

Village of Clinton
Regular Council Meeting Minutes
of
Tuesday, December 20, 2016

Mayor Knack called the meeting to order on Tuesday, December 20, 2016, just prior to 7:00 p.m. in the Clinton Village Hall, in order that Council wished its Fiscal Officer a happy birthday. 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, and Bonnie Dilworth.

Others Present: Leah Weirick, Assistant Fiscal Officer

Approval of Council Minutes: A misreference to the Tersigni building's location in paragraph three of page seven was removed. Ms. Dilworth indicated that she prefers to be titled "Ms." rather than Mrs., and that the spelling of her last name calls for only one letter "L".

Mrs. Godwin motioned to accept the minutes as amended, second by Mrs. Greer.

Roll Call: Mr. Goch, Mrs. Greer, Mr. McDaniel, Mrs. Godwin, Ms. Dilworth, and Mrs. Gensimore all voted in favor, and the motion passed.

Solicitor's Report: No Report.

Police Report: No Report.

Mrs. Gensimore motioned to amend the agenda to move Citizens' Comments from the end of the meeting to just after Committee Reports and before the Readings of Resolutions and Ordinances. In the previous meeting Mrs. Greer had indicated that the Village Code book would need to be updated if a permanent change of the order where citizens speak is to be considered. Mrs. Gensimore would like for Council to consider amending the Ordinances to make that a permanent change. Ms. Dilworth seconded the motion. Discussion determined that a vote could be taken on the motion only. It was suggested that the Laws and Ordinances committee could move on producing legislation making the change permanent.

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

Fire Chief's Report:

Chief Frey indicated that with only 39 calls, eight fire and 31 ambulance related, the call volume for November was very light. After the first of the year, he and Mayor Knack planned to contact Skipco in regards to the old squad unit. Mayor Knack stated that while Council had approved its sale, they had not come up with a minimum bid; therefore, he would do some legwork as far as revenues, possible to get and not get, to expect such a sale to generate. He

would report on those figures to Council. Also after the first, himself and Chief Leslie were planning a meeting with representatives from The Shores, an organization that functions as a community liaison for recovery support. In the event of an overdose, and at no charge, The Shores provides assistance for family members in locating recovery related resources available to themselves and the victim. Chief Frey noted that, except in events when police are called to the location, there is no continued interaction with overdose victims once ambulance responders had begun administration of Narcan and delivered them to the hospital.

Street Commissioner's Report: No Report.

Mayor's Report of Monies Received: No Report.

Fiscal Officer's Report: In Packet.

Unfinished Business:

Mrs. Gensimore stated for the record and for clarification, that at the last two meetings there had been information put forth as to the involvement of the Summit County Sherriff's Department in the arrangements for escorting the 9/11 - 395 Ride for the OVMP. She had contacted the Secretary, Sharon Kerechanin and the Treasurer, Carol Parker, of the OVMP, as well as Donna and John Carroll; they were the point people in charge of security for that event, just to gain some clarification. The Carroll's had informed her that a Medina County Sherriff Deputy had volunteered to contact the Summit County Sherriff's Department to make the arrangements, since the ride would cross county lines, and that he would coordinate that. As the ride drew nearer, they contacted Summit County for confirmation. The Summit County Sherriff's Department had not been contacted in regards to the ride. It was relayed that Summit County had been aware- anyway. They told Mr. Carroll that it was too short of notice at that time to arrange an escort for the ride, and that it had been relayed to Summit County that the park had paid other policing entities to provide policing at their events, and that in the future that they would like the same consideration. Mr. Carroll stated that they had a good relationship with the Summit County Sherriff's Department, and that they had never charged the park to provide services in the past. Mrs. Carroll said that it was then that Al Knack was contacted to see if he could help. Carol Parker, who is the Treasurer, provided the information that there was three New Franklin officers paid \$90.00 each to escort the 9/11 - 395 ride, and she had their names if anyone was interested. Mrs. Gensimore had asked both Carol and Sharon if New Franklin had ever provided services, free of charge, to the park, and the response was, "Not to their knowledge."

Mrs. Greer indicated that she had checked again on the status of the Tersigni building predicament. There were no new developments beyond that it was apparent she would have to continue contacting the county.

Mayor's Communications:

The Christmas event held at the OVMP Park was a success.

In regards to the CUE salt situation, it was anticipated that the Village of Clinton was on track to hitting the numbers required to avoid payment for storage.

Mayor Knack and Mr. McDaniel had scheduled a meeting with Ilene Shapiro for the 17th January, to continue moving forward with the sewer discussions. They would report their learnings back to Council.

He had also received some updates from Alan Brubaker, the Summit County Engineer, on what might be available as far as paving. As it turns out, Summit County is one of the few that do not apply CUE funds toward paving. He intended to speak with Street Superintendent Siegenthaler and look at what monies were available, and bring the findings to Council so that it could determine what direction to take, and work with the proper channels from there.

Council Communications:

Mr. McDaniel announced that he had received an invitation to attend the ReWorks Community Recycling Access Grant Meeting, to be held on the 16th February. He would be reporting back to Council on what recycling options will be available in 2017.

Council Committee Reports:

Mrs. Gensimore indicated that a submission for the Community Newsletter had been made.

She also reported on behalf of Mrs. Godwin, the Safety Committee Chairperson, as Mrs. Godwin had been unable to attend the Safety Committee Meeting held Saturday the 17th. Mr. Goch and Mr. McDaniel had both had conversations with the Summit County Sheriff, the gist of them being that due to Council's inability to present legislation prior to the holiday break, the Sherriff could not enter into the contract to begin policing January first. His budget had also suffered an unforeseen cut, but the Sherriff assured them that he intended to continue the process, which he stated would require up to six to eight months.

Several residents were in attendance. They were permitted to speak but were also made aware that typically citizens' comments are not taken at Committee Meetings. Two residents in particular, one an officer with the Kent Police Department, and the second a former police officer, now Fire Chief, brought forth perspectives that had not been heard hereto. Both were pertinent to the validity of the services and response times, and their concerns would be brought to the Sheriff's attention when discussions with him continued.

A question had been posed as to whether New Franklin had ever been apprised of our concerns, and while Mrs. Gensimore had not addressed that at the time, she would speak toward it presently.

The first time that Mrs. Godwin and Mrs. Ikins went to speak with Mayor Bollas and the Chief of New Franklin Police, the Councilwomen were advised that New Franklin was not negotiating, and was prepared to walk away from the table. Therefore, no concerns were brought forth.

Subsequently to that meeting, the Sherriff's Department offer was received. Mrs. Ikins, Mrs. Godwin, and Mr. Goch then went back to New Franklin, and New Franklin at that time said that they were standing on their offer. Followingly, Mr. McDaniel reported that himself and Mayor Knack had contacted New Franklin officials in regards to the Sherriff not being able to

complete a contract. Aware of the situation, New Franklin agreed to provide policing for the Village with the understanding that the Village intended to continue its dialogue with the Sherriff's Department. In the end, the Safety Committee recommended that the Council rescind the agreement with the Summit County Sherriff, and instead enter into an agreement with New Franklin for policing the Village, with the understanding that the Safety Committee will continue the dialogue with the Sherriff's Department.

Mrs. Gensimore went on to indicate that she needed to clear up a couple things.

She had misspoken at the meeting, having stated that Council had spoken with both Coventry and Green. Having reread the notes, she discovered that Councilwoman Ikins was the liaison, and while she indeed had spoken with Coventry, she hadn't had the chance to speak with the Fire Chief from Green.

At the meeting's conclusion, an attendee had approached Mrs. Gensimore, quite upset about something she had said. Upon reflection, she should not have said what she said at the meeting, and regardless of what she thinks, is called to respect the office, and so should not have made such a statement in a public meeting, and apologized for having done so.

Citizens' Comments:

On behalf of the Clinton Historical Society, Diane thanked those who participated in the pancake breakfast and in Applefest, and wished a Merry Christmas to all.

Mrs. Schultz prefaced her comment with a personal expression of gratitude for the extraordinary job performed by the gentleman who sees to the wintertime conditions of the Clinton roads.

Following Saturday's Safety Committee Meeting, however, she had several concerns. Having performed some calculations, she noted that police services provided by the Summit County Sherriff's Office would double the distance between current points of dispatch and her residence, making a five-minute response time to her seem difficult to attain. As a former volunteer paramedic, she cited personal experience with delayed and sometimes double response times in emergency situations. She also queried as to the apparent absence of New Franklin Police Department representatives at Council Meetings, in order that citizens and Council might have concerns addressed. Many of the seemingly novel services touted by the Sherriff's Department though, she pointed out, were currently available through the New Franklin Police Department. Further, she considered every encounter that she and her husband have had with the New Franklin Police Department a positive interaction, wherein officers have demonstrated utmost professionalism and safety-mindedness. Her assessment of the current situation was that perhaps the Sherriff had bitten off more than he could chew, and although she recognized a budget cut did also factor in, the perceived backpedaling of late raised some red flags. Her hope was that, despite the price point, the Safety Committee would consider maintaining the current contract. In her estimation, New Franklin has provided good service in the past, and she was pleased that they were willing to continue to do so.

Mike Schultz made mention that he intended no disrespect toward the Sherriff's Office, as many of his good friends are in its employ, but also was concerned about response times. He proffered an example of summertime Friday night, wherein the Village of Clinton may not rank first on the priority schedule. This could especially be detrimental for firefighters who are not permitted entry to a scene until police arrive.

Legislation:

Third Readings

Resolution R-16.34

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

Mrs. Greer motioned to adopt Resolution R-16.34. Second by Mr. McDaniel.

Roll Call: Mr. McDaniel and Mrs. Godwin voted Aye, Ms. Dilworth abstained; Mrs. Gensimore, Mr. Goch, and Mrs. Greer five voted Aye. 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.

Mrs. Greer moved to adopt Resolution R-16.36. Mr. McDaniel seconded the motion.

Roll Call: Mrs. Godwin voted Aye, Ms. Dilworth_ Abstained; Mrs. Gensimore, Mr. Goch, Mrs. Greer, and Mr. McDaniel five voted Aye, and the motion passed.

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.

Mrs. Greer motioned to adopt Resolution R-16.37. Second by Mr. McDaniel.

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

Second Reading

Ordinance 16.38

An Ordinance amending Codified Chapter 121.02, entitled Establishing Standard Meeting Times for Committees.

First Readings

Resolution R-16.39

A Resolution rescinding offer to enter into an agreement with the Summit County Sherriff regarding policing, patrol, and related services, and declaring an emergency.

Mrs. Gensimore motioned to set aside the Three Reading Rule; and Mr. McDaniel seconded the motion.

Roll Call: Mrs. Gensimore, Mr. Goch, Mrs. Greer, Mr. McDaniel, Mrs. Godwin, and Ms. Dilworth all voted Aye, and the motion passed.

Mr. McDaniel motioned to adopt Resolution R-16.39, second by Mrs. Godwin.

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

Resolution R-16.40

A Resolution authorizing and directing the Mayor of the Village of Clinton to enter into an agreement with the City of New Franklin regarding policing, patrol, and related services, and declaring an emergency.

Mr. McDaniel made a motion to suspend the rules, and Mr. Goch seconded.

Roll Call: Mrs. Greer, Mr. McDaniel, Mrs. Godwin, Ms. Dilworth, and Mr. Goch all voted in favor and the motion passed.

Mr. McDaniel moved to adopt Resolution R-16.40, and Mr. Goch seconded. Mayor Knack invited discussion, and Mr. McDaniel introduced Tom Musarra, Law Director for the City of New Franklin.

Mr. Musarra, who'd had a conversation earlier in the day with Solicitor Pitchford, wished to address some areas of the contract that were in question. Primarily, concerns revolved around it being a four year agreement. He directed attention to the four month termination clause within contained, which may be invoked at any time during the term of the contract. Should the Village of Clinton at any time work up an agreement with the Summit County Sherriff's Department, the contract would terminate immediately upon four months having elapsed since written notice was provided to the City of New Franklin. Further, the four month termination clause was necessary, as for both parties involved, transitioning to a new Police Department is a process which requires at least four months; it is not something that can occur during the span of a week or a month.

Another source of trepidation that Mr. Pitchford had cited was that in the event of the contract's termination, that Clinton would have to continue to pay New Franklin the full amount for the remainder of the four year term. Mr. Musarra stated that that was not the case at all. At the present, he noted, contractual changes were something of an eleventh hour thing, but once it was adopted by both Councils and signed, himself and Mr. Pitchford would enter into a memorandum of understanding that would contain some clarifications.

Mr. McDaniel directed Council's attention toward two areas in the contract which contained language that could potentially present interpretational difficulty. Section Three contains the phrase "It is specifically understood and agreed the contract price established herein is binding upon the parties until the expiration of the contract period." Contract period four years- now you can read that both ways. Because Section Nine states that the contract should be in fact-

through the certain dates- four years. 'Termination of this contract may be made by New Franklin or Clinton, upon four months' written notice.' So you could easily read it one of both ways, and that's where our concern would be- the ambiguity. We wanted to make sure it's on the record here, and in the minutes, that four months- if we do ask for four months- then once it- that- does end the contract, that does end the payment."

"And you will not owe us any more money. You can put that on the record," Mr. Musarra affirmed.

Mr. Musarra also wanted to address an errant quote attributed to him in The Suburbanite. He had already offered an apology to Mayor Knack, whom he had not, in fact, called unprofessional, as was quoted. Mayor Knack, after all, had kept Mayor Bollas and himself as informed as he was able about the things that were happening. His comment had been directed more toward the process, and the apparent communication gap that had occurred with Summit County, in regards to the Village of Clinton and City of New Franklin.

Further, he apologized to any who might have been under the false impression that the City of New Franklin had been unwilling to negotiate. The only immobility was as far as the contract price, as the residents of New Franklin had been very outspoken that the cost of policing services be the same for the residents of the Village of Clinton as it was for the residents of New Franklin. An attachment to the contract demonstrated the origin of the price: the two cities' populations had been taken and were divided into the 1.7 million budget to calculate a per-person cost.

Mr. Musarra anticipated that Council would adopt Resolution R-16.40 that evening. New Franklin had heard some rumblings that the Summit County Sheriff was not going to come through, and therefore had a First Reading of the contract on its agenda for the previous meeting. They would have a Second Reading on the 21st December, provided it was adopted at present, and he was confident that it would pass with New Franklin Council. They were neighbors, after all, and New Franklin would be pleased to be the policing agency for the Village of Clinton again. It was also confirmed that New Franklin does generally provide a Police Report during the first Council Meeting of the month.

Mr. McDaniel stated that comparison research conducted by former Councilwoman Ikins had revealed a generalized 60 percent increase in the price of policing services, and that New Franklin's offer was indeed a fair one. Mayor Knack added that there would be no price increase for the four year duration of the contract.

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

New Business: None.

General Discussion:

Mrs. Gensimore asked the Fiscal Officer to investigate what expense might be involved in adding a special vote to the ballot. A resident in attendance at the Safety Committee Meeting had inquired about determining policing services via a poll of citizens. In continuing its

research, she deemed it important that Council provide its constituents with a full understanding of what such a process would entail. Mrs. Gensimore also opined that, since they had begun this process with the Sherriff, Council should also finish it, especially by affording Summit County the opportunity to address the ever developing concerns over response time delays. She wants the best services for the best price for the Village of Clinton.

The Magical Theatre Company and Severance Hall are both highly recommended local attractions, and Mayor Knack got to go on the Polar Express wearing his pajamas.

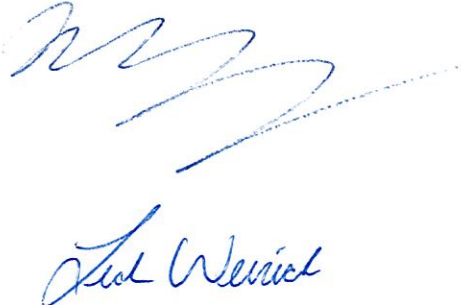
Presentation of Bills:

Mrs. Greer motioned to approve the purchase orders and bills attached to the agenda packet. Mrs. Gensimore seconded the motion.

Roll Call: Mrs. Godwin, Ms. Dilworth, Mrs. Gensimore, Mr. Goch, Mrs. Greer, and Mr. McDaniel voted Aye and the motion passed.

Mrs. Gensimore motioned to adjourn. Second by Mayor Knack.

Meeting was adjourned.

A handwritten signature in blue ink, appearing to read "Ted Weirick". The signature is stylized and written in a cursive script.

For the record:

The last two meetings there has been information put forward as to the involvement of the Summit County Sheriff's Dept. in arrangements for escorting the 911/ 3095 ride for the OVMP. I contacted the Secretary, Sharon Kerechanin; the Treasurer, Carol Parker, of the OVMP, as well as, John and Donna Carroll, the point people in charge of security for that event, to gain some clarification.

The Carroll's informed me that a Medina County Sheriff Deputy had volunteered to contact Summit County Sheriff's Dept. to make the arrangements. The ride would cross County lines and he would coordinate that. As the ride drew near, they contacted Summit County for confirmation. Summit Co. Sheriff's Dept. had not been contacted in regards to the ride. They told Mr. Carroll that it was too short notice to arrange an escort for the ride. It was relayed that Summit County had been made aware that the Park paid other policing entities to provide policing at their events. And that in the future they would like the same consideration. Mr. Carol stated that they had a good relationship with the Summit County Sheriff's Dept. and that they had not ever charged the Park to provided services, in the past. Mrs. Carroll said, it was then that Al Knack was contacted to see if he could help.

Carol Parker provided the information that there were 3 New Franklin Officers paid \$ 90.00 each for the 911/3095 Ride....Andrew Dilbeck, Brian Kreiner, and Gregory Pramuka. I asked both Carol and Sharon if New Franklin had ever provided service's free of charge. The response was, not to their knowledge.

Submitted: December 20, 2016

Marissa Gensimore