Roll call vote, 6 ayes, motion carried. Time: 7:03 PM)**

**Motion by Mr. Beazley and second by Ms. Jones to go out of Closed Session & return to Regular Session.**

Althausser: Any discussion? **(Roll call votes, 6 ayes, motion carried. Time: 7:27 PM)**

**CITIZENS REQUESTING TIME TO SPEAK:**

None.

**COMMUNICATIONS:**

Althausser: You do see in your packet Kenton Hardin Health Department Minutes from November 15<sup>th</sup>. Any comments or questions? That's the only communication that I'm aware of. Does any member have a communication to share?

**PETITIONS:**

None.

**ADMINISTRATION REPORTS:**

Althausser: Police, Chief Musser, do you have anything tonight?

Musser: We're going to be, as you've seen on the city's page, we're going to be hosting a Civil Service exam, as well as a promotional exam, on the same day. We're going to be getting around to the academies. If you know anybody that needs a police job, send them our way, that'd be great. So, Sergeant Carroll, who has been here for 31 or 32 years when he retires in February. So, we're replacing him. We'll be doing a sergeant's test for our officers. We will be replacing that sergeant's position as well as filling a vacancy for whomever gets that spot. So, I believe it's January 24<sup>th</sup>, and January 13<sup>th</sup> is the deadline to get applications in. So, it's downloadable on our website, links on Facebook, and the Kenton City Government page as well. I know dozens of people that have shared it. So, like you said, we need all the help we can get. It's a tough market. So, that's all I've got right now. Happy New Year.

Althausser: Alright, thank you Chief Musser. Fire? Nothing Chief Donnelly? Okay, Parks & Rec? (Inaudible)-Fitzgerald reported administration had a meeting with Congressman Jim Jordan, discussed strategic plan. Good meeting with the owners of the former Kmart building.

Althausser: Okay, Income Tax anything from administration on behalf of? Then, auditor? You have the monthly report from the auditor to the treasurer to the mayor.

Beazley: Mr. Auditor, I presume the Star Ohio is doing well?

(Inaudible)-Hattery did confirm that it's doing well and stated that Pam checks it often.

Althausser: Law Director, we heard from him earlier (was on the phone during closed session). Safety Service Director?

Murray: In your packet is Mike Heilman's report on wastewater treatment plant discharge. I just want to say thank and the mayor will probably reiterate it. On the streets for the snow removal, I just want to remind people that we do not salt the side streets. We will do some intersections. We will do hills. With 66 miles of city streets to have to salt we cannot afford to do all that. Plus, people park their cars and we don't want salt being thrown. Also, we have a lot of people's water lines breaking in the

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cold weather. So, the best advise we can give you is open your cabinets so that the heat can get up underneath your sinks and if you need to, leave a small trickle of water running. Also know where your main shut off is. Hopefully it works in your home. Some of the older homes that may not work but we had 22 shut offs.

(Mayor’s report inaudible)-Webb thanked city employees and first responders for working over holiday and out in the elements.

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

None.

**REPORTS FROM COUNCIL MEMBERS:**

(Inaudible) Sue Fox-Buroker reported Tree Commission met. Stump have been removed. Althausen reported BKP meeting was uneventful.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

Althausen: I do have an item for the coming year, 2023. From what Emma and I could see, we have one meeting date which will be the same as this year. The 25<sup>th</sup> next year is on a Monday. December 26<sup>th</sup> next year is also....

(Inaudible)-Althausen went on to explain that the city employees get Christmas and Christmas Eve off so they will be off Monday and Tuesday. It was proposed that the council meeting get moved to Wednesday. That will remain the plan, and it will be reevaluated when the time gets closer.

**ORDINANCES/RESOLUTIONS:**

**1<sup>ST</sup> 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.

Althausen: I think it’s best to explain this more, I mean, we really already saw it.

Cindy Murray: The paving of Jacob Parrot and (inaudible). It can go the full 3 reads.

Althausen: Any objections to reading that again in 2 weeks? That’s what we’ll do then.

- **RESOLUTION NO. 22-012, TITLE ONLY;** A RESOLUTION AUTHORIZING PAM EWING 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.

Murray: I just know I asked if it could go the 3 reads and Cindy Brooks recommended that it not. (Inaudible)

**Motion by Mr. Beazley 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. Wren and second by Mr. Beazley to adopt Ordinance No. 22-012.**

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

- **ORDINANCE NO. 22-044, TITLE ONLY;** AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS FOR THE YEAR 2023, FOR THE CITY OF KENTON, OH, AND DECLARING AN EMERGENCY.

**Motion by Mr. Beazley and second by Mrs. Davis 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 adopt Ordinance No. 22-044.**

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

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**2<sup>nd</sup> 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.**

Althausen: We had a budget to get approved kind of in the middle of all this, or as this was first brought up. What are questions, concerns? What I've been told by administration is they'd like to move forward with this sooner, rather than later, if the council would like to move forward. So, what are the questions you've come up with?

Beazley: At our last meeting there was a discussion that tentative names would be floated in front of us. I haven't...

(Inaudible) Mayor Webb says she has that information and is willing to share.

Davis: Are you wanting the council to approve that tonight also?

(Inaudible)

Althausen: That's not in this stuff.

Davis: No, I know it's not in this stuff.

Murray: I think that maybe, you wanted to change that language?

Beazley: I had the concern that (inaudible) He goes on to explain that he had concerns over elected official being allowed on board.

Althausen: Actually, it's really not and I can even answer that. John actually took that off before he had seen the list. That happened to be included in the sample that was provided and most other that we've looked at, do not have that. That's the straightforward answer. Now, if council felt that was a requirement...

Beazley: Not necessary, (inaudible). We need to be very transparent, with how, particularly, a new entity, like this (inaudible). That uses the economic development tool, it ought to be just wide open. Responsibility and any perceived conflict of interest. So, that's the reason it was, a bee in my bonnet, if you will.

Althausen: I would compare though, to a CIC, members are required to be...

Beazley: (Inaudible) It gains power and then I understand why you would, I would want, CIC is a lot more regulated. So, those people have a little less wiggle room. When you open up to the port authority there's more wiggle room. So, that influence may play different there, in my mind.

Mayor speaking (Inaudible). She does list off potential board members; Jerry Pfister, Joel Althausen, Jacqueline Fitzgerald, Nicky Taylor, Matt Jacobs, Zach Jansen, Brian Watkins.

Althausen: If that specific item is in question at my expense, that's fine. I have no designs to. I simply suggested that it's on there asking you to. Part of it is, there's a couple of us, a few of us that have done a lot of research on this, spent a lot of time in it, to get it up and running. I think any council member...(inaudible)

Beazley: You bring a unique gifting with your finance background that not everyone brings.

Althausen: The biggest thing is, we want to see if we can move forward with the (inaudible). With that, any other questions that come to mind? Lynn, is there anything that you can speak toward about the need for urgency?

Webb: Yes, again, as we've been working through (inaudible). She explains that as soon as the port is established, the board will have to gather to setup terms and bylaws. There are projects awaiting the creation of this port.

Beazley and Davis express their concerns approving board members with limited information and inadequate vetting time. Davis is requesting biography.

Davis: Where they've worked, what their; like we know Joel's expertise is finance, we know that. We know Nicky Taylor, you're wanting her to be your CFO. We don't know anything about Mark Taylor's expertise. We don't know anything about, and I, sorry then Jansen, I did not catch his full name.

Webb: Zach.

Davis: Zach, we don't know anything about him. Not where he's worked, what he's done, what franchise he's created.

Webb: He's in the Army, right at the moment.

Davis: But we don't know any of that.

Webb: I understand. I just, my point of it is, I understand that. But there's also, I understand you wanting to know the detail of each person but the big scene; at the big oversee of it, is that sway the entire piece? Does that sway?

Davis: It doesn't sway the port authority.

Webb: No, but does it even sway the board? I mean...

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Davis: Yes.

Webb: I guess my point becomes, that my question to you guys is, I guess it's a respect thing. I've vetted them. We have all vetted them. And I understand that that's your prerogative, but we wouldn't put this in, knowing how big it is, and just have all "willy nillies".

Althaus: But Lynn, you are setting up a document where they have...

Webb: I understand that. I understand. I'm just trying to really...

Davis: And I understand where you're coming from, but our name has to, that's part of this port authority. That is where city council's recommendation has to come in, and we don't know them. So, you're asking us to put our name on something and we don't even know anything about them.

Webb: I fully understand that.

Murray: So, all's you need is a bio?

Davis: Yeah.

Murray: Can it be a verbal bio? Because I can give it on Zach Jansen.

Beazley: I'd prefer to have a paragraph or two on each.

Althaus: Lets, lets do this, I think, first of all, we're on second reading, and my point just a few minutes ago was to simply say, I don't disagree with council at all on this, but to make sure you understood. So, if council is not in the mood to entertain the board, it doesn't really speed up your process. I just wanted to make certain you understood that.

Webb: Right, correct.

Althaus: So, with that also in mind though, we need to provide that information. My suggestion would be; if you can provide that information relatively quickly, we might as well wait and read it a third time and do everything at once, or do nothing at once. I mean, third reading there's either going to be a motion to accept it, or it's going to die for lack of a motion. So, everything has come together at that meeting because even if we ask the suspension of the rules, which I have a feeling, I have a feeling they might do tonight, but you can't set your board anyway so, you're going to have to wait for two weeks and set your board anyway.

Davis: Could you also include if they're one of the live in town, or 3-year business members vs not. Most of them I know, but there are a few that we do not and they're, we have to know the 3-4 ratio.

Althaus: I just would really encourage council, let's, I like council is really taking that part seriously. That's what we want. Let's not lose the baby for the bathwater. We still want to get this port established, well my suggestion is we do, and I feel very strongly in the end that council has to have that ability to, and in the words of here, with advice and consent of this council.

Beazley: The other item I would love to see on that bio is your staggering of terms. You're going to have 4, 3, 2, and 1 so however you're nominating your board, I'd like to know who your 4-year members are, your 3-year members, etcetera.

Althaus: Good point.

Webb: Got it.

Beazley: Thank you.

Althaus: Okay, we will read that again...

Webb: Two paragraphs?

Davis: Huh?

Webb: Two paragraphs?

Davis: Yeah.

Beazley: Or one robust one.

Davis: Yeah.

Beazley: Some of them could be long. Some of them could be very short. We need information. Tomorrow is not enough time Brian, thank you very much. I had thought of that too. It's not enough time.

Althaus: And I would say that special session, in reality, wasn't set up for that purpose and I believe the need for the special session is roughly, going to be gone, here in a couple minutes.

Beazley: Yessir.

Althaus: Let's hope so. So, with that, after providing Tim plenty of challenges; we will move onto the next item and that will be moved onto a third reading then, in two weeks.

- **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: I'm going to look toward David and/or Brian. Is this the one that we made some changes today?

Beazley: Seven times.

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(Laughter)

Beazley: Twice.

Althausen: You want him to take it?

Beazley: You should see in your hands; either electronically or Emma has a hard copy if you do not have an electronic copy. An ordinance which would show general fund transfers in the amount of \$27,210 but the allocation has changed for some needs and some non-needs.

Murray: How much was that for?

Beazley: \$27,210.

Davis: It's not in my electronics.

Beazley: It would've been, it would come at 3 in the afternoon. This is under the general fund transfer portion. This is the only area where we would need or request to amend the legislation. So, if I might...

Davis: Can you wait until I get a hard copy?

Beazley: Sure.

Althausen: I think it's being passed around.

Davis: It's not in my electronics.

Beazley: I know she sent them. I've got enough. I printed my copy out. Alright, we're on page one under general fund in section two these are transferred funds. It should remain; income tax hospital to admin hospital \$800. Income tax hospital to fire hospital \$200, the next line is a change from police workers comp to police salaries \$3,400, from police workers comp to police overtime \$9,000, from police workers comp to police cruiser, this was as a result of having to change our order from Reineke to Statewide there was an additional \$1,597 of expense that we need to cover in order to get the cruiser that we already allocated.

Robin Jones: Why did we have to change?

Beazley: Pardon?

Jones: Why did we have to change?

Beazley: Oh because it was unavailable. Unavailable through Reineke, and then finally the remaining items stay the same under the transfer and the balance or the ordinance. There is no change to the overall total in transfers or allocations just the amendment as I read to change and include overtime salaries, cruiser at the reallocated amounts.

**Motion by Mr. Beazley and second by Ms. Jones to amend Ordinance No. 22-043 to include those line items as printed.**

Althausen: Any discussion?

(Roll call vote, 6 ayes, motion carried)

**Motion by Mr. Beazley and second by Mrs. Davis 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 adopt Ordinance No. 22-043 (as amended).**

Althausen: Any discussion?

(Roll call vote, 6 ayes, motion carried)

**3<sup>RD</sup> 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.**

Althausen: You remember this one, this is where we're assigning the percentages, essentially to the whole 555 property, that's what I'm going to call it. Any thoughts, any questions on this?

**Motion by Mrs. Davis and second by Ms. Jones to adopt Ordinance No. 22-040.**

Althausen: Any discussion?

(Roll call vote, 6 ayes, motion carried)

**SCHEDULING OF COMMITTEE MEETINGS:**

Althausen: So, first I'll note that we have a meeting for legislation on January 18<sup>th</sup>, 3:30, is that correct? Okay, the only other one scheduled that I see are utilities on January 11<sup>th</sup> at 3:30. Any others?

Beazley: Mr. President, will we still be needing to have the special session scheduled for tomorrow at 5pm?

Althausen: Just steal my thunder.

Beazley: Well, it was, it's a meeting. I just thought about I'd ask.

Althausen: Good time, I see no need for it. Do any of you?

Members answer no.

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Althaus: Alright, consider that meeting tomorrow cancelled. That was only for the item that we just passed on 2<sup>nd</sup> read.

**OTHER MATTERS:**

None.

**COMMENTS FROM THE PUBLIC:**

None.

**COMMENTS FROM THE NEWS MEDIA:**

None

**COMMENTS FROM COUNCIL MEMBERS AND ADMINISTRATION:**

Althaus: Any final comments, Chief Musser, Bruce? Chief Donnelly? Brian? Okay, Sue?

Sue Fox-Buroker: I just wishing everybody a Happy New Year and Go Bucks!

Antwilla Davis: I will not be running for council coming into the 2024 year. So, I appreciate being on council and I appreciate working and doing everything with the city that's happened over the last couple of years, but my babies are in high school and elementary and playing sports and it's a lot of time.

Robin Jones: I'd like to thank the administration, Lynn and Cindy, and whoever else was involved in the Christmas party last week. Sue worked hard and Anda brought dessert and it was very nice. So, thank you very much. That was a bright spot in a weekend that wasn't so bright. So, thank you.

Althaus: We just, and Cindy passed me a note, and I had thought of this too; I don't know if you had also Brian, Lou Downey passed away. I wouldn't even try to begin to list all of Lou Downey's involvements whether its city...

Beazley: Another pillar.

Althaus: Pillar of the community, yes. A lifetime mason, very involved with the sheriff's department, the last several years with the VIP program. So, condolences to his family.

Buroker: Joel, the service, memorial service is at 1 o'clock on Thursday at Trinity.

Althaus: 1 o'clock on Thursday at Trinity, okay. And real huge shoutout to public works folks, police department, fire department that were on duty through all that storm that also happened to hit, well anytime they're on duty but that storm and hit on a holiday and just really appreciative. I felt things were handled in really good shape. That was a doozy Friday and I know we had people out in it. So, thank you so much for everything you do and lastly, yes, thank you for the Christmas party, enjoyed that very much and I think Chief Musser kind of spearheaded bringing that back and it was a good event, hopefully something the administration, at least that's what Lynn tells me, all the good ideas I think some from...

Musser: I think we need to get ahead of it I think next year, do it a little earlier.

Althaus: But good event and I was happy because Anda's desert was there. That's the reason I went. No, that's not the only reason. So with that, thanks for all your attention this evening. We will meet back here on January 9<sup>th</sup> at 7pm in a new year 2023 and remember, if you're going to run again; time goes by fast. So, with that, if there are no objections, we're adjourned.



Joel Althaus, President of Council



Emma Boutwell, Clerk