

Village of Clinton
Regular Council Meeting
Thursday, March 21, 2024

Mayor Bud McDaniel called the meeting to order on Thursday, March 21, 2024 at 7:00 PM in Clinton Village Hall. The Pledge of Allegiance was led by Gordon Shobe and recited by those present.

Council Members present: Ross Blankenship, Matt Steiner, Ellen Conroy, Marissa Gensimore, Rita Joseph and Janice Godwin.

Others Present: Wayne Conroy, Fire Chief; Leah Weirick, Fiscal Officer; Marshal Pitchford, Solicitor; Jason Popiel, OHM Advisors; Gordon Shobe, Heather and Todd Shartle, and Kevin Crow, residents.

Approval of Minutes

Mrs. Godwin made a motion to approve the minutes of March 5, 2024 as written, second by Mrs. Conroy.

Roll Call: Joseph, Gensimore, Steiner, Godwin, Conroy and Blankenship voted yes. Motion passes.

Solicitor Monthly Report – No report.

Unfinished Business – No discussion.

Mayor's Communications

Mayor McDaniel reported that he and Ross Blankenship met with Mr. Sheridan from Hudson on March 7 to talk about railroad issues. He received email addresses to reach out for information, has done so, but has not received a response yet. Mr. Blankenship also stated he sent out emails but didn't hear back. Mrs. Gensimore indicated other council members might have been interested in attending and questioned why they were not advised. The mayor and Mr. Blankenship indicated they didn't mean to keep anyone out. It was scheduled for 7 AM because that is when those we were to meet with could attend.

Mayor McDaniel reported on what is going on in Akron for the eclipse. They will pass out free glasses if you get tickets.

Route 21 will be down to one side, and next year the other. It is a three-year project. During construction he was not sure of access to Clinton Road.

The mayor received a fire department employment application for Adam Haas. The background check came back clean. Mayor McDaniel asked for a motion to hire.

Mr. Steiner made a motion to hire Adam Haas for the Village of Clinton Fire Department, second by Mrs. Godwin.

Roll Call: Joseph, Gensimore, Steiner, Godwin, Conroy, and Blankenship voted yes. Motion passes.

Council Communications and Council Committee Reports

Mr. Blankenship reported that he obtained information on reporting street light outages.

Mr. Steiner reported on the fireworks issue and enforcement. The New Franklin police chief called him as he was worried about our ordinances not being up to date with state changes. In researching this, we found that Municode is not updating us with state code changes. Our ordinances have fallen behind, regarding the state changes, since 2020. Municode does not offer state code updating services. Our solicitor is not able to do this. He recommended shopping other companies on who can do this, as we may have to recodify, which could be a great expense depending how much updating is necessary.

Mrs. Gensimore does not think we are that far behind on everything and it should not cost a lot. Mr. Steiner stated besides the fireworks not being in compliance with state code, our vaping legislation isn't either. Municode has been posting our ordinances passed by council but not advising us of changes at the state level. Mayor McDaniel feels there is a lot of redundancy.

Solicitor Pitchford said we have our own set of codified ordinances of policies and council rules and permits specific to Clinton, but not state law. The State of Ohio has its own criminal and traffic laws – criminal and traffic fines go to the state if we use ORC code. Almost every community has their own codifieds on these issues. Communities want their officers citing traffic citations and criminal violations under their own code because the fines then go to them. If cited under the Ohio Revised Code, the fines (revenue) go to the state. If you cite under ORC, it goes to Columbus. If we cite traffic and criminal violations under our own code, the exact same language, we get a portion of those fines. Because we are a statutory village and not a charter village, our laws relating to misdemeanor or traffic laws have to match the state law. If we would cite someone on the vaping law, where we are inconsistent, and charge someone under our ordinance, as opposed to the state ordinance, the defense would say this is unconstitutional because your rule conflicts with the state and that person would walk. These changes happen once a year and we were not aware Municode did not offer that service.

Much discussion continued on this important issue and what needs to be done to be in compliance. Mrs. Gensimore said we have to at least be on the same page as the state. We can add to it but not take away from it. Mr. Blankenship asked if it would be less money to just take ours away, and just go with the state and not pay a company to do it. Mr. Pitchford clarified that the question is if we could pass an ordinance cancelling all our criminal and traffic code and just have officers site under the ORC. We don't know what laws are changing – we would get a list in the past showing what is changed. Mr. Pitchford said maybe we can ask them to give us the last four years' sets of updates and maybe they can do it. Mrs. Gensimore does not think we have to recodify everything. Mr. Pitchford said you don't want to ignore this and you want to make sure you are doing it right.

Citizens Comments

Mr. Shobe owns Clinton Auto Repair. He indicated he has been dealing with several health issues and it does look rough at his garage right now. He feels the personal attack made by Councilman Blankenship was uncalled for. He explained why he was upset as they have had issues in the past. He said he will clean up his business and did receive a letter from Jeff Ferjutz, the zoning inspector, about his property's condition. He asked Mr. Shobe to have it cleaned up by the summer as he knows he can't do it with his heart condition.

Mr. Crow said the Village came out to look at his driveway at 2303 W. Nimisila Road. His neighbors had complained about it and it's continuing to get worse. It's on the left, north side of Nimisila. He does not think it was installed properly and it's a complete wash out and is affecting his yard and driveway. The mayor said he will talk to Mr. White about it.

Resolutions and Ordinances - No first or second readings.

Third Reading

Resolution No. R-24-01

A Resolution Authorizing all Actions Necessary to Accept Northeast Ohio Public Energy Council (NOPEC) 2024 Energized Community Grant.

Mr. Steiner made a motion to adopt, second by Mrs. Godwin.

Roll Call: Steiner, Godwin, Conroy, Blankenship, Joseph, and Gensimore voted yes. Motion passes.

New Business – No new business.

Council General Discussion

Mr. Popiel went over the MS4 permit. The EPA requires this for any stormwater that leaves the Village. The County dissolved the permit process, so we have to create our own. He explained what is required – it is a rule book that we will advise the EPA what we are doing. Every April you need to do an annual report and we have to create the plan. Mr. Steiner said that we were going to do Task One, \$6,000, this year, and after OHM drafts the application, start the district in January 1, 2025 and that's when the second part will be fulfilled, and \$7,500 will be required. If we didn't do it, the village taxpayers would pay \$200 on their property tax bill every year. Mr. Pitchford said that's why we didn't go forward with this last summer. We were the last municipality in the county to opt out. Almost all communities are now doing it on their own. This will be a one-time fee. We can pass a motion and it will also be necessary to do a resolution.

Mr. Steiner made a motion for OHM Advisors to start Task One and prepare a resolution for task one and two, our own MS4 district, second by Mrs. Conroy.

Mr. Popiel also added that there needs to be a Storm Water Committee. They meet quarterly and give the residents an opportunity to attend. There is no set number of people who are on the committee and it was stated it may be a good idea to use the Streets, Sidewalks and Parks committee with the addition of the mayor. There is also a theme designated every year that needs to go on our website.

Roll Call: Godwin, Conroy, Blankenship, Joseph, Gensimore, and Steiner voted yes. Motion passes.

Mr. Popiel then spoke on the street opening permit that needed to be reviewed. Neighboring communities are different. Our permit fee is \$100 and every time they open a boring, it's another \$100. The one item that is too high is the bond - \$1,000,000. It was advised to have a yearly bond in the amount of \$50,000, or \$5,000 per job along with liability insurance. Small jobs can have the bond requirement waived as long as the contractor has insurance. Attorney Pitchford also brought up a Professional Review Fee/Deposit to consider. This would be to pay the engineer to review the project. The engineer will determine the cost of the deposit needed for the project. If it ends up being less, the difference is reimbursed, if more, the contractor is invoiced.

Mrs. Gensimore advised this be sent to the Laws and Ordinances Committee for their review and they will make recommendation to council.

Mr. Blankenship asked to go on the record about Mr. Shobe's garage issue. The situation between the two of them was over 25 years ago, and there is no competition. He said the garage does look bad. Mr. Blankenship does not know why the zoning inspector gave him that much time to clean it up. He also added that after the last council meeting the zoning inspector said he didn't have the

power to write citations and the right fines. Mr. Pitchford said there is a form for zoning violations which is a civil process. There is a compliance deadline and if you don't comply there is a daily fine which could be reduced to a judgement, a lawsuit filed, but not criminal. They are administrative, a civil matter. It can sit for a year or so, \$100 times 365 days and then we go to downtown Akron, get a judgement, file a lean against the property, etc. That was the idea. A functional equivalent to a traffic ticket. The goal is to bring people into compliance.

Mr. Ferjutz told Mr. Blankenship he does not have citations to fill out – a ticket book. It was stated he does have letters. Mr. Pitchford said a form was created for this purpose. The zoning inspector cannot cite someone into court. He will provide the form he created.

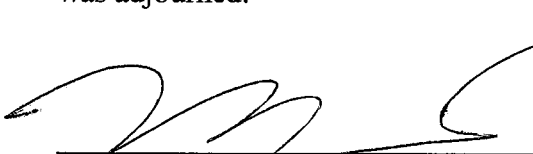
Presentation of Purchase Orders and Bills for Approval

Mr. Steiner asked for a motion to pay the bills in the amount of \$31,769.52.

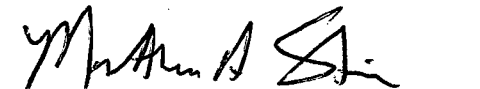
Mrs. Godwin made the motion and Mrs. Conroy made the second.

Roll Call: Conroy, Blankenship, Joseph, Gensimore, Steiner, and Godwin voted yes. Motion passes.

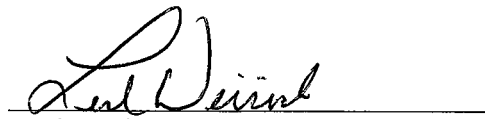
Mr. Steiner made a motion to adjourn at 7:55 PM, and was seconded by Mrs. Gensimore. Meeting was adjourned.



Mayor Bud McDaniel



Matt Steiner, President of Council



Leah Weirick, Fiscal Officer