

**Village of Clinton**  
**Regular Council Meeting**  
**of**  
**Tuesday, November 15, 2016**

Mayor Knack called the meeting to order on Tuesday, November 15, 2016 at 7:04 p.m. in the Clinton Village Hall. After a moment of silence observed in the honor of recently deceased Council Member Debbie Ikins, the Pledge of Allegiance was recited by all those present.

Roll Call: Council Members Present: Marissa Gensimore, Kent Goch, Sharley Greer, Bud McDaniel, Janice Godwin.

Others Present: Leah Weirick, Assistant Fiscal Officer; Fire Chief Frey

Approval of Council Minutes: After correcting an error on the fifth page of the minutes from the Regular Council Meeting on November 1<sup>st</sup>, 2016, to read "Mrs. Greer made a motion to accept the recommendation of the Safety Committee to move forward with Summit County," Mr. McDaniel made a motion to approve the minutes as corrected, second by Mrs. Godwin.

Roll Call: Mr. Goch, Mrs. Greer, Mr. McDaniel, Mrs. Godwin, and Mrs. Gensimore voted yes.

Solicitor's Report- No Report

Police Report- No Report

Mrs. Gensimore made a motion to amend the agenda to include the First Readings of the following Resolutions contained in the packet:

Resolution 16.35- a Resolution authorizing the Mayor of the Village of Clinton to enter into an agreement with the Summit County Sheriff, regarding policing, patrol, and related services, and declaring an emergency.

Resolution 16.36- a Resolution authorizing and appointing Varney, Fink and Associates as the Village Fiscal Officer, and authorizing and directing the Mayor to enter into a two year contract, and declaring an emergency.

Resolution 16.37- a Resolution authorizing and appointing OHM & Advisors as Village Engineers and authorizing and directing the Mayor to enter into a two year contract, and declaring an emergency.

Second by Mr. McDaniel.

Roll Call: Mrs. Greer, Mr. McDaniel, Mrs. Godwin, Mrs. Gensimore, and Mr. Goch voted yes.

Fire Chief's Report- Chief Frey indicated that October had been a slow month with 41 calls; 10 fire and 31 EMS, and they had two training sessions and they had burned a house down.

There had total 281 hours of fire and EMS training and calls. The radio is in the new ambulance, and something needs done with old ambulance and while Summa Health has offered approximately \$8,000.00 worth of paramedic training in exchange for the old one, the training isn't necessary as Chief Frey hired only paramedics. It is determined that selling the old ambulance outright would best benefit the Village, and should be done through Skipco as they handle all the paperwork associated with government equipment.

Mr. McDaniel inquired as to whether this item should be addressed as New Business, but due to the nature of the Fire Chief's work, and its resultant effect on his availability, it is determined that a vote can be taken presently.

Mrs. Gensimore moved to direct Mayor Knack to contact Skipco and do what is necessary to take care of this, seconded by Mrs. Godwin.

Roll Call: Mr. McDaniel, Mrs. Godwin, Mrs. Gensimore, Mr. Goch, and Mrs. Greer voted yes.

Mayor Knack mentioned that the training exercise wherein the residence was burned will most likely be an isolated event, due to the complexity of the E.P.A. guidelines and resultant expense. Chief Frey mentioned that the Portage Lakes Vocational Center offers for rent a burn building at the rate of approximately \$400.00 per four hours.

Chief Frey also informed the Council that his department would be entering into a contract with Gatchell Grant Resources to assist with the firefighters' grant. Grant money would be applied for equipment valued at just under \$200,000.00, including SCBAs, new turnout gear, a new air compressor, and a TIC (which is a camera to use inside burning buildings) Mrs. Greer inquires to confirm that the Fiscal Officer has been involved with financial aspects therein involved, and the Fire Chief assures that he has, and that the Mayor signed the contract just that evening.

Mayor Knack queries if the Council would like to approve this, and Mrs. Greer moves to approve the contract with Gatchell Grant Resources second by Mr. McDaniel.

Roll Call: Mrs. Godwin, Mrs. Gensimore, Mr. Goch, Mrs. Greer, and Mr. McDaniel voted yes.

Street Commissioner Report- No Report

Mayor's Report of Money Received- In Packet

Fiscal Officer's Report- In Packet

Unfinished Business- Mr. McDaniel communicated that now that NOPEC's agreement with First Energy is no longer in effect, he had been approached by a representative from Agera energy, and that he would be returning the call to find out what they had to offer. Mayor Knack noted that he had been in contact with NOPEC via email, who had established an agreement with another provider. The Director, Chuck Keiper, had stepped in as contact person, and there should not occur any interruptions in service as NOPEC anticipates continuing business as usual.

Mayor's Communications- Mr. Scott Julian, a very knowledgeable planner and appraiser, has come forth to offer his services for the Planning Department.

In regards to the Income Tax subpoena matter, R.I.T.A. was present here Friday the 4th of November and issued 209 subpoenas; 33 of which were answered. Council will have to make a decision on issuing bench warrants for those who failed to appear or forgiving the debt. Mrs. Greer queried whether it was known how much money was involved with those who failed to appear, but Mayor Knack had not yet received that figure. It is a substantial amount, as there was approximately \$18,000.00 involved with the answering 33.

A very productive although unofficial meeting of the Finance Committee had occurred.

Mayor Knack invited anyone interested to join him at the Summit County Kettle Kickoff for the Salvation Army. Plans are developing to involve less fortunate children with indoor farming, the proceeds of which will be channeled into a scholarship fund benefitting less fortunate Akron University students.

Council Communications- Mrs. Gensimore indicated that she had sent emails regarding the Community Newsletter and submission deadlines to Mayor Schultz, and will be reaching out again as she has yet to receive any reply. Articles will be due December 20th. Mrs. Greer would like to see something in the newsletter about the sewer update meeting that just occurred.

Committee Reports - Mrs. Gensimore is still working on the website stuff and they still had the website training last Friday.

### Legislation

#### First Readings

Resolution R-16.34

A Resolution adopting the 2017 permanent appropriations and declaring an emergency.

Resolution R-16.35

A Resolution authorizing the Mayor of the Village of Clinton to enter into an agreement with the Summit County Sheriff, regarding policing, patrol, and related services, and declaring an emergency.

Mrs. Gensimore made a motion to set aside the Three Reading Rule as it applies to this Resolution. Solicitor Marshall has recommended that the Resolution be amended to read: "A Resolution authorizing the Mayor of the Village of Clinton to enter into an agreement with the Summit County Sheriff, regarding policing, patrol, and related services, in a form substantially similar to the agreement as attached hereto as Exhibit A," which affords him further opportunity for contract negotiations.

Due to the amount of time that transferring the 911 service from New Franklin to Summit County is anticipated to require, and in order to prevent a possible lapse in 911 service, Mrs. Gensimore proposed enacting that legislation at the present time.

Mrs. Godwin inquired whether doing so was similar to signing a contract, and Mrs. Gensimore responded in the negative. Waiting for the Council meeting on the sixth December would only afford three weeks' time for ironing out any issues that may develop with the 911 system, she said, and since Council had already voted to go with the Sheriff's Department, the issue at hand was only one of paperwork. Mrs. Godwin noted that Solicitor Marshall would not advise the Council to do anything that would not work.

Mayor Knack stated, "I'd just like to say that I am not in favor of the Sheriff's Department. I want that on the record. It's four hours a day; that's not enough for me. And it's not, I'm not happy if, especially with our safety forces, if there's something going on- stabbing, shooting, something and he is not going to order the paramedics to go to somebody's house without backup."

Mrs. Gensimore labeled that statement a misconception, reiterating that the Sheriff's Department would be providing service 24/7, and that the four hours was guaranteed patrol service. "That's more police presence than we have now," she declared.

Mayor Knack provided an illustration of an incident which had already occurred with the Sheriff's Department, where services that had been expected for a September Eleventh event had not been rendered. This occurrence had not heretofore been mentioned in a Council or Committee meeting. It was also brought up that the Fiscal Officer has said that there is the money available in the Village finances to go with New Franklin. She was just stating the facts.

Mrs. Greer asked Council if New Franklin had come back to any Members with a different or counter offer, and it was determined that they had not. Mrs. Godwin noted that, as Chairperson of the Safety Committee, Al Bollas would have contacted her in such an event.

Mayor Knack indicated that he did not want this to go into effect in such a disastrous fashion as did the Affordable Care Act, citing that as another instance wherein legislation was enacted before the terms were negotiated. He stated that the New Franklin offer is a fair one, and one where Council can set forth their requirements.

Mr. Goch mentioned that the current contract with New Franklin is 7/8 of a page long, and that while they had all the time in the world to act on this, they did nothing about it. Mrs. Gensimore also reiterated that the New Franklin approach had been along the lines of 'take it or leave it.'

Mayor Knack repeated that this was why Council needed to make plain their demands, and that while he did not have a vote in this, in a conversation on the topic, Tim Crawford of Summit County Council had made a recommendation against the Sheriff's Department. Further, he said, before any decision is made, the Council Members should peruse Mrs. Godwin's binder, which describes the types of calls the Village receives for first responders. It demonstrates that the Village does require more police protection.

Fire Chief Frey revisited the concern over possible delays in dispatch and response times. It is noted that Coventry is pleased with the service they receive through the Summit County

Sheriff's Department. Mr. Goch noted that New Franklin would still dispatch fire just as it does now.

Mrs. Greer stated that she had two concerns. The first of these being a First Reading passage request, which she had not anticipated based on the discussions at the last meeting.

The second was in relation to a call she had received from Mr. Crawford. She had assumed that since he is with the county, he would encourage the Council toward the Sheriff's Department. Instead he stated that while he has nothing against the Sheriff, but he has concerns about this. He didn't think it was the best idea. Mr. Goch asked what his concerns were and Mrs. Greer suggested he have a talk with Mr. Crawford himself.

She indicated that the Council should take more time for their decision, despite the danger of cutting time short for the 911 transfer to be put into place.

Mrs. Gensimore reiterated her respect for those concerns and her apprehension surrounding the motion, but again recited her concern about waiting until the sixth. She suggested that Council call a Special Meeting, as soon as Solicitor Pitchford is able to get an agreement hammered out, in order to address this, move on, and arrive at some sort of resolution. She pointed out that the Motion to set aside the Three Reading Rule in regards to Resolution R-16.35 was still on the table.

Second by Mrs Godwin.

Roll Call: Mrs. Gensimore- Yes, Mr. Goch- Yes, Mrs. Greer- No, Mr. McDaniel- Yes, Mrs. Godwin- Yes. Motion passed.

Some discussion ensued in regards to lingering concerns on behalf of the Council and of the Solicitor, and in regards to an email exchange with Solicitor Pitchford. The most recent in this exchange indicated that Council could approve Resolution 16.35 with a provision amending the last part of Section One.

Mrs. Gensimore thusly made a Motion to amend Section One of Resolution 16.35, per suggestion of Solicitor Pitchford, to read: That the Mayor of the Village of Clinton is hereby authorized and directed to immediately enter into a contract with the Summit County Sheriff, regarding policing, patrol, and related services, in a form substantially similar to the agreement is attached hereto as Exhibit A.

After further discussion, Mrs. Greer pointed out that there was a new motion pending, but deliberations had come to a standstill.

Mrs. Gensimore queried as to whether Council would feel more comfortable coming into a Special Meeting, as soon as Solicitor Pitchford was able to execute the necessary changes, in order to avoid waiting until the Council Meeting to be held on the sixth December for the legislation to be passed. She received a favorable response.

Mrs. Gensimore withdrew the Motion, contingent upon Solicitor Pitchford getting back with the changes within the next few days, as this has to get done.

Mrs. Greer inquired whether the Motion was suspended, and Mrs. Gensimore responded that at this time, it was.

Mayor Knack called for the next piece of Legislation, and Mr. McDaniel read:

Resolution R-16.36

A Resolution authorizing and appointing Varney, Fink, and Associates as Village Fiscal Officer, and authorizing and directing the Mayor to enter into a two year contract, and declaring an emergency.

Mr. McDaniel stated that he likes the two year contracts and asked if this would be retroactive back to November 1, 2016 and the Fiscal Officer confirmed that it would.

Resolution R-16.37

A Resolution authorizing and appointing OHM & Advisors as Village Engineers, and authorizing and directing the Mayor to enter into a two year contract and declaring it an emergency.

Second Readings

Ordinance O-16.32

An Ordinance modifying Codified Ordinance 121.02 clarifying selection of committees and chairpersons thereof and declaring it an emergency.

Ordinance O-16.33

An Ordinance amending Codified Ordinance Chapter 149 Entitled, employees generally, and declaring an emergency.

At this time, Mr. McDaniel commented that the Solicitor's recommendation was that this Ordinance should appear before the Laws Committee prior to going to a Third Reading.

Mrs. Greer motioned to send the piece to the Laws and Ordinances Committee until they have time to refer it back to Council with their recommendations on any changes, seconded by Mr. McDaniel.

Roll Call: Mr. Goch, Mrs. Greer, Mr. McDaniel, Mrs. Godwin, and Mrs. Gensimore voted yes.

New Business- No New Business.

General Discussion- No Discussion.

Presentation of Bills- Mrs. Greer moved to approve the purchase orders and bills as attached to the agenda, seconded by Mrs. Godwin.

Roll Call: Mrs. Greer, Mr. McDaniel, Mrs. Godwin, Mrs. Gensimore, and Mr. Goch voted yes.

Citizens' Comments- Representing the Historical Society, Diane reminded all those in attendance that Santa would be in the basement of the Village Hall on the fourth December, and

obtained verification that the Hall would be available on the seventh at 2 p.m. for the Historical Society to assemble holiday themed fruit baskets to be distributed to the Village's needy and senior citizens.

A Citizen spoke for her husband Eric, a disabled veteran. She mentioned that he'd always been satisfied with the police protection provided through New Franklin. Also that Mrs. Ikins had contacted them a few weeks prior to inform them that the other half of their split parcel property was destined for sale, and to offer her assistance with the situation. They suggested that Chuck Ikins should receive a holiday fruit basket.

Cappy, the owner of the Rusty Railz voiced serious concerns about changing to police services through Summit County, especially potential delays in response time, and questions as to why a public election was not being held. Council Member Mrs. Greer mentioned that such situations were behind her opposition to first reading passage requests, and that the Three Readings policy allows the constituency to watch legislation taking place, and to participate and that is so important.

Sue, an employee at the Rusty Railz also voiced her concerns about the police services as well. She is also opposed to switching to the Sheriff's Department.

Mrs. Gensimore countered that New Franklin had been uncooperative in contractual negotiations and that the Summit County Sheriff's Department has offered more services than New Franklin has provided in the past. She noted that she has worked very hard with Mrs. Ikins and Mrs. Godwin in looking into the police services for the Village. She discussed the Sheriff's buddies service for the elderly citizens of the Village.

Mayor Knack invited all those who would like to remain and continue the conversation after the meeting.

Mr. McDaniel motioned to adjourn; Second: Mayor Knack.

