

RECORD OF PROCEEDINGS

Minutes of

KENTON CITY COUNCIL

Meeting

Lifenthal Southeastern, Inc., 1-800-837-1904, Re-Order 68685K

Held

December 11, 2023

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23rd REGULAR SESSION:

Kenton City Council met in their 23rd Regular Session on December 11, 2023, 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, Law Director John Schwemer, Mayor Lynn Webb, Safety Service Director Cindy Murray.

Prayer given by Mr. Althaus:

God of justice and mercy, thank You for the opportunity to serve the people of Kenton. Help us to act with character, listen with understanding, and speak with restraint. Instill in us, the spirit of service. Remind us that we are stewards of Your authority. Guide us to be the leaders Your people need. Help us to see the humanity and dignity of those who disagree with us and to treat all persons with the reverence Your creation deserves, and finally, Father, renew us with the strength of your presence and the joy of helping to build a community we can all cherish as our home. We ask this as Your sons and daughters, confident in Your goodness and love, AMEN.

Pledge of Allegiance recited.

Althaus: Before we go any further, we do have a couple of individuals here tonight, and Chad I didn't warn you. I'd like our two newly elected council persons, if each one of you could come us one at a time and just kind of introduce yourself, I think it'd be good for, give you a chance to let us know who you are, and we can flip a coin for who goes first.

Steve Walter: My name is Steve Walter. I'm going to be taking over the third district. I'm a Pastor here in Kenton at Kenton Community Church on South Detroit Street. I'm also a Pastor at Hepburn Community church out in Hepburn. My wife and I own a small business right across from the road over here in the square, Walter 5. I've been here pretty much my entire life since fourth grade. So, anything else? Okay.

Althaus: Welcome Steve.

Steve Walter: Thank you.

Chad Miller: Hi, I'm Chad Miller. I live in the fourth ward. Ray decided not to opt in again. So, I'll be the fourth ward. Work at Graphic Packaging. I've been there since 2007. I live on Mill Street. Me and my wife, five kids, they're grown since 97. Look forward to working with you guys.

Beazley: Welcome.

Althaus: Thank you both, and we'll, as we talked earlier we'll be getting together and trying to get everybody up to speed. So, thank you very much for running and showing an interest in your city.

MINUTES:

Althaus: Let's move forward then. Approval of the prior minutes, are there any additions or corrections to, I guess we also could, I'm mostly worried about council. We'll approve the joint meeting at that meeting next year, but if you have any addition or corrections to either set of minutes. Hearing none, they'll stand approved as submitted.

CITIZENS REQUESTING TIME TO SPEAK:

None.

COMMUNICATIONS:

Althaus: We do have a couple of items. I think you all saw the Dominion Energy Notice of Filing. I think everybody has the ability to read through that. Any questions about it? Then we do have an item that does, we'll have to consider. We'll go ahead and do that now. We do have a change of name for a liquor license. You should have a copy of that in your packet. Obviously, the request is do we want a hearing or not? I'd entertain a motion right now, if so inclined.

Beazley: I was going to ask the officer if we have any known problems at that location? Persistent, to our knowledge?

Davis: It's a new owner.

Beazley: I understand that, but the location remains the same.

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Davis: I understand that.

Beazley: That's what I'm asking.

Motion by Mr. Beazley and second by Mrs. Wren to waive the right to hearing for change of liquor permit for ownership at 1123 Fontaine Street.

Althausen: Any discussion?

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

PETITIONS:

Althausen: We did have one that was passed down two weeks ago with regards to speed limit signs on Scioto Street. Is there a recommendation from Streets and Alleys?

Lawrence: Yeah, we met about the speed limit signs and spoke to Cindy and we do not feel there is a need to place two speed limit signs on the road at this time.

Althausen: Great, any questions for that committee or Cindy? Thanks guys for doing that and giving Cindy a little more background, as far as what we should do.

ADMINISTRATION REPORTS:

Althausen: Police, Cindy I'm going to turn that over to you.

Murray: So, I would like to introduce Dillon Carter. He is our newest Patrolman. Dillon, you want to step up to the, and just tell us a little bit about yourself.

Patrolman Dillon Carter: My name is Patrolman Carter. I was born and raised in Marion Ohio. I just moved here after retiring from the military. I've only been working here since about August. I haven't met most of you, but I've met a few of you. So, it's a pleasure so far and I look forward to spending a lot more time around here.

Beazley: Can you point out those that you've met? And has it been in a professional?

(Laughter)

Carter: In a professional sense?

(Laughter)

Beazley: Good deal, welcome.

Althausen: Thank you very much. Welcome, and if you want to stay you're welcome, if you have things you have to attend to, you don't have to stay. Alright, Fire, Chief Donnelly? Nothing tonight? Chief's report for the month of November is in your packet. If you have any questions, please see him about that. Parks & Rec, not here. Economic Development, Income tax there is a report through October in your packet. Auditor, Brian? John, anything from the legal side?

Schwemer: Yes, there is something I would like to address just because I will not be at the final meeting in December. So, you will see, we have that public hearing on the rezoning, okay. So, my plan is to have legislation to be read but you guys obviously do not need to move forward with that. That can just go a first read, but I just wanted to explain, you know, the rezoning is the property at 130 E Letson Street. I just wanted to explain a little bit of history since I won't be here on the Wednesday to go through that with Council. The house burnt down there. This is in an M1 District, which M1 does not let residences exist, but this was grandfathered in. So, it was a permitted use, but more than 60% was lost in a fire, and the existing property owner just wants to rebuild a residence on the property, okay. The recommendation there, and then he filed to have this rezoned, okay. So, initially he requested residential, but we requested really that it be zoned to a B3, the general business district. There has been at least one letter of opposition from an adjoining property owner who wants to keep this M1, okay. The only, this person may come to that hearing, but the only thing is we really don't have any manufacturing in that area. In fact, you know it's residential across the street. So, my recommendation in B1 is, I don't think it would detract from the businesses in that area. You know, there's the physical therapy being leased which is a business use, the existing office lot that's for sale is also a business use but we really, and again then you have the Sheriff's Department. So, I really can't see manufacturing going in, and would we want it because we have residences all across the street. So, if people have questions, you can reach out to me up until then but I just want to explain kind of the history on that so I'll have legislation, but again you guys don't need to act on that. It can go a read or two, especially if questions come up, and you guys want to talk to me about it after the hearing. The main thing is we have to have the hearing. Legislation can be read a first time, but we don't need to take action on it until really the second in January or go three reads. So, does anyone have any questions right now on that

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process or about the hearing, and again, if there is I can answer them now or let me know, but all we do is open up the hearing, public comment, close the meeting, okay.

Althaus: And I think everyone received background materials on this, okay.

Schwemer: And if anyone did not, let Emma know and she can get it.

Althaus: I will forward it to Chad and Steve.

Schwemer: That's all I have right now Joel.

Althaus: Okay, John, thank you. Maybe we can bring up that other item under scheduling of committees. Okay, Safety Service Director?

Murray: I wanted to announce that tomorrow we will be doing a water main repair on Fontaine Street, which is US 68. So, we'll put something out to the press, just remind people that we will have flaggers out there. It's down by the old Espy school right in between Espy Street and Lynn Street is where they will be working. We'll have flaggers out there, but just to remind people to slow down when there's people out there, when our guys are out there working. So, and we are aware that there is a sinkhole on our sewer line on Morningside Drive. There are barricades up. We're getting pricing together to get that repaired, but we are aware of that and if we don't get it repaired yet this year we will put a plate over it so that nobody falls in. That's all I have.

Althaus: Alright, any questions? Mayor Webb?

Webb: Nope.

REPORTS & SCHEDULING OF STANDING COMMITTEES AND/OR SPECIAL COMMITTEES:

Althaus: Finance, anything to report?

Beazley: No, sir.

Althaus: MOP?

Wren: MOP has not met however, last meeting we gave kind of told what they wanted to do with Project Manager moving Burl to that and then advertising to replace his. Gave everybody a chance for the last couple weeks to ask questions or whatever but I'm sure they would like to know whether it's okay for them to do that or not. That Project Manager is already in the, I mean it's not a new position. It's in our codifieds, so.

Althaus: I think your report probably gave them what they needed, and it also encouraged the other four council members to seek them out individually. I see some nodding heads, so I think everybody thinks they had the opportunity to say what they needed.

Wren: So, we give them the go ahead?

Althaus: Yup. Well, the dollars are the ultimate go ahead. So, I think I'm saying that right. So, we can talk about that more but if the budget needs adjusted to possibly do that then that's the next step, I believe and position description, and all that good stuff. Right? Okay, Utilities?

Jones: We're going to meet in January.

Althaus: Streets?

Jones: Streets did meet. We discussed a couple speed limit signs, discussed handicap replacement, discussed a couple changes on speed limit signs.

Althaus: And then finally Legislation?

Davis: That will be somebody else's problem in January of 2024.

Althaus: Speaking of that, two things regarding committees; the five of you who are, have been re-elected, just going to give you, before you leave, right after the meeting I'm going to give you a copy of old information but it's basically our guide that has all of our personal information and what committees we serve on, and then the description of the committees, and the description of all the individual assignments. I'm doing that because over the next two weeks I'd like you to think about what committees and/or individual assignments you'd be interested in, and I ask that in the next two weeks, at some point, you email me with, and I'll send out a reminder email but you email me with your top three choices in each area, top three committees you would serve on and top three individual assignments you are interested in. It doesn't mean you're not going to probably have three, but I just want to give everybody the chance to do something different, to do something new, and we don't have to stay on the say committees over and over and over again. We don't have to chair the same committees over and over again. So, encourage everybody to look that over. Reach out if you have questions, myself or the mayor, or Cindy because realistically Cindy works with a lot of these

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committees closer than anyone. So, and the second item under committees; going to appoint a special committee that I don't think will take multiple meetings. I think it'll be a quick get together. Could even be something we handle part of it by email. We do have some proposed language on the fire contract that would change the fire contract a little bit. I would ask Sue, and David, and Robin to be a special committee to consider that language and to counsel with the mayor as to whether or not John's drafted language is what we would like to even bring to council. Kind of urgent in a way, and I apologize. I think John can get you the language via e-mail. So, if maybe you could touch base this week and get an idea because I believe that contract is up at the end of the calendar year. So, we do want to try to do something at that last meeting. Again, I apologize, but really want your recommendations and once you get together and decide which way what, how you want to move forward, I think it would be totally in order to go ahead and send council an email of what you decided, and then that way we're prepared. Also, with the approval of a contract at the last meeting. David, anything to add? You've been really involved with that.

Beazley: This comes at the request of Buck Township. Pleasant was not as concerned because the expansion, the City expansion is not projected to go so much in their direction as it was in Buck direction. So, they were concerned about revenue shifting. So, I haven't seen the language but I know the premise.

Althaus: Okay, anything else, committees that I might have missed? Okay, council members, anyone that has an individual appointment have anything to report? If not then, we're going to move on.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

ORDINANCES /RESOLUTIONS:

1ST READING

- **RESOLUTION NO. 23-029, TITLE ONLY; A RESOLUTION AUTHORIZING THE MAYOR AND/OR SAFETY-SERVICE DIRECTOR OF THE CITY OF KENTON, OHIO TO ACCEPT THE BID OF AND ENTER INTO A CONTRACT WITH HELMS AND SONS EXCAVATING FOR CONSTRUCTION SERVICES IN CONNECTION WITH DOWNTOWN IMPROVEMENTS, PHASE 2A WATER, STORM AND SANITARY SEWER IMPROVEMENTS – DETROIT AND MAIN STREETS, AND DECLARING AN EMERGENCY.**

Althaus: We do have a request that we act on that this evening. I take it Cindy, there's some timing?

Murray: So, this Friday we should learn that we have actually received the four million dollars in principal forgiveness for the Sewer portion of this project. So, once we get that go ahead then we would like to sign this contract with Helms & Sons so that we can get started at the first of the year, that's why we would like to get that passed this time. We will not sign it if we don't get the four million dollars.

Beazley: We've getting in to very real numbers now.

Murray: Yes.

Beazley: this Project has been on the drawing board for a number of years. It's time to move forward.

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. 23-029.

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

- **ORDINANCE NO. 23-034, TITLE ONLY; AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS AND FOR THE TRANSFERRING OF FUNDS FOR THE YEAR 2023, FOR THE CITY OF KENTON, OHIO AND DECLARING AN EMERGENCY.**

Althaus: There was a description, a sheet that described what was moving where. Brian, anything, we were alerted in an email there might be, Emma's email said there might be some last-minute changes, there are none. Is that correct?

Murray: There are none. So, I thought there would be some, but Pam says she thinks she can handle all those that I noted if we just close out some open POs. So, she said she thought she was good.

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Beazley: And if not, we'll touch it in the last meeting.

Althaus: Right, right. So, with that I know there was some issues that were urgent. I'm looking right now, the K9 unit that was unexpected, those were unexpected expenses right there, several other items. So, I would entertain a motion to suspend.

Motion by Mr. Beazley and second by Mrs. Davis that 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 Mrs. Davis and second by Mrs. Buroker to adopt Ordinance No 23-034.

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

2nd READING

- **ORDINANCE NO. 23-033, TITLE ONLY; AN ORDINANCE TO MAKE APPROPRIATION FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF KENTON, STATE OF OHIO, DURING JANUARY 1, 2024 THROUGH DECEMBER 31, 2024, AND DECLARING AN EMERGENCY.**

Althaus: Have any concerns or development arisen in the last two weeks?

Beazley: Nothing quantifiable.

Althaus: Okay, wonderful. I was going to ask you, Mr. Chairman, have you started scheduling your meetings for next year yet?

Beazley: I will probably have one on the second.

(laughter)

Althaus: It seems like that's what it is. It never ends. It just starts over. Alright again...

Beazley: It'll depend on who your new Finance Chair is.

Althaus: I would encourage you all, if you have not, take some time, look over that budget. Finance, pretty close to it. So, they have done that already, but the rest of us, spend a little bit of time with that and just a reminder that we will hear that, and remember our last meeting is the 27th which is a Wednesday. Just a reminder, you'll hear that a few more times tonight. So, if there's no objections, we'll read that again in 16 days, after Christmas.

3rd READING

- **RESOLUTION NO. 23-027, TITLE ONLY; A RESOLUTION AUTHORIZING THE CITY OF KENTON, OHIO TO ENTER INTO A FACILITY ENCROACHMENT AGREEMENT WITH CSX TRANSPORTATION AND DECLARING AN EMERGENCY.**

Althaus: I think you all remember this is again so we can put a waterline under the railroad this time. We need to have an agreement. It has been read three times.

Motion by Mrs. Buroker and second by Mrs. Wren to adopt Resolution No. 23-027.

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

- **RESOLUTION NO. 23-028, TITLE ONLY; A RESOLUTION AUTHORIZING THE MAYOR AND/OR SAFETY-SERVICE DIRECTOR OF THE CITY OF KENTON, OHIO TO ENTER INTO AN AGREEMENT WITH OHM ADVISORS FOR CONSTRUCTION ADMINISTRATION, ENGINEERING, AND INSPECTION SERVICES IN CONNECTION WITH THE DOWNTOWN INFRASTRUCTURE IMPROVEMENTS PHASE 2A – MAIN AND DETROIT STREET STORM, SANITARY, AND WATER IMPROVEMENTS, AND DECLARING AN EMERGENCY.**

Althaus: Well, we decided to go ahead, as long as we get the four million dollars, so we probably ought to have an engineer.

Motion by Mr. Beazley and second by Mrs. Tudor to adopt Resolution No. 23-028.

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

Althaus: Okay, we've got one item that we know of to come up, two items, no one item that we know of to come up in a couple of weeks, we'll see what else the Auditor's Office delivers to us before the end of the year.

Beazley: We will dot a couple more "I"s and cross a couple more "T"s I'm quite sure.

Althaus: And again, if something does come up not hard to amend the budget as well.

OTHER MATTERS:

None.

COMMENTS FROM THE PUBLIC:

None.

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COMMENTS FROM THE NEWS MEDIA:

None.

COMMENTS FROM COUNCIL MEMBERS AND ADMINISTRATION:

Althaus: Chief Donnelly, anything you want to add? Anything from our Streets Department?

Beazley: That's you.

(Laughter)

Althaus: I didn't want to call you out John, but I didn't know if there was anything?

John Aisel: Do you want me to stand up there?

Althaus: If you'd like to come on up to the Podium.

Aisel: Just that the Street side of it as well as collecting leaves, and we were actually able to pull ahead of schedule. So, we started on the north end, actually Thursday and Friday. We did a run through real quick and then we started doing that today. So, that was pretty nice and I know that the water and sewer have been working together for the last week or so topo where they GPS all the water stops, the sewer stops, the man holes. So, it makes it easier, faster if something has an issue they check it out there. I think that's a really good program that started, I think last year, or the year before it started and it's really nice because you can bring it up on the pad, click right on it, and you'll be able to find where the water stop is, and in an emergency situation you can be able to get it shut off fast. I think everything is going pretty good.

Beazley: Thank you.

Althaus: Patrolman, anything you want to add?

Carter: Chief Musser wants to send his regards for not being here tonight, and also wanted to state that we are slated to receive delivery of our two new cruisers. Other than that, we are still out here doing great things.

Althaus: Brian? Will we see you in two weeks? Okay, so start going around with Sue.

Buroker: Just wishing everybody a safe and wonderful holiday season.

Beazley: What she said.

Davis: I have nothing to add to that.

Beazley: Thank God.

Davis: I know, it's a miracle.

Althaus: You're down to, you've got one more opportunity...

Davis: I know, I'm saving it for the last one. You guys just wait.

Althaus: Although you're still a resident of Kenton, you can come in and give us...

Beazley: you know she could sit on the Cemetery Committee even though she's not a member of council.

Althaus: Yes, she can. That is very true.

Beazley: And they've requested her back.

Davis: Stop, that's my soul and I already cried the entire cemetery meeting so don't.

Davis: Ray? You're in the same spot, last chance. Same way though Ray, I could see us reaching out and saying her you want to help us with something?

Lawrence: Oh, I know.

Wren: Ditto what Sue said.

Althaus: Anda?

Tudor: Yeah the same, Merry Christmas to everyone.

Jones: Merry Christmas to everybody. Thanks for doing a great job and we appreciate you; Police, Fire, Streets, thank you so much.

Althaus: John? Cindy?

Murray: And to all a good night.

(Laughter)

Webb: I second that.

Althaus: That's it? We, I would then ask for council to consider going into closed session and it would be for Section 121.22(G) one and three. One being personnel, and three being legal issues, pending litigation, pending court action. I do not, we do not anticipate any business coming out of, after this or out of this. Obviously, we would have to adjourn.

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Motion by Mr. Beazley and second by Mrs. Davis to go out of Regular Session and enter into Closed Session under Section 121.22(G)(1)Personnel, and (3)Pending Litigation.

Althaus: Any discussion?

(Roll call vote, 7 ayes, motion carried. Time 7:33 PM)

Motion by Mr. Beazley and second by Mr. Lawrence to go out of Closed Session and return to Regular Session.

Althaus: Any discussion?

(Roll call vote, 7 ayes, motion carried. Time 7:59 PM)

Althaus: Any other items for the good of the order? I just would remind everyone, once again then the next regular meeting is December 27th. That is a Wednesday evening at 7pm. We know right now that we will have the final reading of the budget on that agenda. We also will have the public meeting preceding that. Well, at 7 o'clock, we will start as, we will probably take a minute or so break and then we'll start as soon as that's over.

Beazley: It's also my understanding Antwillia will be buying beverages after that meeting.

Althaus: That's what I understood as well.

Davis: I will be. We will go up the Elks afterwards.

Schwemer: For the people that are going to be reviewing the Fire Contract, if you could just stick around for a minute so that I could run a copy so you can just take the language with you. So, if you just stick around right after I get done I'll run that.

Althaus: Okay.

Tim Thomas: What are you going to do about the swearing in without John here next meeting?

Althaus: We are going to, oh, good point Tim. We are going to do our swearing in at the first regular meeting, and John and I talked about it, I mean the reality that that is really that big of an issues, those first few days of 2024 is minimal.

Schwemer: If we would need a special meeting and legislative action in the meantime we would have that swearing in at that point in time.

Althaus: We will have our swearing in at the first regular meeting. I haven't looked to see what that day is. I will, I do...

Buroker: It would be the 8th because the 1st is on Monday.

Althaus: Okay, it'd be the 8th. I plan to have a calendar at the final meeting this year where we look at all the holidays and all that. So, we will swear in at our, first thing at the 1st meeting before we even gavel us in. So, kind of back the way we did it years and years ago. The last few times we've done it the last meeting.

Beazley: But John has to go to Michigan.

Althaus: And again, remember the alternative, we could always do what Marion does and meet at noon on the 1st.

Beazley: Why not meet at midnight?

Althaus: That's even better David. You're correct.

Buroker: That's a Sunday night.

Beazley: Yeah.

Althaus: So, and we'll talk more about that so you guys are ready to go there. So, John that work out? Okay.

Murray: So, Utilities will meet on the 10th of January.

Althaus: So, with that if there are no objections, we're adjourned.

Joel Althaus, President of Council

Emma Nelson, Clerk