

Village of Clinton
Regular Council Meeting Minutes
of
Tuesday, December 6, 2016

Mayor Knack called the meeting to order on Tuesday, December 6, 2016 at 7:00 p.m. in the Clinton Village Hall. The Pledge of Allegiance was recited by all those present.

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

Others Present: Leah Weirick, Assistant Fiscal Officer; Marshall Pitchford, Village Solicitor; Captain Doug Smith of the Summit County Sherriff's Department;

Approval of Council Minutes: Page four of the minutes was corrected to read that the Fiscal Officer had stated that the New Franklin offer was affordable, but did not in fact comment on whether it was good or bad. A misspelling of Mr. Al Bollas' name was corrected, as well as Coventry changed to Summit County for which Tim Crawford is on Council.

Mr. McDaniel made a motion to approve the minutes as amended, second by Mrs. Godwin.

Roll Call: Mrs. Gensimore- No. Residents should refer to the recording of the 15 November meeting, as written minutes could not fully capture every fact, or the spirit of the conversation. Mr. Goch, Mrs. Greer, Mr. McDaniel, and Mrs. Godwin all voted in favor, and the motion passed.

Solicitor's Report: Mr. Pitchford stated that there would be a report forthcoming later in the course of the meeting.

Fire Chief's Report: No report.

Street Commissioner's Report: No Report.

According to the revised agenda, Mayor Knack introduced Captain Doug Smith of the Summit County Sherriff's Department. It was determined that both citizen and Council questions would be answered during his time on the floor.

Captain Smith stated that having been with the Summit County Sherriff's Department for 23 years, he was familiar with contract policing, and was aware that there were many concerns.

He first addressed uncertainties about the four hours of daily patrol that would be dedicated to the Village of Clinton in every 24-hour time period. In addition, 14 deputies residing in close proximity to the Village of Clinton would be assigned to do pass through coverage with take-home vehicles. Thusly, the Village would be receiving more than four hours of police presence daily.

Further, he had read that there were fears that police were not going to be present in events such as stabbings and shootings. He stated that the Summit County Sherriff's Office was going to respond to calls for service, and that the Village would not be stranded outside of the four dedicated hours. In the

Senior Citizens' program, deputies are assigned to elderly shut-ins whom they must physically visit four times monthly to ensure that utilities are working properly and that food is available; this also is time above and beyond the four dedicated hours. Captain Smith asserted that when entering a community, the Summit County Sherriff's Office takes part in it. A community policing sergeant would also be appointed to set up neighborhood watch programs and to make any festivals successful events. While he was not certain where the ball got dropped as far as Summit County police absence for the Veteran's Park event September Eleventh, he and Lieutenant Mike Sanchez were working to rectify the problem.

Captain Smith indicated that as the Summit County Sherriff's Office is a countywide agency, Village of Clinton taxpayers already pay for the Sherriff and his administrative staff, making them less expensive than other policing contracts.

As far as response times, with 350 full-time sworn deputies, the Summit County Sherriff's Office averages ten minutes, not "running hot," which is in the event of an emergency. Response time "running hot" is approximately five minutes.

A resident queried whether he could expect to wait ten minutes for police to arrive in the event that someone broke into his home. Captain Smith answered that since they would be "running hot," the response time would be approximately five minutes. The resident was referred to his attorney's advice as far as handling the problem himself, then he questioned why Village of Clinton residents had not been informed about the policing issue. Mrs. Gensimore answered that at any given time, any resident or non-resident is welcome to attend any Council or Committee meetings, and that the policing issue had been being discussed for quite some time. Notices regarding Council activity are not typically mailed. The resident also noted his uncertainty about how safe this arrangement would be for business owners.

A second resident asked where the Summit County Sherriff's office was located, to which Captain Smith replied that the Village of Clinton would be run out of 619, as is Coventry.

Captain Smith told the business owners among the gathering that they would be contacted by Sergeant Mike Walsh, who would obtain emergency contact information, including but not limited to alarm companies and permitted vehicles, which then would be posted in the dispatch center. Anytime a deputy should notice anything amiss, the Summit County Sherriff's Office would respond as well as notify the business owner. In a similar manner, the Summit County Sherriff's Office conducts house checks for requesting vacationers.

A third resident asked why taxpayer money was mentioned in the minutes along with federal and state grants.

Captain Smith responded that while he was not present at the November 15th meeting, the Summit County Sherriff's Office manages both the OVI Task Force and STEP, a speed enforcement program. Working in conjunction with the community, they identify problem areas and establish checkpoints which law enforcement officers are paid overtime to monitor. He confirmed that this was accomplished through grant monies.

The resident fretted about what might happen when the soft money of the grant ran out, and Captain Smith reassured her that that particular grant had been around for 25 years. He mentioned also that the Summit County Sherriff's Office also offers marine patrol, should that assistance be required in any matters regarding Luna Lake.

She also noted that four hours daily did not seem like a great deal, considering the size of the Village, as far as visibility and presence.

Captain Smith explained that the four solid, although not necessarily consecutive, hours would indeed be the presence, but that the Village would also be receiving pass-through coverage. Currently the pass-through variety is all the Village is receiving.

She asked who would be receiving the log of the four hours, and Captain Smith answered that it would go to the Council. Mayor Knack confirmed for her that as public record, it would indeed be available for public perusal.

Another resident inquired whether the Summit County Sherriff's office would be consulting with New Franklin detectives in regards to current problem areas, as his four-wheeler had recently been stolen and recovered. Noting that some friends had also recently experienced break-ins, he expressed shock over losing New Franklin, as well as concern regarding response times.

Captain Smith deemed that assurances of safety derive from deterrents and police presence, citing Twinsburg Township as an example. Ten deputies, rather than one, policing Twinsburg Heights dropped the crime rate by 80 percent. Working with Council and New Franklin law enforcement, the Summit County Sherriff's Office will identify and address problem locations. A deputy or sergeant will be assigned to Council meetings in order to keep abreast of current events.

Mr. McDaniel then directed the conversation toward the Drug Task Force.

Captain Smith explained that the Drug Task Force identifies and addresses problems, a process that begins with a field investigation of suspicious activity. Instant results are not generally possible, as Fourth Amendment stipulations do grant the same rights to drug dealers and law abiding citizens alike, and drug unit officers must oftentimes orchestrate several purchase encounters before an arrest can be made. Funded by state and federal grants, it will serve the Village at no additional cost.

Mayor Knack posed a question about whether wage increases, administrative costs and the like would be passed on to the Village.

Captain Smith answered that such items would be prebuilt into the succeeding contract.

Solicitor Pitchford pointed out that the agreement does contain language allowing for a surcharge, as well as for a potential credit. Having spoken and emailed with the County Council and County Finance Director, Mr. Pitchford relayed that they prefer to keep that language in place, as it appears in contracts they have with other communities. In 12 years, they have never levied a surcharge or issued a credit, but have essentially eaten the loss for any given year. Each year's contract has a projection of the next year's anticipated numbers "baked into" it, so this year's contract has been formulated with the anticipation of an approximately 2 ½ percent wage increase.

All considered, while there is a carveout for a potential surcharge that does exist legally, it is in the event of a major emergency, and that has not occurred in 12 years.

Mayor Knack's next concern was if there would be a charge involved if the Sherriff's Office's services would be required for 30, 40, or 50 hours during the course of a month. Captain Smith responded in the negative, stating that that is planned for.

Mayor Knack then referred to a conversation he'd had earlier in the day with Coventry Trustees Mr. Seese and Mr. Kutuchief wherein he'd sought their opinions on a Summit County Sherriff's Office car leaving Coventry to assist the Village of Clinton. Neither gentleman was in favor of that and strongly suggested it did not happen. Captain Smith answered that Coventry pays for one car, and that one car would not be leaving.

Mayor Knack also cited a conversation he'd had with Mayor Neugebauer of Green, who recently added a car at prime time. It disturbs him greatly when one of those cars leaves to assist Coventry, and it would disturb him even more if it had to leave Green to assist the Village of Clinton. He has a good rapport with each of these gentlemen, and does not want to jeopardize that over anything that is being done here.

Captain Smith explained that Green pays for three cars, 24 hours a day, seven days a week, and one from 6p.m. to 2:00 a.m. What he also has are county float cars in spots north and south. He added that the Summit County Sherriff's Office finds itself in a unique situation, with 65 deputies eligible for retirement in the next two years. Succession planning at this point is critical, so for training purposes, the young people entering the force will be paired with senior officers in Green and in Coventry, and the senior officers will be pulled to the Village of Clinton. Further, should an event such as a flood occur, requiring additional police presence, the jail can be locked down to afford ten additional officers.

Mayor Knack queried as to whether Captain Smith was no longer on the patrol desk. He answered yes and no. At this time Captain Smith has been assigned to the jail where he is assessing schedules to determine how best overtime costs can be controlled. By moving to a 12 hour schedule, they have already been reduced by 73 percent. The Summit County Sherriff's Office has the goal of becoming more efficient and effective, and being the agency that's going to take what they are being paid and use it the right way for the community.

A resident asked if dialing 911 would remain the same, as well as if the call would go directly to the Summit County Sherriff's Office, or be routed elsewhere first. Captain Smith replied that eventually the call would go directly to the Summit County Sherriff's Office. A transfer will need to be arranged with the Emergency Management Agency, as well as Verizon and AT&T. Using Green and Coventry in an example, he explained that Coventry's dispatch goes through Central Station in the City of Green. A 911 call will be received at the Sherriff's Office, at which time they will dial the City of Green, keeping on the line while dispatching emergency personnel. This system has never been problematic.

Another resident questioned if fire and emergency calls would be handled in a similar fashion. Captain Smith mentioned that the Chief had spoken some on this topic, but that if 911 went to the Summit County Sherriff's Office, and it was a fire call, that they would stay on the line and make sure to get it going.

She then spoke to an incident where she required an ambulance. When her call to the Clinton Fire Department was not taken, she had to call 911. That call was directed to New Franklin and an ambulance was dispatched. Her question was whether the arrangement with the Summit County Sherriff's Office would change anything, and Captain Smith replied that if the Sherriff's Office was taking the 911 calls, that it would be transferred to New Franklin. New Franklin dispatches for itself as well as the Village of Clinton; it is a joint venture between the two.

Prefacing her inquiry with an apology in the event that this had already been addressed, a resident inquired as to the ratio of officers covering nearby locations. Captain Smith answered that typically in New Franklin, for example, there are two officers on the streets and perhaps a supervisor.

The Summit County Sherriff's Office, he explained, is the seventh largest law enforcement agency in the State of Ohio. As the Chief of Police, and being in their employ, they will meet whatever needs the Council and Mayor come up with. Included in the contract are: Major Crime Scene, Major Crash Scene, SWAT, Bomb Squad, Mounted Patrol, and Marine Patrol.

A resident stated that during this, his first year as a resident of the Village of Clinton, he has appreciated seeing New Franklin police officers on a daily basis. Particularly as he is the last guy on the dead-end street and the only folks who venture out that way are the ones interested in pilfering four wheelers.

A resident queried as to how monies generated from fines resultant from traffic violations would be distributed.

Captain Smith stated that typically, the court sends that to the County of Summit, which then issues a check. This can be interwoven with the Codified Ordinances, and the money will come back to Clinton. He elaborated to say that while Coventry Township is one of the smallest vicinities geographically, they bring in roughly \$17,000.00 annually in fine revenues. The Sherriff's Office receives a very small portion of this which goes into the general fund.

Mayor Knack asked whom to contact in regards to setting up such a system, and Captain Smith replied that the Sherriff's Office would only need the Codified Ordinances in order to make the arrangements.

In answer to the residents question regarding whether there would be fees assessed in the event that court cases required deputy appearances, he said that was calculated in with their costs and is already included in the contract, although the deputies do not go to court over most of the citations they issue. She also wanted to ascertain that the deputies with take-home vehicles were on 24/7 call, and Captain Smith replied in the affirmative. To illustrate, he elaborated on his own work schedule, and mentioned that as the Incident Commander, he must respond to any major crash, major crime, as well as any incident involving a barricade or requiring SWAT team intervention.

Mrs. Gensimore proffered that she had conducted some painstaking research, through which she discovered that New Franklin police had responded to 29 incidents in the Village of Clinton between the dates of August 25th and December 3rd, 2016. Calls were placed for assistance with a variety of issues, ranging from alarms to burglary, and domestic incidents including but not limited to child custody. She postulated that crime rates may not be as bad as initially assessed, but agreed with the resident that she would feel differently, had she personally experienced a break-in.

In order to alleviate some fears, Captain Smith explained one theory behind his police work, which holds that once it turns dark, and particularly in the early morning hours, only cops and criminals are out. People are stopped and challenged, and those who are above board will talk with police and be on their way, while those who are reluctant to engage are indicating they are up to something.

Responding to Mrs. Gensimore's query about installing a dropoff box to safely dispose of expired prescription drugs, Captain Smith said that one indeed would be placed at Village Hall. Also, he had spoken with Mayor Knack about a relatively new safe disposal method which calls for bags containing a liquid to dissolve the pills, making them easier to flush.

Speed limit enforcement will be financed with STEP program grant money, and radar equipped speed trailers will be placed in problem areas, such as Cleveland-Massillon Road and North Street, at no extra cost. This also helps establish a pattern according to which speed patrols can be fashioned. Captain Smith again related that the Summit County Sherriff's Office would be highly responsive, and encouraged residents not to hesitate to call.

A resident sought confirmation that there would be one dedicated police vehicle for the Village of Clinton, and Mrs. Gensimore requested verification that there would be a car marked as such, with the Village of Clinton specifically named on it.

Captain Smith replied that yes, there would be one vehicle dedicated for Clinton at various times throughout the day. Residents will see a lot more than they think, as the aforementioned succession planning allows the Sheriff's Office to be creative with the number of people they send as well as what times the four hour time period is served.

Mayor Knack asked if there were any further questions for Captain Smith, and while those had run out, Mrs. Greer took a moment to address the citizens in attendance. She stated that the business of the Village should go through legislation, and that if Council members are doing their jobs the way they are supposed to be done, citizens would receive a Three-Reading. This affords them four to five weeks to know about what's going on. They would not necessarily receive a written document via the U.S. Postal Service, but the information is out there. State law requires Council to post notices in five places throughout the Village, and enumerated among them are the Post Office, Village Hall, the hardware store, and two beauty shops. Work on making the Village website more comprehensive is ongoing, but the notices are also posted there.

With no further questions, Mayor Knack suggested the meeting move along. Mrs. Greer ascertained that eight of the citizens in attendance that planned to address Council members at the meeting's conclusion.

Mrs. Greer made a motion to amend the agenda to allow the constituents to address Council members at that point in time rather than at the end of the agenda, second by Mrs. Gensimore.

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

Citizens' Comments:

Rochelle, a resident who has lived on 2nd Street for 27 years, had a question about the repaving of the roads. Repairs she has noticed, attributable to the 1 percent tax increase, seem to have been made in areas that needed them less badly than others, such as on the Warwick side. Also, there had been a tree removed at 7772 South 2nd street in anticipation of sidewalk repairs, and she was interested to know if and when those would occur.

Mayor Knack said that he had recently met with the Village Engineer and would speak to the issue of the roads, and that he would contact the Street Superintendent in regards to the sidewalks.

Rochelle was interested in any information on the old Tersigni building. Mayor Knack responded that it was in the process with the county. At the moment it is in Summit County's court, and it will be coming back to ours again to get everything settled on. It had not been put on the back burner.

While there were some indications that some nefarious activity had been occurring at the location, the Health Department was unable to intervene. Installing a deadbolt would have to be done at the owner's behest; otherwise doing so would be deemed as trespassing. Mayor Knack's suggestion was to call police every time any suspicious activity took place there. The demolition of the structure and the subsequent acquisition of the land for the Village is a step by step process which the Village is in the middle of, and while it seems terribly slow, it is actually moving along relatively fast.

In answer to resident Sue's question directed toward both himself and Captain Smith, Fire Chief Frey confirmed that it was standard operating procedure not to send any of his men into a scene that he has not determined to be safe until police backup arrives. Captain Smith affirmed that on a "hot call," response time should not exceed five minutes.

Mayor Knack informed the gathering that Street Superintendent Terry Siegenthaler and another gentleman had been catching some coyotes.

Mr. McDaniel informed the Mayor that also present at the meeting were two applicants for the vacant Council seat. Mayor Knack suggested some time be taken to conduct a formal interview process, including background checks, and Mrs. Greer stated that she was not ready to make a choice that evening.

Wayne Conroy who also had been in attendance, expressed an interest in filling the vacancy as well, although he had not submitted any application information prior.

Mayor Knack reiterated that it would be prudent to take the time to do that right, and that he would not be appointing anyone. Mrs. Godwin pointed out that the time for the Council's obligation to make the decision would be running out very soon. Mrs. Gensimore stated for the record that if the Mayor was saying that he was not going to arbitrarily appoint someone, without having the full opportunity to look at everything, then she would say yes. If not, then she said we move forward tonight. Mrs. Godwin added that from the standpoint of history, the last 25 years, extra time wasn't taken.

Some question arises as to the length of time that constitutes inaction, and whether in that instance a Mayoral appointment is required. While Solicitor Pitchford commenced to research, Mayor Knack moved the meeting to its next phase.

Fiscal Officer's Report: In Packet.

Mayor's Report of Money Received: In Packet.

Unfinished Business: Mr. McDaniel stated that at the previous meeting, he had reported on First Energy pulling out of the NOPEC contract. At that time the entity had not selected a new electric supplier. Since then, a meeting had been held wherein NOPEC had named NextEra for that capacity. Current NOPEC customers should expect things to remain the same, although the bills may take on a different appearance. An abundance of information is available on the NOPEC website, as well as some literature available at Village Hall, and via the Village of Clinton website.

Mayor's Communications:

Mayor Knack had received a call from Village Engineer Dave Krock, although at the time had yet to receive the related email he was looking for. Mr. Krock had met with Mike Wendt and the county seems to be pleased with the Village's progress. Further they are aware that more meetings must occur.

He and Mr. Seigenthaler had met with Jim Sickles and Jason Popille from O.H.M. and a five year plan for repavements is under construction. The Village was not awarded the grant applied for to repair the Main Street Culvert, but was third in the running for another one, the District A Public Work Grant. In April, the Village will be resubmitting its application for the Small Government Program grant, and stands a good chance to receive those funds for Main Street.

Mayor Schultz has offered a suggestion and Mayor Knack planned to meet with him in its regard. The communities will be applying to participate in a project entitled Safe Route to School which awards monies for sidewalk construction.

An engineering firm had evaluated the condition of the Village's roads, and the only two streets that scored "Good" were North First and 3rd Street. The remainder had scored either "Fair" or "Poor." The estimated cost of repairs to the roads in the Warwick area alone approaches \$1.7 million dollars. That

money does not exist in the budget or the treasury, and the 1 percent tax is only generating \$280,000.00 annually, which is why the pursuit of government money is so important.

Council Communications: Mrs. Greer stated that she would communicate with the county as to the status of the Tersigni property.

Council Committee Reports:

Mrs. Greer reported that as no response had been received from the Tersigni property owners, it now is in the county land bank process. Once it has been through the Board of Revisions, it will be held in the name of the county and demolition will move forward. The Village must then purchase it for the agreed upon amount, and once it has been surveyed, the Village can sell it or keep and maintain it.

Mrs. Gensimore had submitted the articles for the Community Newsletter and was still hoping to establish a dialogue on more Clinton-friendly submission deadlines.

With nothing further as far as Council Committee Reports, Mayor Knack invited Mr. Pitchford to relate what his research had revealed. Although he did not have the capacity to do full research with respect to case law with just his telephone, Mr. Pitchford had examined the statute and offered his interpretation of the language therein. The Revised Code implements the word “shall” which is a mandatory and compulsory word, as opposed to a permissive word such as “may.” After 30 days, the code states that “the Mayor shall appoint Member of Council.” After 30 days, it is ONLY the Mayor’s appointment, rather than Council. He put forth two suggestions which would prevent any legal questions or qualms. Firstly and in the event that Council had concern that it would not be the final arbiter of the decision, it could be made that evening. Alternatively, Council could hold over and request a commitment on behalf of the Mayor that it would be permitted to screen the candidates, then make a recommendation or a motion to the Mayor to please appoint the candidate it selects. A decision made on or before the ninth of the month is the only way for Council to ensure that its selection of a candidate will stand. Mrs. Godwin commented that it could be done how it had always been, that evening.

Mrs. Gensimore moved to move the decision until the meeting’s end. Second by Mr. McDaniel.

Roll Call: Mrs. Greer voted No, citing her desire for more time. Mr. McDaniel, Mrs. Godwin, Mrs. Gensimore, and Mr. Goch all voted Yes. Motion passed.

Legislation:

Third Reading

Ordinance O-16.32

An ordinance modifying Codified Ordinance 121.02, clarifying selection of Committees and Chairpersons thereof and declaring an emergency.

Mrs. Gensimore moved to adopt. Second by Mr. McDaniel.

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

Second 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 Sherriff regarding policing, patrol and related services and declaring an emergency.

Mrs. Gensimore made a motion to set aside the Three-Reading Rule. Second by Mr. McDaniel.

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

Mrs. Gensimore moved to adopt Resolution 16.35. Second by Mr. McDaniel.

Mayor Knack called for any discussion, and Mr. Pitchford suggested the language from his most recent email be substituted as the Exhibit A.

Mrs. Greer made a motion to substitute the attachment which Solicitor Pitchford had presented to Council earlier and was not in the packet. Second by Mr. McDaniel.

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

Mrs. Gensimore moved to adopt, as amended, Resolution R-16.35.

Mayor Knack called for any discussion. Mr. McDaniel offered that he had appreciated Captain Smith's question and answer session, and that he felt the Village was in good hands. Mrs. Greer said that her vote that evening would be no, and though it had been a difficult decision for her, she was not convinced that Council had done its due diligence.

Roll Call: Mr. Goch voted yes, Mrs. Greer voted no, and Mr. McDaniel, Mrs. Godwin, and Mrs. Gensimore all voted yes. Motion passed.

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.

Resolution R-16.37

A Resolution authorizing and appointing O.H.M. Advisors as Village Engineer, and authorizing and directing the Mayor to enter into a two year contract and declaring an emergency.

First Reading

Ordinance O-16.38

An Ordinance amending Codified Ordinance Chapter 121.02, establishing standard meeting times for committees.

New Business: None.

General Discussion:

Mr. McDaniel again thanked the citizens for their presence and interest, and invited them back. He mentioned that as an avid cyclist, he experiences roads in areas north, such as Norton, that are in far worse condition than those in the Village of Clinton, but did add that the situation was being addressed. Mayor Knack made an invitation of his own, saying that speaking of Norton, he would be ringing a Salvation Army bell at the Acme there should anyone care to donate. A number of Christmas related events were scheduled in the upcoming days.

Presentation of Bills:

Mrs. Greer moved to approve the purchase orders and bills as noted in the agenda. Second by Mr. McDaniel.

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

The open meeting continued with the gavel in Mr. McDaniel's charge and the interview process began. Council posed a series of questions to each candidate interested in the vacant Council seat. Mr. McDaniel as President of Council expressed his appreciation for the applicants' interest and for stepping forward. Each Council member was provided a ballot which Mrs. Weirick received and tallied. During the deliberation process, Mayor Knack sought confirmation that none of the potential Council members were convicted felons. Having ascertained that that was not the case, he welcomed Ms. Bonnie Dilworth and swore her in.

Mrs. Greer motioned to adjourn. Second by Mr. Knack. Meeting was adjourned.

Les A Weirick

