

Village of Clinton
Regular Council Meeting Minutes
of
Tuesday, August 2, 2016

Mayor Knack called the meeting to order on Tuesday, August 2, 2016 at 7:00 p.m. in the Clinton Village Hall. The Pledge of Allegiance was led by Matt Steiner and was recited by all those present.

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

Others Present: Mrs. Juersivich, resident; Sonja Herwick, Fiscal Officer; and Matt Steiner, resident.

Approval of Council Minutes

Mrs. Godwin made a motion to accept the minutes, second by Mrs. Greer. Roll call: Mr. Goch, Mrs. Godwin, Mrs. Greer, Mrs. Ikins, Mr. McDaniel, and Mrs. Gensimore voted yes. 6 - yes, 0 - no. Motion passes.

Solicitor's Report - No report.

Police Report

Mrs. Greer reported of a white car that went all the way up her long driveway and the individuals turned off the car and appeared to be ready to get out. Her husband approached the car and asked them what they wanted and they advised they were just turning around. The one man had a cross tattoo on his arm.

Fire Chief's Report - No report.

Street Commissioner Report - No report.

Zoning Report - No report.

Mayors Report of Money Received - In packet.

Fiscal Officer's Report - In packet.

Unfinished Business - Nothing reported.

Mayor's Communications

Mayor Knack thanked members on their efforts on the Bicentennial.

He said the Village is bank hunting as PNC shut down our credit card usage because they lost our payments. They have sent late fee notices and the VP of Business Sales didn't show for a meeting we scheduled. They indicated they took away our fees, but as of today that was not the case. They didn't cash April's check - it was May's payment made in April. This is not acceptable so we are switching banks and the mayor will keep council apprised of this issue.

The mayor met with the Street Superintendent on getting the Village spruced up for the Bicentennial, and anything you see that needs addressed, just do it.

Council Communication

Mrs. Ikins reported on the progress of the catch basins. They should be done by this weekend.

We got an email from Nathaniel Simmons asking for information about our parks. They are creating ParkServ for the trust for public land and they are going to be listing anyone's parks who want to participate. It's a nation-wide map of parks. It will be a publically accessible database and she needs to gather information to submit. Rather than a committee issue, she was told that this is basically going to be information gathering rather than policy issues and she should work to gather whatever is needed for this endeavor. We already have most of this information – it just needs put together. She was asked to provide what she is submitting.

Mrs. Gensimore reported that she is still in the process of looking into the fee we were charged, and why, for the consulting on the invoice from TMS.

Council Committee Reports

Mrs. Gensimore reported that the deadline for the next Community Newsletter article submission is August 15, 2016 so she can proof them and get them on to the next phase.

The bicentennial is coming together. The fire department is sponsoring the dunking tank. We are asking all public officials to participate in this. We are asking cheer leaders, football players and others to participate as well. The proceeds will go to refurbish the 1820's fire department pumper. There is a sign-up sheet for this. We need information spotters – bodies to help where help is needed. It would be nice if we consider getting a bicentennial plaque to be placed in/on town hall – like a historical marker – “This town is 200 years old.” Mrs. Gensimore also indicated that the Community Service of Thanksgiving and Worship will be at Warwick Park on Sunday at noon. One of the past ministers of the community will be coming back to speak. At 1 PM is the community picnic. If there is rain, the picnic will be at Hillside Park. Diane Gunter has been working very hard helping with this event, along with my family as well, on doing so many things to make this town look great for this celebration.

Mayor Knack added that possibly we could start the second annual Rubber Ducks next year. We just need to get this on the calendar.

Mayor Knack thanks Mrs. Greer for all her work at the Limbach Building.

LEGISLATION

First Readings

Resolution R-16-28

A Resolution Approving, with Modification, the Application of John and Vickie Conner to have Property at 2907 Hickory Street, Clinton, Ohio and 2914 Hickory Street, Clinton, Ohio, placed in an “Agricultural District” Pursuant to Revised Code 929.01, Et Seq., and Declaring an Emergency.

Second Readings

Ordinance O-16-26

An Ordinance adopting Codified Ordinance 135.06, and Declaring an Emergency.

Mrs. Gensimore asked Mr. Pitchford how this came about. In the event the fiscal officer is not around to pay the bills, to designate the mayor having that much power was never discussed that she can recall.

Mr. Pitchford said we have been talking for a long time regarding the legal authority of signing checks based on what happened after the former fiscal officer left. He was asked to evaluate who was legally authorized to sign checks for the Village. It was a concern to everyone here. As case law does not exist or court challenges, I referred to the Ohio Revised Code (ORC) and state auditor's office. The language of the ORC is that the fiscal officer signs checks. But where I felt the ORC was silent was still our issue so we brainstormed in my office, why not make the ordinance read to solve the problem to the issue, the vacancy. I wrote this and picked the mayor without consultation of anyone, as that position is the executive administrator of the Village. If you want to pick someone else I'd be happy to talk about it. I didn't talk about it with anyone at the Village.

Mrs. Gensimore said we were possibly talking about having the secretary job morphed into a fiscal officer assistant. That would give her, if she were the assistant, authority and that's the last we talked about in council. Then we got this piece of legislation and it threw us. Mr. Pitchford indicated that if you don't have the fiscal officer available or the second office staffer, you have the same problem without this proposal. She asked if we can table this.

Mrs. Ikins stated at the last meeting we made a motion to send to committee. Mr. McDaniel said at the last meeting the reason we didn't table at that time was that we wanted Marshal's input for the committee and without that committee would be meeting without all the facts.

Mr. Pitchford said you can table, have a committee meeting, and then take it back to council for a third reading. Mrs. Godwin stated that this is a big job of what we are asking someone to do. Mr. Pitchford agreed that the law puts the responsibility at the fiscal officer's feet.

Mrs. Ikins said for the record, it should not have had a second reading, but it did, it's been previously voted to refer to committee which is where it stands and is pending their recommendation or third reading. Mrs. Gensimore if the committee meeting does not occur before the next council meeting this resolution will not be on the agenda as it will still be in committee.

Third Readings – None.

New Business

Mr. Goch said he didn't get Mr. Pitchford's email until mid-morning relative to the Conner Hearing tonight. It was stated Mr. Goch should have received that information as well as the rest of council. Mr. Pitchford said it was discussed at the July 19th meeting and that he didn't have Mr. Goch's email address. Mrs. Ikins said Sue Mayberry was going to come up with a date and she didn't receive an email from her about the hearing. This hearing was set up at the last meeting and all should have been notified on the 22nd. Mrs. Greer said we all need to be aware. Mr. Pitchford had all the information relative to this hearing. Mr. McDaniel said he had an email relative to this hearing but not everyone was on it. The process needs to be fixed.

General Discussion

Mrs. Ikins feels we should have regularly scheduled committee meetings so the committee members can plan around them. The mayor said we can also hold standing committee meetings an hour before the regular council meeting. Mr. Pitchford said this can be done by motion, resolution, or ordinance - any way council chooses. Mr. Pitchford suggested having Sue Mayberry draft a proposed schedule for discussion. All agreed that was a good idea.

Mrs. Gensimore was at the Zoning Board of Appeals (ZBA) meeting and asked them to refund the Gajovski's money as they had to wait so long on their hearing. This would be up to Council.

Mrs. Gensimore made a motion that the Village refund the Gajovski's their \$200 Zoning Board of Appeals fee, Mr. McDaniel seconded the motion.

This request for the refund is because it came to the ZBA in April and it wasn't handled until July. We need to function efficiently and effectively. This was to put up a fence and fences go up during the summer months. This got dragged out too long. Mrs. Greer said how do we make people out there who are volunteering on these boards be efficient for us? Mr. Funk had suggested they set a date on the calendar, even if they don't meet every month. Mr. Funk is performing the job of the ZBA chair right now. He's doing us a favor helping us with this. Mr. Goch asked is there is a commitment of the ZBA as to how soon they deal with a request? The answer was no, but it just should not take that long. Mr. Pitchford said to set up a schedule to meet and if you don't have a reason to meet, you don't have a meeting.

Mr. Pitchford said from a legal perspective you don't like to set precedence on situations like this because the next time somebody gets 60, 90 days down the line, are we going to return their fee as well. If you don't, then you have a different issue. Is it proper and do you have the authority to do it? Yes you do. As a precedence setting matter, I would be more conservative and refrain but it is certainly within your ability to do that. Mr. Goch saw both sides and is aware of a policy in a different government entity of verbiage in their code specifically stating if you apply, when you will be heard. Mrs. Ikins said if we set the standard and tell the citizens that if you apply by this date, you will be heard. We need to enforce a calendar on these issues.

Mr. Pitchford asked if they had the hearing and what was the outcome. He was advised the hearing took place and they approved the issue that was to be heard. He said as council they have the ability to set the schedule as is being discussed. Pass it by legislation and that is your commitment - that's what you should do to not have this problem again.

Mrs. Greer stated, her heart was saying to give back the money to her hairdresser. However, her head was saying, no, and she will have to vote no on the motion.

Roll Call: (A "yes" vote is to refund the \$200 application fee to the Gajovski's) Mrs. Godwin, yes; Mrs. Greer, no; Mrs. Ikins, Yes; Mr. McDaniel, Yes; Mrs. Gensimore, Yes; Mr. Goch, Yes. Yes - 5, No - 1. Motion passes.

Mayor Knack stated that schedules need to be created to avoid this in the future.

Presentation of Bills

Mrs. Greer made a motion to approve the payment of all bills, salaries on the payment listing report dated from the month of July 2016 and all Purchase Orders, Then and Now Purchase Orders, and Blanket Certificates on the Purchase Order Status, current YTD through July 30, 2016, second by Mr. McDaniel.

Roll call: Mrs. Greer, Mrs. Ikins, Mr. McDaniel, Mrs. Gensimore, Mr. Goch, and Mrs. Godwin, voted "Yes." 6 - Yes, 0 - No. Motion passed.

Citizens Comments

Mrs. Juersivich lives on S. 2nd Avenue and they have a foreclosure in that area. It is an eyesore. Mrs. Greer said that property has been slated for demolition for over a year. The county is paying for the demo, and it will become their property and once it is demolished this Village/council will purchase that property and become our property and responsibility to maintain it. The paperwork is done and we are waiting on it to be done.

Her other issue involved the speeding in that area. She said there are too many cars going through the area very fast and there are small children in that neighborhood. This is a safety issue. Mayor Knack said we need to enforce our speed limits.

Mrs. Gensimore commented on an article in the Suburbanite and Mr. Bolas stated we were in police negotiations with them and that is not the case. We can't afford \$126,000. Mrs. Gensimore said we need a Safety Committee meeting soon.


Meeting was adjourned.



Mayor Allen Knack



Bud McDaniel, President of Council



Sonja Herwick, Fiscal Officer