

RECORD OF PROCEEDINGS

Minutes of

KENTON CITY COUNCIL

Meeting

Lilienthal Southeastern, Inc., 1-800-837-1904, Re-Order 66665K

Held

April 24th, 2023

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8th REGULAR SESSION:

Kenton City Council met in their 8th Regular Session on April 24, 2023, at 7:00 PM, in Council Chambers. Present: President Joel Althausser, Sue Fox Buroker, David Beazley, Antwillia Davis, Pegg Wren, Robin Jones, Anda Tudor, Law Director John Schwemer, Mayor Lynn Webb, Safety Service Director Cindy Murray. Absent: Ray Lawrence

Prayer given by Mr. Althausser:

Dear wise and loving Father, in the scriptures you have said that citizens ought to obey the governing authorities since you have established those very authorities to promote peace, and order, and justice; to that end, I pray for our mayor, for the various levels of city officials, and for this assembled council. I ask that you would graciously grant them wisdom to govern, a sense of welfare, and true needs of our people, a thirst for justice, the ability to work together in harmony; even when there is honest disagreement, personal peace in their lives, and joy in their tasks. I pray for the agenda set before them today; may we accomplish the work necessary to benefit those who live and work in and around our beloved City of Kenton. In Your Name I pray, AMEN

Pledge of Allegiance recited.

MINUTES:

Althausser: Okay, corrections, questions, concerns with the prior minutes from the last meeting? Hearing none they'll stand approved as submitted.

CITIZENS REQUESTING TIME TO SPEAK:

None.

COMMUNICATIONS:

Althausser: The only thing I have is what was laying at everyone's stations I believe. So, I think everybody got a copy of that, Art in the Alley on May, oh on Cinco de Mayo. Cinco do Mayo is next Friday. Any other communications? I know we did get the communication regarding the fireworks but do we, it's already in the budget. I thought I saw it laying in there.

Clerk: Yeah, I got it after I sent the packet out.

Althausser: Today. Well, be prepared, in two weeks we'll be talking about that. Alright moving on; any other communications?

PETITIONS:

None.

ADMINISTRATION REPORTS:

Althausser: Police Chief Musser?

Musser: So, I just wanted to touch on something we've been working on with the administration lately, it's not a new thing. It's a recurring theme every year, and that would be nuisances and code enforcement. So, working with the Mayor, and the Safety Service Director, and Jacqueline we've kind of re-examined our codifieds, and they have come up with a system; the Mayor and Cindy did to better track nuisances as we write them, and we've already this year, if anyone has noticed, we've been publishing our day logs online; Emma gets them from our office, she puts them on social media, just to kind of keep the public informed as to what we're doing and there's been quite a lot of dissatisfaction with some. The fact that we're upping the code enforcement, and of course there's some dissatisfaction with others that we're not doing enough. So, the fact of the matter is what we've been doing really hasn't been working. It's a repetitive thing. So, in re-examining our codifieds we're going to begin applying the penalty section of the codifieds, and if you read them carefully you can see that if someone is living in a home, or rental, or land contract; whatever the case may be, the owner of that property as well as the tenant can both be held liable for whatever it is that we have to do there. They're both subject to a citation. A lot of times we clean up a property, we tow a junk vehicle; there's no one there, they've left, and we've kind of chalked it up, you know, assess it to taxes, and that's about it but that's

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clearly not working. So, we're going to go ahead and move forward with that. I wanted to put that out there. You know, I don't think anybody should have to live next door to 6 junk cars in somebody's yard and, like I said, some people are unhappy about it, but I really don't care. It's the usual social media crowd, you know. So, the first offence for something like this would be a minor misdemeanor. Oddly enough, the statute is, it defines an offence for every day after which the notice is given. So, not realistic; but ultimately if the city has to clean up the property the person is going to get a citation, and if the same property re-occurs, we don't have to give notice again. We can just cite and clean up the property. So, that's what we're working on doing. It's a complicated issue because we can only do so much at one time. If we write up a property, we have to give it 10 days for the owner to clean it up. When they don't clean it up, then we have to schedule guys from the City Garage, some of the properties, you know, we did one today that took all day. You know and we have one property scheduled for later this week that has eleven junk vehicles in the yard. So, we've got to figure that out; but you know I guess what I'm saying is we're kind of going to, as uncomfortable for a lot of people as it may be; property owners, and tenants we're going to move forward with that. I don't know if Mayor if you want to add anything to that, if I'm missing anything here.

Lynn Webb: No, I appreciate your leadership on it. Especially out in the field and it is again; we've done it over and over again with, it just becomes a non-deterrent. So this, now we will put it out. I mean, Tim will have it in the paper and hopefully we can do an article on it, plus we'll put it out on Facebook with the ordinance so people will see it but, you'll be cited. So, that's a court issue.

Musser: Yeah, they'll go through the court. What happens in the court; you know, that's not on us. We're doing what we can do and quite honestly, it's frustrating. So, we're going to do what we've got to do I suppose. You have any questions about that at all?

Beazley: Chief I think you have the support of this council in those efforts.

Musser: I appreciate that. Thank you.

Althaus: Chief Donnelly?

Donnelly: Been relatively quiet for the guys down there and stuff. I mean, we've had a few things going on but it seems like it's kind of settling down hopefully, you know, the winter heating months and we're not going to see quite as many fires and some of that cutting it down stuff. Guys are kind of finishing up some of the maintenance stuff we've been doing around the station. We are in the process of requesting the funding for the AFG grant funding for the purchase of the breathing air compressor. So, we're moving forward with that and I'm trying to get the request for funds on that. So, a little bit of a process there for that, but we're moving forward with that to try to get that installed or get here fairly quickly. So, I know we've been kind of working with the Mayor and the Safety Service Director to try to get things scheduled back for us to be doing more business inspections. Hopefully starting here relatively soon and stuff, but we're going to be working with the kind of State Fire Marshall's office and the Building Code Compliance Department just to see what we need to be doing and/or can be doing with kind of going along with some of the nuisance properties that we can be involved with. So, but it's just kind of one of those things that we'll be having meeting with our Fire Safety Inspectors with them just to kind of make sure all of our guys are on the same page and are doing, everybody's kind of got the same sheet that they're going off of versus one guy kind of doing their own thing, or having different interpretations of what we can or can't do. So, we'll be meeting with them hopefully beginning part of May here; State Fire Marshall is off on vacation at this point, this week. So, we'll be getting that scheduled as soon as we can so we can kind of move along with that and just basically what we're looking to do is just try to make the commercial properties, maybe more so around the downtown here, kind of starting, just make them safe. I mean that's the biggest thing is so the likelihood of them having a fire in there is as minimal as possible because with the building that close and stuff, it's going to go from one building to the next and so, it's just basically a big safety factor that we're looking out for them and just looking at it as a fire prevention type push from us. So, but other than that, that's about all we've got going right now.

Althaus: Thanks Bruce. You do have a report from the Income Tax Department in your packet, any questions on that? Brian, anything tonight? John?

Schwemer: I would like to just update council on a property acquisition; well, really two. Council had approved the property purchase between Main and Detroit Street, south of the river. We did get that completed and all filed last week. So, that is now our property and again the administration will just

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work in due course to see what we're going to do with the building and everything on there, but that acquisition is complete. The other property acquisition that this council has discussed really in closed session is 131 South Detroit Street, which is the vacant lot right over here, that I consider caddy-cornered to Wendy's. The city had signed a letter on intent contingent on council approval, and we've been waiting for the contract since February and we just received the contract last week, which was thirty some pages for a lot purchase (laughter). Kind of, yes it really is overkill but never-the-less I've reviewed that. I have a few comments that I've submitted, but we are, I really expect us to be in a situation where I would have legislation possibly at the next meeting to approve that purchase, okay. So, if there's any delay it might go another two weeks, but my goal is to keep this moving along. I think we're going to be ready way before they will, but again, as long as we acquire this the timing is not critical, I feel, from the city's standpoint. So, that's where we will be. So, again, I will have formal legislation to approve if the administration does sign the contract, it will again be contingent on council approval, which is what we need. So, we'll be having that in one of the coming meetings. We may want to move quicker on that when we do just because I want to get ready for this, main issue is the way this is set up in the contract is we have to pay \$10,000.00 upon signing the agreement. Well, if we're putting that out there, I want to get closed pretty quick, okay. I would almost prefer just to simultaneously, let's just close and get the whole fund but that's just not the way they operate. They've really been unwilling to bend from the way they handle all their sales; and most their sales have had underground storage tanks, or have. So, there's more red tape. This, you know obviously a filling station never went in to that area. So, from my standpoint there's really no worries associated with a lot. We don't have the environmental risks. So, a lot of the stuff they have in there it just really doesn't apply, but-

Beazley: It's just their boiler plate.

Schwemer: It's just their boiler plate. So, I just want to give you a heads up that will be coming sooner, rather than later.

Althaus: Thanks John. Cindy?

Murray: Columbus Street, they were out there tonight working on filling in the trenches. As soon as they get that done we will open that back up. May 1st the ODOT project starts but it will just be the sidewalk, the ADA sidewalks and some patching, some repair of places that need to be repaired. The actual paving probably will not start until August, and I saw, when they said May 1st I'm like well, that's great they're going to, wouldn't be shut down that much longer but we will open it back up and then paving won't be until August. Phase two OHM is getting into the basements in the downtown 9 block area to look to see where water lines are coming in, so that project is moving forward and just got a lot of projects going on right now.

Althaus: Okay, Lynn?

Webb: Spring clean-up, we did, probably one of our lightest years. We did 9½ dumpsters where we usually have 14-17. So, we did 9½. The weather wasn't all that favorable and we had a couple glitches with republic getting us dumpsters. We need to get those wrinkles ironed out to be a little more productive for next year. Also, Columbus Street, and we talked about it. I think it was street, was it? We talked about it; the administration, we believe to move forward when you look at Wayne Street to Cherry Street and it has that turn lane coming in, that we will be, it will be no parking on both sides from Cherry to Wayne, both Columbus Street and Franklin. We've looked at both sides. There's plenty of parking in the back. It's the responsibility of the landlords to make sure that your tenant has off-street parking. We have too many issues. We have new curbs. We have too many issues with people driving and parking up over the curb. Chief has over and over and over again spoke to them about it, ticked them, so we're just going to knock out no parking and that cleans that area up, preserves our curbs, and with that turn lane in it just makes it kind of weird. So, we found that was something that we could make that decision on, but we just wanted to make sure we informed everybody. That's what I have.

Althaus: Alright, thank you. David, anything on Finance you want...

Beazley: Finance did meet tonight. We had a well-conceived, organized presentation from our Fire Department on some forward thinking for pretty sizable investments in their future, and the safety of our firefighters and our public. We are going to be coming with some legislation to the next meeting for the first of the purchased for you to look over. I appreciate the work that they put in and the preparation that they did in presenting that to us. So again, Chief, please relay that on behalf of the entire council.

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Althaus: Any thoughts on a next meeting date? I'm going to go ahead and...

Beazley: I think we'll go ahead and do that on the 2nd meeting in May.

Althaus: Okay, MOP, anything you want to talk about?

Wren: MOP has not met but from what I understand we need to set a meeting for the 22nd of May.

Althaus: Now, the initial request was 9 o'clock in the morning but I think they agreed they could meet in the afternoon if need be. That's up to you all.

Wren: We'll discuss it after we're done and let you know.

Beazley: Mr. President, that meeting date would be the 22nd of May if you needed a date.

Althaus: Oh yeah, it would be too. Okay, Utilities, anything to report?

Jones: We have a meeting on May 10th at 6 o'clock.

Murray: No.

Jones: I mean, I'm sorry, 3:30. Parks & Recs is at 6 that same day.

Althaus: Alright, Streets?

Davis: Ray's not here, but I was at that meeting and that's when we discussed what was brought to Finance about the flashing lights and the slow down signs, and it was decided there would not be a meeting in the month of May for Streets. The next meeting will be in June.

Althaus: So, how about Legislation?

Davis: Legislation was the same thing; we kind of merged meetings that day, went over some safety and then the roads that the mayor just spoke about, and we decided that we were going to wait til June to have a meeting.

REPORTS OF STANDING COMMITTEES AND/OR SPECIAL COMMITTEES:

Althaus: Alright does anyone in the individual assignments have any report to make? I'm guessing you might have with the cemetery for this time of year; or not, Antwillia?

Davis: The front gate at the cemetery is being refaced and resurfaced. So, when that project starts; the goal is to have it done before Memorial Day so it looks great for Memorial Day, but if you see someone at the front gate, if you could please give them space because we are concreting those posts, and painting the wrought iron, and getting those fixed up.

Althaus: Dave, I don't think regional planning has met, have they, since...

Beazley: They had the joint commission, yes.

Althaus: Okay, anything you want to?

Beazley: No.

Althaus: Sue, anything with Tree Commission?

Buroker: No, just the same old thing.

Althaus: And Parks & Rec?

Jones: Parks & Rec, they didn't meet in April. They're meeting every other month. So, their next meeting is May 10th at 6.

Althaus: And then BKP, other than the minutes that I sent out earlier today for last month; just to give you an update, BKP's new legal council is Mark Schwemer.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

ORDINANCES/RESOLUTIONS:**1ST READING****2nd READING**

- **ORDINANCE NO. 23-007, TITLE ONLY; AN ORDINANCE ADOPTING KENTON CODIFIED ORDINANCE CHAPTER 1286 RELATING TO SOLAR ENERGY SYSTEMS IN THE CITY OF KENTON, AND DECLARING AN EMERGENCY.**

Althaus: And Antwillia, I was thinking the intention was to let this go all three times.

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Davis: The intention was to let this go three reads. If anyone had any questions about the new solar guidelines, please let us know.

Althaus: Okay then we'll do that. We'll read that again in two weeks. So, I guess we're on to the item up for third reading.

3RD READING

Clerk: You guys will notice on your agenda this was actually amended. We added some additional things onto the end of it.

Beazley: Point of order Mr. President, I would move to amend the ordinance per because we have previously read.

Althaus: Right. So the question, yeah, let's clarify that; your offices added something.

Murray: Yes.

Althaus: But we haven't, council hasn't amended it.

Clerk: Correct.

Althaus: Should we go ahead and let her read it?

Beazley: That's absolutely fine.

- **RESOLUTION NO. 23-008, TITLE ONLY; A RESOLUTION AUTHORIZING THE SALE OF PERSONAL PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.**

Althaus: Could you tell us which ones were added, or intended to be added?

Clerk: Yes, it's the last three on the list; so the '05 Dodge Dakota, the fill station breathing air system, and the breathing air compressor.

Althaus: So, I'd entertain an amendment.

Motion by Mr. Beazley and second by Ms. Jones to amend Resolution No. 23-008, as stated.

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

Althaus: So, you have, by a vote of 6-0, amended that item; it's on our third read so if you'd like to move forward.

Motion by Mr. Beazley and second by Mrs. Davis to adopt Resolution No. 23-008, as amended.

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

SCHEDULING OF COMMITTEE MEETINGS:

OTHER MATTERS:

None.

COMMENTS FROM THE PUBLIC:

None.

COMMENTS FROM THE NEWS MEDIA:

None.

COMMENTS FROM COUNCIL MEMBERS AND ADMINISTRATION:

Althaus: We'll start with Sue. Dave?

Beazley: Nothing.

Althaus: Antwillla?

Davis: I would like to thank Commissioner Crowe for coming to the sustainability summit with me. Lots of great information on different things for your community for improvement.

Althaus: Pegg?

Wren: Nothing.

Althaus: Anda?

Tudor: Nothing.

Althaus: Robin?

Jones: No, thank you.

Althaus: Anything to add John? Chief? Bruce, Chief? Brian? Mayor?

Webb: Congrats Smokehouse 101 on Main. If you haven't been there, go try it out. We get the aromas. We're real happy for them. So, it helps our community.

Althaus: Chief Musser, we were going to sing to you two weeks ago but...

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Musser: You could've sang to Lieutenant Lutes, he would've liked that.
 Webb: Yes.
 Althausen: Yeah, we could've, that's true. Okay, so our next regular meeting is May 8th and unless there are objections, we're adjourned.

Joel Althausen, President of Council

Emma Boutwell, Clerk