

RECORD OF PROCEEDINGS

Minutes of

KENTON CITY COUNCIL

Meeting

Lilienthal Southeastern, Inc., 1-800-837-1904, Re-Order 66685K

Held

September 25, 2023

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18th REGULAR SESSION:

Kenton City Council met in their 18th Regular Session on September 25, 2023, at 7:00 PM, in Council Chambers. Present: President Joel Althausser, Sue Fox Buroker, David Beazley, Antwillia Davis, Ray Lawrence, Pegg Wren, Anda Tudor, Robin Jones, Law Director John Schwemer, Mayor Lynn Webb, Safety Service Director Cindy Murray.

Prayer given by Mr. Althausser:

Glorious God, You promised to open doors of blessing and abundance for Your people. We ask that You work mightily in us tonight. Come upon us and cause us to have a productive meeting. Lead each one of us so that we can make fruitful contributions. Enable us to think and plan in ways that will achieve great results. Refine our thought and motives so that each one of us will enter this meeting desiring the good of others, and the pleasure of Your Name, AMEN.

Pledge of Allegiance recited.

MINUTES:

Althausser: Welcome everyone and sorry it's rather warm in here tonight. We'll try to move quickly and hopefully we don't talk too much and create heat. Approval of the prior minutes, are there any additions or corrections to those minutes as they were printed? Hearing none, there will stand approved as submitted.

CITIZENS REQUESTING TIME TO SPEAK:

None.

COMMUNICATIONS:

Althausser: I received, I know David did, maybe other council members did, a letter from INVenery announcing further progress on the solar, Hardin Solar Energy Two, if anyone would, there's nothing we have to act upon. It's notification. If anyone did not receive this and would like to look at it, I have a copy here. I know councilman Beazley received a copy. Any other communications?

PETITIONS:

None.

ADMINISTRATION REPORTS:

Althausser: Chief Musser, the show is yours.

Musser: Thank you. Okay so, I wanted to bring a couple of officers in this evening to recognize them for an incident that took place on September 1st. We have Officer Shemeth, Starner, and Stollar who is also a member of the Night's Watch on thirds. Officer Stollar, after this happened, it happened over the weekend. I came back to work the following Monday, and Officer Stollar gave me this memo that he typed up, which I'll read, "On September 1, 2023, at around 23:59 hours, Officers Roberth Shemeth and Ryan Starner were dispatched to 602 Decatur Street for a structure fire. Officers Shemeth and Starner arrived on scene and were notified by a frantic male that his immobilized stepfather was still in the residence. Without hesitation for their own safety and well-being, Officers Shemeth and Starner entered the burning household. Officers were immediately met at the door with a thick fog of smoke. Due to low visibility, officers repeatedly called out to the man to locate him. While searching the smoke-filled residence officers rushed past the sweltering heat of the flames in the kitchen area again, and again without hesitation for their own safety, pushed their way upstairs and searched for the male. Officer Shemeth located the immobilized male on the upstairs floor, as the male attempted to avoid the heavy smoke to survive. Officer Shemeth immediately picked the male up from the floor, knowing he needed to be evacuated as soon as possible to avoid death. Officers Shemeth and Starner carried the male down the stairs, through the heat and blinding smoke. Officers successfully removed the male to the outside of the residence to safety. Based on Officers Shemeth and Officer Starner's quick heroic actions and going above and beyond the call of duty to save a life; I, Officer Kollin Stollar, would like to nominate Officer Shemeth and Starner for a lifesaving award." I also received written correspondence from Sergeant Garmon, with the Hardin County Sheriff's Office, I believe he must have been on that

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night, as well. So, I was going to play, you know I ran through it a couple times to see if, how offensive the language was; it's not that bad.

(Laughter) Chief Musser played body cam video.

Musser: Okay, so that was one of the two officer's body cams. Clearly, I think it relays a pretty clear illustration of what happened, and you know I'm going to remind everybody, and point out the obvious; they're not firefighters, they didn't have to go in there, tones had already dropped for the FD. FD was on their way, but they took it upon themselves to do it anyways. So, we have a term for that, for having the courage or fortitude to do that. I won't repeat it in here, it's somewhat offensive, but yes, exactly. So, a lot of sand. I'll use that old English term, to go into that house and do what they did. So, we wanted to recognize those two this evening. Typically, when we hand out a lifesaving award, and we've done a few over the last eight years, the officers qualify to wear the two-tone ribbon that you guys have seen in the past. So, you know that goes without saying but I thought we would add something else you know, they could displace on the mantle for the grandkids when there are little Shemys when they're older. So, we've got one for each of them here. I'll read off what the inscription says, if I can see through the crystal here. And this, what I did was, is essentially copy and paste words from Officer Stoller's type up and Garmon's type up, put them onto this template, and the company puts it in the crystal for us. So, "In recognition of your outstanding efforts on September 1st 2023, during which you and a fellow officer, without hesitation or regard for your own safety, entered a smoke-filled, burning residence to search for, and successfully remove an immobilized resident from life threatening danger. Due to your quick heroic actions and going above and beyond the call of duty to save the life of another.", and it's inscribed with their name, Officer Starner. So Starner, come up.

(Applause)

Musser: Come on up, Shemy. Same wording for Officer Shemeth with his name, obviously.

(Applause)

Officer Shemeth: I just think I did what pretty much anybody in our department would do. I think we have a great group of officers that are willing to do something like that every day of the week. So, proud to be a part of the Kenton Police Department.

(Applause)

Musser: Also, real quick, we're going to take a minute to introduce you to Kato. You can come on in, Lucas. Kato is little because he's what, 8 months old?

Officer Risner: No, he's 14 months. He was born July 2nd of last year. Still a puppy.

Musser: Okay, Risner just finished school last week. So, he's getting the dog out there. He's kind of a jerk so I don't know if I would want to get...

Officer Risner: he still does the puppy nibbles.

Beazley: He is the cutest of all of the officers.

(laughter)

Musser: Yeah, so moving right along...

Beazley: Welcome Officer Kato. Do we have a vest for him?

Musser: I don't know. Did you inherit a vest there?

Risner: There's an old one back there. I don't know how old it is.

Musser: Well, we're going to, you know, Kenton Police Department always had two dogs. We had a day shift dog and a second shift dog, and I mean for a little bit we didn't have a dog at all. So, now we have one. Moving forward with number two in January/February with a newer handler, probably. So, we'll talk about that in the obvious ongoing finance meeting so. That's it guys.

(Applause)

Media, Chief, Mayor, and officers stepped out into hall to take photos.

Althaus: Okay everyone, if we could move on. I'm going to guess Chief Musser has nothing else to add. So, Chief Donnelly, anything to report? Discuss?

Beazley: Where's your new guy?

Donnelly: He'll be back around in about 5 weeks. That was one of the things I was going to mention; our new guy did start last Monday, Daniel Weikart. So, he had his first cycle last week so unfortunately last Monday was also his last Monday to work for 6 weeks. So, once he gets back to working on Mondays again, I'll bring him up here to do a formal introduction to you and so, the other thing we've got is coming up is fire prevention week, first week in October. So, making plans for getting

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into the elementary school and making plans for up there and I know we've gotten a few calls, I think, for some of the preschools. So, getting all those taken care of and I guess I just want to say I appreciate all the businesses that have donated to our fire safety program this year through the National Fire Safety Council, and basically what they do is they have pool of resources that we can purchase from with these donated dollars and so and they're aged from pre-k all the way up through senior citizens. So, we can get materials for anybody, at anytime. I mean, yes we heavily focus on the school aged kinds, but we do get materials for, when we're doing Romanko: events and stuff and so for like carbon monoxide and fire extinguishers in the home and stuff, things like that. So, we've got that coming up so that's kind of what we're making preps for right now. So, that's all we've got right now.

Althaus: Great, thanks Bruce. Chief Musser, anything else?

Musser: No thanks.

Althaus: Nothing else?

Musser: Nope.

Althaus: Okay. I'm looking down through the list and looking at who is here. I think I'm going to jump right to John, anything? Cindy?

Murray: Um, no; just that Columbus Street, when we do what came over to me; ideally, they will be paving the surface October 8th and 9th in the evening, and I emphasize the word ideally.

Althaus: I like that, ideally.

Beazley: I see that we're dug out on the crossings so we've got that work under...

Murray: The signs are up that work is going to be starting.

Althaus: I mean, they've got a ways to go on the ADA stuff.

Beazley: Yessir.

Davis: When are we doing Scott Street?

Murray: That should be starting the first part of October too.

Davis: Okay.

Althaus: Okay, and Cindy may have more to add when we have some legislation later. Mayor Lynn?

Webb: Not at this time.

Althaus: Finance Committee?

Beazley: Finance did meet tonight. Originally opening the budget talks, and we got the revenue reports. We will meet again in four weeks, prior to session, 6 o'clock, where we would expect to see from our department heads there with preliminary budgets based on their allocations.

Althaus: Thank you, David. Pegg anything with MOP?

Wren: Nothing.

Althaus: Public Utilities?

Murray: I'm going to speak for Robin on that one.

Althaus: Okay.

Murray: So, for the stormwater fee, the ERUs, all of those calculations are complete. I need to get with RCAP to do the rate study so that we can figure out how much an ERU costs with all the projects that we have going on. So, I will be doing that tomorrow.

Althaus: Okay, and I did jump right past, you did have, Cindy did have her Public Works monthly report and the water treatment, wastewater treatment plant flow report there. Any questions on that, please ask her. She did say we did have one discharge last month. Okay, and you see utilities is meeting on October 11th at 3:30, that's correct. Streets, alleys, and sidewalks?

Lawrence: The flashing stop sign have been installed. They're looking at working on the radar signs, discussed a couple shrubs need trimmed, school bus stops are in talk but nothing...

Althaus: Stop signs are very noticeable.

Lawrence: Yeah.

Althaus: Yea, okay and October 18th, 4:30. Legislation?

Davis: Legislation, we met last week; cleaning up some legislations, going to go over some signage, ideally to come up with a more standard uniform sign code for advertising, and also to be able to make property owners maintain their large signs.

Althaus: Alright, and you're also October 18th at 3:30. Council members, any reports? Does anyone have an individual report?

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Beazley: Regional Planning did not meet in September.

Buroker: On the Shade Tree Commission, they didn't, they cancelled. But they did send out an email saying that they were finishing up, that the people that were hired to remove the trees are finishing up the tree removal and that they should go out and look around and give the all clear to make the payment. So, I'm assuming they'll meet next month again.

Davis: Grove Cemetery, we did meet, the roads are done. If you guys go there you'll see the stone on all of them, and just getting ready for winter.

Althaus: BKP Ambulance District board did meet last month. The biggest news from that meeting; the board voted to put on an additional 2 mil for...

Beazley: Was the vote unanimous?

Althaus: I did not vote. I was there ten minutes after they voted. I can say I would have, at best, abstained.

Beazley: Fair enough.

Althaus: However, I did talk with Allen Barret for a while afterwards. I do understand the logic. If you put something on in the spring, which presidential year, so it would be in March. You're not collecting that until 2025.

Beazley: Correct.

Althaus: Or yes, you're correct, 2026.

Beazley: It's assessed in 2025, collected in 2026.

Althaus: So, you don't get it until 2026.

Beazley: Yup.

Althaus: So, when you look at that far out to maintain the staff, they need that but the...

Beazley: Like all departments, our departments, our safety departments are experiencing revenue dollar issues.

Althaus: So, if memory serves me correct, they have an existing 2. They have a permanent of a half. They would be adding a 2, I think. Don't quote me on that exact.

Tim Thomas: Would you say this is maintenance, or supplemental, or what's the...

Althaus: Personnel, mostly.

Schwemer: It's probably just considered an operating.

Althaus: But it's operating. It's operating. So, it's their general fund, operating.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

ORDINANCES /RESOLUTIONS:

1ST READING

- **ORDINANCE NO. 23-025, TITLE ONLY; AN ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR MATERIALS AND SUPPLIES FOR THE CALENDAR YEAR 2024 AND TO CONTRACT WITH THE LOWEST AND/OR BEST BIDDERS AND DECLARING AN EMERGENCY.**

Althaus: Cindy, anything you want to add to this?

Murray: Nope, Emma might?

Althaus: Emma, are you in a big hurry? Okay, if there's no objections we will read that again at the next meeting.

- **ORDINANCE NO. 23-026, TITLE ONLY; AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS FOR THE YEAR 2023, FOR THE CITY OF KENTON, OHIO, AND DECLARING AN EMERGENCY.**

Althaus: Okay, you saw the explanation page. I don't know, David, do you want to comment?

Beazley: This was in regard to what we authorized Cindy to enter into the agreement, as it pertained to the right of way acquisitions and the company doing that. This is the funding piece that corresponds to that and that's why we need to move forward so those negotiations can begin. Having said that...

Althaus: Detroit Street?

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Beazley: Yes, sir. I'm sorry. I was not conclusive in my explanation.

Motion by Mr. Beazley and second by Ms. Jones 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. Beazley and second by Mr. Lawrence to adopt Ordinance No. 23-026.

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

- **RESOLUTION NO. 23-020, TITLE ONLY; A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

Althausser: Again, it's something that's done every year. No real hurry on this. That can be read again in two weeks. Any questions?

- **RESOLUTION NO. 23-021, TITLE ONLY; A RESOLUTION AUTHORIZING THE SALE OF PERSONAL PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.**

Althausser: And I believe the list, oh yeah, it's right here. No hurry on this, to my understanding. Any questions? Okay, we'll read that again in two weeks.

- **RESOLUTION NO. 23-022, TITLE ONLY; A RESOLUTION TENTATIVELY AWARDED THE CONSTRUCTION CONTRACT FOR THE CONSTRUCTION OF PHASE 2A DOWNTOWN IMPROVEMENTS FOR WATER, SEWER, STORM, AND OTHER RELATED IMPROVEMENTS, AND DECLARING AN EMERGENCY.**

Althausser: So the correct one is...

Beazley: Version three.

Althausser: Version three is at your station. Simplest way to tell is the entire first page is pretty much full on version three. Cindy?

Murray: So, the EPA now is requiring us, before they were, we will not get the loan approved from the EPA for the 4 million dollars until December. So, prior to them approving the loan and giving us the money they want to make sure that we are good with where we are and that we are going forward with this project. So, that's what this resolution is for.

Beazley: And the legislation approving the tentative contract is signal to them that we are in good faith moving forward.

Murray: Yes.

Beazley: Thank you.

Murray: And we added OHM in this too because of the construction, over, management, they're over all the, yes. It's the overall management of the project. All the inspections and all that. So, we threw in OHM on that too. Just so you know, we met with OHM today and got the break down on the project. Sewer portion came in at \$8,465,233.00. The water portion, this is for Main and Detroit, came in at \$5,120,309.00. When you take out the grant money that we got which was the 4 million on the sewer from the EPA, principal forgiveness, and the 5 million from the Department of Development, \$100,000 from the Commissioners, it left the City of Kenton for the water is \$111,008.00 and for the sewer is \$5,241,258.00 and that's at a 1% loan, and just so you know that the project came in at 70% funded with the 4 million and the 5 million dollars.

Beazley: Outstanding. Which is virtually unprecedented.

Webb: Yes.

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, 7 ayes, motion carried.

Motion by Ms. Jones and second by Mrs. Buroker to adopt Resolution No. 23-022.

Althausser: Any discussion on that resolution? **(Roll call vote, 7 ayes, motion carried.)**

Murray: Can I add one more thing?

Althausser: That does not include streetlights or the signal lights. So, we are still working on getting funding for those.

Beazley: With ODOT?

Murray: Yes.

Beazley: And/or whomever.

Murray: Yes.

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2nd READING

None.

3rd READING

- **ORDINANCE NO. 23-023, TITLE ONLY; AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTIONS 1437.10, 1437.12, 1437.13, 1437.14, 1437.20, 1437.22, 1437.24, AND 1437.26 RELATING TO THE DOWNTOWN HISTORIC DISTRICT IN THE CITY OF KENTON.**

Althausen: And just remember that was only some update to the language in those sections of the codifieds. Thank you for allowing Emma to read that three times. So, it is a third read if council decides to move forward, we would need to do so this evening.

Motion by Mr. Beazley and second by Mrs. Wren to adopt Ordinance No. 23-023.

Althausen: Any discussion?

(Roll Call vote, 7 ayes, motion carried.)

OTHER MATTERS:

None.

COMMENTS FROM THE PUBLIC:

None.

COMMENTS FROM THE NEWS MEDIA:

None.

COMMENTS FROM COUNCIL MEMBERS AND ADMINISTRATION:

Althausen: Beginning with Sue...

Buroker: No, thank you.

Beazley: I would just like to thank the Chief for allowing us to be a part of that presentation.

That's really cool and I appreciate that you honor them in such a way and just pass along our appreciation, our very heartfelt basis for how they do their job. We just really appreciate it.

Wren: I'm excited. I've waited a long time for the downtown to start.

Beazley: You were one of the original ones kicking it down the street.

Althausen: Anda, anything? Robin?

Jones: Thank you Chief Musser for running a great ship. I appreciate them, all of them.

Althausen: Chief Donnelly, any last comments? Chief Musser? John? Cindy? Lynn?

Webb: Trick or Treat, Saturday October 28th 3-5pm. Again, can't say enough about KPD and I can't ever leave out KFD. I mean, what a pair that they work so well together. Again, I can't thank Cindy enough, Pam enough, all of them that work so hard and we just kept believing for funding. We got shut out, we got shut out, we got shut out, and the good Lord delivered. I mean, like Joel said in the beginning; we have to have 50% funded, and at first that was a big task, and you know more than we can imagine. So, we are grateful and excited.

Althausen: Just thinking a follow up from the aspect of my sitting on BKP board, the other thing the board had decided to do a couple meeting ago is to stop taking transports, because if we kept taking transports we weren't going to have anybody working for us. So, and realistically, we're supposed to be serving those townships and the City of Kenton, not running folks wherever. So, that's also part of the reasoning behind it. Other than that, it's that time of year, David's meeting well, not quite every meeting but I'd say after...

Beazley: We will not meet the first meeting in October but until we have a budget to put in front of council we'll be meeting every Monday.

Althausen: Lots of things to get involved with and get to know that budget sheet. It doesn't have to all be on those three individuals. You can give them some counsel and help them out. With that, we'll adjourn then until our next meeting which is October 9, 2023.

Joel Althausen, President of Council

Emma Nelson, Clerk