

9TH REGULAR SESSION:

Kenton City Council met in their 9th Regular Session on May 9, 2022, at 7:00 PM in Council Chambers. Present: President Joel Althaus, Sue Fox Buroker, David Beazley, Antwillia Davis, Ray Lawrence, Pegg Wren, Anda Tudor, Robin Jones, Mayor Lynn Webb, & Safety Service Director Cindy Murray. Absent: Law Director John Schwemer.

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

MINUTES:

Althaus: Upon reviewing the record proceedings from April 25th, did anyone find any additions or corrections to be made? Let the record show they are approved as submitted.

CITIZENS REQUESTING TIME TO SPEAK:

Althaus: We do not have any citizens on the agenda tonight. There will be time in public comments later in the evening for anyone present.

COMMUNICATIONS:

Althaus: In your packet you did see Holli (Underwood) provided a report from the Hardin County Chamber & Business Alliance to the City of Kenton of all of the items they are working on at this time, or have been working on, that involve Kenton. If you have any questions on that, feel free to reach out to the Chamber or ask Mayor Webb and she'll convey your concerns/questions. We also have the minutes from the Kenton-Hardin Health Department from their March 22nd meeting. And finally, the Planning Commission minutes from April 25th...many of you were here for that meeting as it took place in Council Chambers prior to our Council meeting 2 weeks ago. Those minutes are in your packet. I visited with each of you regarding this issue, so we make certain to try & get ahead of it. There will be a public hearing June 13th and that will be at 7PM. Now at that one, we might have a few comments so be ready for a little bit longer Council meeting. I'd ask that you do research prior to that. John did indicate to me that he does not plan to have legislation ready. We want to hear everything & see what presents itself at that meeting and then we would respond to the outcome of that meeting. Any questions on that?

PETITIONS:

Althaus: We have none. We'll act on an Ohio Division of Liquor Control request in new business.

ADMINISTRATION REPORTS:

Althaus: KPD has their April report in your packet. Chief Musser, would you like to address Council? Do you have anything to report on or discuss tonight?

Chief Musser: It won't necessarily be reflected on this monthly report as theft calls will probably fall under miscellaneous depending on whether or not something was reported stolen from a vehicle, but I wanted to make people aware, if they're not already, we have a lot of thefts from vehicles currently. A lot a lot and there will be more on the May monthly report as we've had a lot in the last several days. Of course people shouldn't steal, nevertheless people shouldn't leave their cars unlocked either. Even worse, you shouldn't leave your car unlocked with a loaded gun in your car. If you have a gun for self-defense and it's in your car and you're not in your car, then you can't use the gun for self-defense so that's dumb. So don't leave loaded firearms or any firearm in your car. I'm asking the public. This happens every year where we have a rash of car break ins and the last ones we had in which several firearms were stolen, probably half dozen, the group responsible ended up getting somewhere in the realm of 13 years in prison for stealing property along with a slew of other charges. That was a group of individuals on N. Main St. But they're in prison so it's another group of people stealing things out of cars every night. So I just wanted to put that out there. Also, there are a lot of motorcycles out at the moment with the weather. And, if you're cutting your grass don't blow it in the road. We've been hearing a lot about that in the last few days, so I wanted to put that out there as well. That's all I've got. Any questions about the monthly report?

Auditor Brian Hattery: I do have a question about the break ins. So you're right, it kind of seems to happen every year...if it's locked, do they pretty much move on or has it gotten to the point where they're actually breaking windows?

Chief Musser: They're not breaking windows. Actually, in 20 (+) years I can only think of a handful of times someone has broken a window like to get a laptop that's left on the seat for example, or a purse with a wallet visible and things like that. But overwhelmingly, 99% of these are vehicles left unlocked. A lot of the victims are mad at us because it's like the 4th time it's happened to them, but I'm like, you left your car unlocked 4 times.

Althausen: Fire...Chief Donnelly, anything to report?

Chief Bruce Donnelly: I just want to remind people the SW section (4th ward) we'll be flowing the hydrants next week starting on Monday the 16th. I know one of the hydrants on Espy Street where we've had the pressure issue, we're going to leave that alone just so we're not creating more problems there. I guess for that week remind people to probably run their kitchen sink water or something beforehand just to make sure, because usually when we open the hydrants up it gets the iron loose in those pipes and ends up in people's houses. So run some water first before you do a load of laundry. I just want to remind people of that. I did get a call today from Brian Klaus with Fire Services and the ladder truck is done. They're doing the underbody coating in the next day or two, but everything else is fixed on it so once he gets that finished, we'll schedule time to go over & get it & bring it back. Other than that, that's about all I've got at this point in time.

Althausen: Are you going to have any room in the Fire House for it? You've probably been using that space for something else. Ha.

Chief Donnelly: Oh, there's room in there, not much but there is room. We might have to put a truck outside. Ha.

Althausen: Thank you, Bruce. Income Tax...you see the monthly report. Are there any questions on that? We've got Emma right here...

Beazley: Whatever that was this month, keep doing it.

Income Tax, Emma Boutwell: You have to remember that, and I don't mean to discredit it, but that was compared to April of last year when the deadline had been extended. But it's very comparable to years prior.

Althausen: Auditor...in your packet you have the report from the Auditor & Treasurer to the Mayor. Any questions on that? We've got Pam & Brian here....

Chief Dep. Auditor Pam Romanko: I just want to let you know that the State Auditors told me last week that they're 90% done with their field work and everything is going smoothly. I'm sure you guys will be getting a report in an email from Rob regarding how that's going. And again, it's gone smoothly with no particular issues or anything like that. Also, that report is from March, and April reports will be emailed to you this week as well.

Althausen: Pam, when we get to 1st readings, before we even read the first item, I'll have you come back up and just go over this. I think that would make more sense since they're all 3 on here.

Romanko: Okay.

Althausen: Great. Cindy, anything?

Safety Service Director Cindy Murray: So the first thing is we received notification last week that we did get approved by ODOT for the Transportation Alternative Program known as TAP. This is for Phase I of N. Detroit Street, and it will be for reconstructing of the sidewalks and some of the drive approaches and things like that for up to \$239,733. So that was great news! That is 95% of the eligible cost of that program, so that was great news last week. The street crew is starting the durapatching in ward 1 this year. They will be doing streets & alleys so I'd say it'll take them at least a month...we'd plan a month before, but that was usually when they were just doing alleys or just streets, so it may take about 1 ½ months. They won't be out until probably next week as all of our guys are busy this week getting the parks & the pool ready, hanging banners & putting up the new flags. Espy Street work will start next week...I just got an email from them tonight. We're aware that the striping...we're getting quotes for the striping of the streets and painting crosswalks. We're getting multiple quotes from some different sources because it doesn't seem who we've been going to the last couple of years like it lasts very long. So we're trying to get some other ideas of who to go to. Burl does have it on his radar to paint parking spots and the curbs, and that's our guys that do that. We received notification from CSX that from Friday May 27th to June 3rd they're going to close Detroit Street, Wayne Street & Bales Rd. in the city limits to do crossing/track repairs. So we want to make everyone aware of that. We did ask them to try to keep Detroit Street to the minimum amount of closure time, but that was the time they told us those crossings would be closed. Chief suggested we get with ODOT and get an electronic sign up maybe for the Detroit Street that sends them over to Main Street. So we'll reach out to ODOT about that. The last thing I have is next week is National Police Week, so we're going to try to do some stuff (Chief doesn't know it) to recognize our law enforcement that we have and thank them for a job well done. Any questions for me?

Althausen: Thank you, Cindy. Mayor Webb?

Mayor Lynn Webb: First thing I want to discuss is we're collaborating...the City is collaborating with the Chamber and the Lions Club to put the Memorial Day Parade on again. The Chamber will put out a signup sheet for anyone who wants to be a participant in the parade. This year we kind of discussed some things...last year we had some issues with the throwing of candy. Baseball players thought fast balls

with candy were it so we received quite a number of complaints on that and we're asking that the candy gets tossed and not overhand. We had some fired at little kids and handfuls fired at the police so we're going to give it one more shot to let them pass out candy. We ask that every participant, float, team, truck or whatever would be done in patriotic colors along with...if it's your baseballs teams orange & white, still put your red white & blue. We're asking people, especially the kids, it's kind of a teachable moment to talk about Memorial Day and it would be a good thing to do some research and maybe do your float in honor of a fallen soldier. So this year we're trying to make it more about what Memorial Day really is. So be looking for that from the Chamber, they'll be pushing that out. Again, we thank the Lions Club...they're always very on top of the parade lineup. Second, Brenda handed me the letter after her 30 years, so there is going to be nice celebrations for that, but we'll talk about that later. Then I wanted to say Emma will be moving forward into Brenda's spot and we've put Income Tax Administrator online on Indeed...we've had 2 apply as of today for that job. We'll start interviews on that process the same as we've interviewed in the past. Finally, I guess I'm going to talk a little bit about social media...unfortunate is probably not the right word and I'm fully aware of the light it put on the City...I think it was up for approximately 4 minutes and as soon as that went down countermeasures and parameters were put into place. We're continuing to look at how we're going to run social media website to get it right and we do it in the most professional and ethical way. We'll reach out to MOP with policy & procedure for how we utilize and if it stays inhouse how that looks. We've looked at...several of us have looked at other communities how they've done it. We seem to copy a lot from St. Mary's and they've got kind of a neat system, but there is a cost to it...a pretty significant cost. But I think those things when you're looking into the technology world there are a lot of things that change from Facebook going to Meda (?) with Instagram. That seems to be a little bit more challenging than what we're able to do. Any questions on that?

Davis: What counter measures or what did you put in place, so it doesn't happen again?

Mayor Webb: No postings from mobile phones, only from work laptops. I'm the only administrator and only posting from Facebook and it will be a copy/paste. If we do a picture, it's a copy/paste, it isn't a share. The linkage between Instagram...right before all of this we set up a City Instagram and we connected it, but it wasn't connected correctly so that is not linked anymore. That was immediately taken out. So that's where we are, and then we've reached out to other people and companies on how to get this so it's in the best way, so it doesn't happen ever again.

Beazley: Mayor, you mentioned working with MOP on a plan. Is there an intention to codify that then and make it part of the official...

Mayor Webb: That's up to you guys.

Beazley: Well, I didn't know what your thoughts were and what your plans were with it.

Mayor Webb: I can make it however.

Althaus: At this time, no. Any questions for Lynn? To follow up on that, obviously you're all aware of the post that Lynn referred to and it was an unfortunate situation. What I just want to report on is how we did respond and how quickly we responded. I received a communication from a few of you, I had already received a communication from a resident, and had conversations with Lynn Webb and that was on Friday morning immediately after it happened. Over the course of the next several days I met with everyone of you that were in the country just to bring you up to date on specifically what had happened and to gauge your feelings on that topic. John Schwemer and I, in his capacity as Law Director, were in conversation quite often last week just to again see what was being done & what was developing and what we were seeing on social media. And I had at least 3 different conversations face to face or on the phone with Mayor Webb, lengthy ones discussing the need for a policy, the need to look at other policies, and outside vendors who might be able to help us. We had Cindy Murray in the discussion as well. This isn't something that we're just going to forget about and put on the shelf. Lynn already has a draft policy and we'll work closely with MOP. We've had several...this isn't the first issue we've had with social media (can't hear...static) neophytes on social media and that includes we even have a couple of departmental social media sites...Fire has a Facebook site.

Chief Donnelly: The Union does.

Althaus: The union does, good point/clarification. But sometimes, and it has happened before, we need to make certain those postings align with what the city is doing and also want the union wants. I'm only using that as an example. So that's one of the other things we're looking at. How do we look at Parks & Rec having a social media Facebook website, etc., so all of these things are being talked about. I wound up the week and had a face-to-face conversation with Judge Barrett and it was a very good conversation. We really talked in general about the whole range of what's appropriate and not appropriate with social media and the times. I'd say a lot of his perspective in the communication I received, and I know Councilman Dave Beazley received, had to do more with his position as Judge and

what he can & cannot do. In the end I'd just repeat & remind everyone, in no way do we condone the City of Kenton, nor did anyone purposefully post a post in favor of a candidate on behalf of the City of Kenton. The post that was made was an error and corrections have been put in place to make sure those errors won't happen again. Beyond that whether we agree with it personally or not, individuals are allowed to endorse candidates. I looked at and researched many social media policies, even where they did codify those policies across the country, and every single one of them that I found provides the ability for a person within the framework of their title to endorse a candidate. Again, and I will say it, I personally may not do that or agree with it, but it is not my right to impart that belief on someone else. So that's just an update of what I was involved with. I appreciate each & every one of the Councilmembers that took time to talk with me and I very much appreciate your comments. This is a work in progress, so we need to continue working on this and get it right. So we'll move on unless someone has questions for me.

REPORTS OF STANDING COMMITTEES AND/OR SPECIAL COMMITTEES:

Althaus: Finance did have a written report. Is there anything beyond that you'd like to add Mr. Beazley?

Beazley: Just simply the reminder that prior to our 2nd meeting in May we'll be having a Finance meeting at 6PM in chambers.

Althaus: I don't believe MOP has met since our last meeting.

Wren: We're going to meet this Thursday at 3PM. I mean this Wednesday, I'm sorry.

Althaus: What's on the agenda is incorrect...we'll come back to that so make certain you remind us when we get there. I don't believe Utilities has met since the last meeting...

Jones: No, we have a meeting this Wednesday, May 11th at 4:30PM in chambers.

Althaus: Okay, we'll get to all of the committee meetings under that part. I just want to doublecheck & make certain there are no reports. Streets I don't think has met & Legislation has not met.

REPORTS FROM COUNCIL MEMBERS:

Althaus: Regional Planning?

Beazley: Regional Planning cancelled their May session as there was no business to be attended too.

Althaus: Parks & Rec Board...no report to update there I don't think.

Jones: I have just a couple of things I got forwarded to me. The Early Bird Season Pool Pass ends this Sunday, May 15th. Also, this Sunday is the quarry event that is a free day at the quarry fishing. There is going to be 2 people, Austin Rohr and Nathan John, from Louie's Lures that are going to be out there. There is going to be 2 food trucks, Coach Moore is going to have his conservation class out there talking about kayaking and kayaking safety. The third thing is the Tennis Clinic signup deadline is May 20th.

Althaus: Louie's Lures is a pretty well-known...

Jones: They're big time.

Althaus: They're big time if you're in that recreation of fishing...

Jones: They come from Illinois and it's a big deal. So it's a good thing for the quarry this Sunday.

Althaus: Grove Cemetery Board, it's your time of year.

Davis: It is our time of year. First off, I'd like to announce that the Cemetery Board, after talking it over, has decided to fix the aeration system at the home we own to the east that Jim Litzenburg used to live in, and we're going to get that ready to sell. So we've made the decision to sell that property and John will go through the process when we get closer. There is an advertising process and bid process because it is a government owned piece of property. Also, we're coming up on Memorial Day guys, so our workers are out there and they're doing their best to get everything mowed. Of course mowing season is hectic, so please watch out for the mowers and please watch out for our weed wackers...we have some new employees out there. So we're just getting ready for Memorial Day and everybody come out & see us after the parade.

Althaus: Shade Tree Commission...we have a report & that's the report that Sue reported on 2 weeks ago I believe. I don't know if you have anything to add.

Buroker: No, we just meet this Thursday at 1PM in chambers here.

Althaus: I did ask Sue if the gentlemen appreciated having a Councilmember there and she said they very much do.

Buroker: I think so.

Althaus: I know there are some things you guys are working on for a potential presentation to us in the future and we look forward to hearing it. Ok, BKP will meet next week, and I believe that's it as far as reports.

OLD BUSINESS:

Althaus: We have none, unless someone can think of something we failed to bring up.

NEW BUSINESS:

Althaus: We have a notice from the Ohio Division of Liquor Control in regards to a new liquor permit for Mi Tierra Mexican Store LLC at 917 E. Columbus St. That would be the little Hispanic grocery store beside NAPA. They are asking for...where can I find that Brenda...I can never see it.

Clerk: It's on the back page...

Davis: It's a D-3.

Althaus: Chief do you have any problem with this?

Chief Musser: No, I see no problem.

Althaus: So, what we'd ask is either you waive a hearing, or you can request a hearing...

Motion by Mr. Beazley & second by Mrs. Davis that we waive the hearing for the liquor permit for the Mi Tierra Mexican Store LLC.

Althaus: Is there any discussion? **(Roll call vote, 7 ayes; motion carried)**

ORDINANCES/RESOLUTIONS:

3RD READING: None.

2ND READING:

- **ORDINANCE NO. 22-009, TITLE ONLY; AN ORDINANCE AMENDING AND RESTATING KENTON CODIFIED ORDINANCE SECTION 660.08 RELATING TO GRASS AND WEEDS IN THE CITY OF KENTON.**

Althaus: Is there any hurry here?

Davis: No, no hurry on this legislation.

Althaus: Okay, we'll read this again in 2 weeks. Now, we're up to the 1st readings.

1ST READING:

Althaus: So Pam if you'd like to come up. Again, thank you very much for the explanation...maybe you can summarize that.

Romanko: It makes it easier for you to all have time to review it and then I speak on it so it's part of the minutes too. So I made 3 different ordinances primarily because of the 3 different items we were discussing. The downtown payments, I'm trying to keep the downtown ordinances separate. 22-012 were other items we discussed in Council Chambers, and the 22-011 are grants we received specifically from the Hardin County Community Foundation. They have financed the following items and I'm requesting that we approve 22-011 to be able to spend that grant money. The Fire Dept. asked for money for the handheld sonar device, Police asked for bullet resistant vests, the Tree Commission gets some trees, the Administration asked for money for our flags, and the Parks & Rec asked for money for picnic tables, trash cans, signs, and disc golf, and then the quarry new equipment was from a check from the Trustees of the Purcell Memorial to purchase 3 new docks for Frances Lake for \$8800. Because these are just kind of an in & out, you can go for 3 reads but if we waive the 3 reads, we can get that money appropriated.

Althaus: Pam, if you wouldn't mind staying up there for a little bit, I'll ask Brenda to go ahead and read that first item.

- **ORDINANCE NO. 22-011, TITLE ONLY; AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS FOR THE YEAR 2022 FOR THE CITY OF KENTON, OHIO AND DECLARING AN EMERGENCY.**

Althaus: As Pam explained I'd ask Council if you want to move forward now is your opportunity.

Beazley: Mr. President, I'd move the suspension of the 3-reading rule that we might receive the gracious donations afforded to us on Ordinance 22-011.

Motion by Mr. Beazley & 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, 7 ayes; motion carried.

Motion by Mr. Lawrence and second by Mrs. Wren to approve Ordinance No. 22-011.

Althaus: Is there any discussion? I'd just comment a big appreciation to the Foundation.

Beazley: Absolutely.

(Roll call vote, 7 ayes; motion carried)

Althaus: Okay Pam, if you want to go ahead and talk about the next one.

Romanko: Ordinance 22-012, last year when we were completing the budget, we complete that like October & November, so we anticipated all of the contract negotiations being done but they weren't. So we spent most of the money we had appropriated for 2022. Last year there was \$13,000 left over and

this year we think \$7500 will clear up the rest of the negotiation invoices. Also, we've always taken that out of general fund, but essentially it comes from the unions which is Police, Fire, Street, Water & Sewer. So we've taken that & divided it by the number of union employees for each department. So instead of just one labor relations line we have 5.

Althausser: Do we have bills laying there or anything? What is your urgency on that?

Romanko: No, there are no bills laying there. And then we...

Althausser: I'll have Brenda read that one if you...

Davis: There is more for that ordinance.

Romanko: Right, there is more. The bids from E. Columbus Street Stormwater Construction came in nearly \$32,000 higher than budgeted. CDBG funds are going to be used for \$470,000 and we took \$231,000 of our ARPA funds to pay for that so we're short approximately \$32,000, which will come out of the Stormwater System Projects line & Stormwater Fund. And then when we did the budget last year, I didn't account for any budget expense to come out of the Stormwater Fund. I used the expenses from last year to appropriate the right amount between the funds, so to keep that consistent I added \$50 to the Stormwater Fund Audit Expense.

Althausser: So again, your summary of 22-012 there is no hurry on that?

Romanko: No, Columbus Street will not start for a while.

- **ORDINANCE NO. 22-012, TITLE ONLY; AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS FOR THE YEAR 2022 FOR THE CITY OF KENTON, OHIO AND DECLARING AN EMERGENCY.**

Althausser: Any objections to that moving on to a 2nd reading at the next meeting? Okay, finally the last one, 22-013, anything you want to point out beyond the summary that's right here and very detailed?

Romanko: No, just that our payments are coming due and the first one will be due in June and the second one due in December. So this also can wait and not be passed until after 3 reads.

- **ORDINANCE NO. 22-013, TITLE ONLY; AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS FOR THE YEAR 2022 FOR THE CITY OF KENTON, OHIO AND DECLARING AN EMERGENCY.**

Althausser: Does anyone have questions for Pam on those several paragraphs regarding 22-013? Any objections to that being held over for a second reading? Okay, thanks Pam for having that so organized.

SCHEDULING OF COMMITTEE MEETINGS:

Althausser: First let's grab MOP...May 18th is incorrect.

Wren: It's May 11th, which is this Wednesday, at 3PM. Right guys?

Mayor Webb: That's what I have in my phone.

Althausser: Okay, is everything else there correct? (yes)

OTHER MATTERS:

None.

COMMENTS FROM THE PUBLIC:

None.

COMMENTS FROM THE NEWS MEDIA:

None.

COMMENTS FROM COUNCIL MEMBERS AND ADMINISTRATION:

Beazley: First of all, Madam Mayor, I'd respectfully request that you deny Brenda's request for retirement. Ha. I would also thank you for your prompt response in taking responsibility for the items which we've already spoke of. Mr. President, I'd also thank you for your response and follow through on that as well. That's all I have.

Davis: You sure you want to leave us, Brenda? We're so much fun, right?

Beazley: You can come back for meetings if you want to.

Davis: Right, we'll save you a seat.

Althausser: Pegg, you don't have a tan. Ha.

Wren: I do, but it's mostly red right now. Ha.

Mayor Webb: Just for Jim Hites...again, all of us who sit in these seats know it's not easy, but for the small amount of time I really got to know Jim I so appreciated his gentle spirit. He was a kind man. It's a privilege to take over where he left off and like what was posted he was a man that served God, his country, and his community. That's a great example for us to live by just for the record.

Althaus: Brenda, any comments? (no) I'll ask you again in 2 weeks...you can't be absent or call in sick. Ha. I'd just echo Lynn mentioned Jim Hites and Dave Beazley mentioned something when I walked in tonight, but I had the opportunity to serve with Jim for 8 years. There were a lot of ups & downs, but you said it Lynn, Jim was a gentle man. You could always sit down and have a chat with Jim whether it was at McDonald's, or whether it was working out at the fitness center, or wherever you might run into him. He served this City well. He served in a situation where his boss wasn't always here, through no fault of either, so Jim had to figure things out on his own at times. Jim will be missed, and my condolences go out to the family. Is there anything else or anything we're missing? You see all the committee meetings and just a comment on those to all of you...if we reach a point in time where the committee really has nothing in front of it, you don't have to meet. I like this, I like that we have an organization and we're pretty much having a standing meeting, but again don't meet for the sake of meeting. I just wanted to make certain that I never said it. I think we're getting some things done and we'll continue too, but I also want to be very respectful of your time. So our next meeting will be May 23rd here in chambers. I'd keep in mind there might be activities involved with the retirement of someone on that following Thursday. So I'd try to keep Thursday evening open if you have the opportunity. With that, unless there are other matters, we're adjourned.

Joel Althaus
President of Council

Brenda Hanna
Clerk