

Village of Clinton
Regular Council Meeting Minutes
of
Tuesday, February 1, 2022

Mayor Clarissa Allega called the meeting to order on Tuesday, February 1, 2022, at 7 PM in the Clinton Village Hall. The Pledge of Allegiance was led by Scott Julian and recited by all those present.

Roll Call: Council Members Present: Lewis Rash, Marissa Gensimore, Bud McDaniel, Janice Godwin, Ellen Conroy, and Kent Goch.

Others Present: Leah Weirick, Village Fiscal Officer; Fire Department Representative; Marshal Pitchford, Solicitor; and Scott Julian, Planning Commission Chairman.

Approval of Council Minutes

Mr. McDaniel motioned to accept the minutes with an amendment on Page 2 to state, *there will be an upcoming Laws and Ordinances Committee meeting*, instead of stating it was scheduled on January 18, which was incorrect. The motion was seconded by Mrs. Gensimore.

Roll Call: Rash, Gensimore, McDaniel, Godwin, and Conroy voted yes. Mr. Goch abstained. Motion passes.

Mrs. Gensimore made a motion to approve the January 22, 2022 Special Council Meeting Minutes, second by Mr. Goch.

Roll Call: Gensimore, Godwin, Conroy, Goch and Rash voted yes. Mr. McDaniel abstained. Motion passes.

Solicitor's Monthly Report

No report at this time. He will speak on the levy legislation later in the meeting.

Police Monthly Report:

Chief Heimbaugh gave his report to council. Mrs. Gensimore asked about the snow mobiles and 4-wheelers going through peoples yards. He indicated it is tough to catch up to them once they go on the towpath. It's frustrating. Mr. McDaniel asked about what can be done about the train sitting stationery on the RR tracks. Officer Heimbaugh said the railroad has been called about this in the past and there really wasn't a lot done there. Mrs. Gensimore advised there is an Ohio House Bill going forward where they can be fined thousands of dollars. Mr. McDaniel advised of the situation where a person needed to get his kids and the tracks were blocked for 20 minutes. He did call the police. The train moved back to let this person go through that needed to pass. After the train moved, it moved back and blocked the tracks once again. Mrs. Gensimore said they have done this before while they went to eat lunch. She said she hopes the Ohio Bill goes through. Officer Heimbaugh said they can start documenting and set up a file on these occurrences. Also, New Franklin has a new Chief, Chief Bickett who started yesterday.

Fire Chief Monthly Report

The chief was absent; however, an officer did attend who reported on the monthly activity in the Fire Department. Two more part time fire fighter/Paramedics will be asked to be put on board. Their background checks were received by the Mayor. Chief Conroy will be at the next meeting. The Village Hall defibrillator needs serviced. This will be addressed.

Mrs. Gensimore made a motion to hire Daniel Snyder and Alex Busby, second by Mr. McDaniel.

Roll Call: McDaniel, Godwin, Conroy, Goch, Rash and Gensimore voted yes. Motion passes.

Street Commissioner Monthly Report - In the packet and is attached. It was read by Mr. Goch.

Fiscal Officer's Report

She was contacted by the auditors and they are looking at this year as long as it's approved by the state we will have agreed upon procedures instead a full audit which will save us money.

We received a NOPEC grant for \$2,980. We called to get a quote for LED lighting in Village Hall. They will do a separate quote for the basement too. We can also wait till next year and combine the two. Mr. Goch will get a quote too. Mr. White found the ballasts need replaced.

Unfinished Business

Mr. McDaniel said First Energy still has not moved the wiring to our new service. They are dealing with more high priority issues right now. There is big call-off rate at First Energy right now as well.

Mayor's Communications

Mayor Allega reported on the County Health Department COVID status. Numbers are dropping however staffing is an issue in the hospitals. Vaccines are still available. The Ohio Department of Health is dropping contract chasing at the school level.

She said she is still trying to schedule a sewer meeting with Mike Viney.

There is a storm coming and to be prepared for power outages. Village Hall has a generator if needed for shelter.

Mr. White will be clearing our roads and his priorities are the main roads first. Please be patient as he is only one worker doing the best he can.

The Planning Commission is meeting tomorrow evening. The Engineer's Report is in the packet as well.

Council Communications and Committee Reports

Mr. McDaniel was called by the auditor asking if he knew of any fraud issues. He responded there were none.

Mrs. Gensimore indicated there was a Laws and Ordinances/HR Committee meeting before the Council meeting. Several issues were discussed. Mr. White had asked if we would consider compensating him in some way as he opted out of our insurance benefits. The committee talked at length about the numbers we received from our fiscal officer on this request, and due to the situation with the levy at this time, we are not making a recommendation to council to make that compensation at this time. He will have a six month review to possibly get a raise at that point. Also, the committee discussed changing the committee title from Street Laborer to Street Superintendent and we did vote, recommending council to do that.

Mrs. Gensimore made a motion to change the Street Laborer title Kevin White now holds, to Street Superintendent, second by Mrs. Conroy.

Mr. Pitchford asked if our codified if there is a job identified or a pay ordinance or job description? Mrs. Gensimore said there is nothing in the codified ordinances about the Street Laborer but there is a pay ordinance. Mr. Pitchford said you may want to change the pay ordinance. Mrs. Gensimore said we will do both simultaneously.

Roll Call: Godwin, Conroy, Goch, Rash and Gensimore voted yes. Mr. McDaniel abstained. Motion passes.

Mrs. Gensimore said the Street commissioner job description as the position does not get paid enough monthly to do what the job description entails. It does coincide with the Ohio Revised Code (ORC). We operate under home rule. We also need to fix whether that person lives in village or has to move into the village. She wants to make it more fair - we are not holding him to all stated in the ORC. The residency issue needs addressed as well - pass an ordinance that excuses that. We have a lot of clean-up work to do.

Mr. Rash asked how long Mr. White has to be here to pick up both positions. Mrs. Gensimore said both positions have 6 month probation. He said if you are going to be in a position and not here Monday through Friday to know anything, why should you hold that position? Mrs. Gensimore said that's not true. The Commissioner position was never meant to be full time. He is here and does drive through our Village and looks at things. The job description needs cleared up.

Mr. Pitchford wanted to address the issue of changing our job description to be different than the Ohio Revised Code. Typically if you are a charter village, you have home rule authority and you can opt out of what is in the ORC, but as we are a statutory Village, we are not able to opt out. However, if the ORC is silent on the subject, we can act in that void, but be careful to not conflict - but if ORC has not spoken, we should be OK.

Mrs. Gensimore said we can add to the ORC but not take away. She will forward what she puts together for Mr. Pitchford. The residency clause legislation will be prepared by Mr. Pitchford as he has done this before for other communities. Mrs. Gensimore asked he do it.

Mrs. Gensimore said Terry Siegenthaler is willing to help with snow removal during daytime hours.

Citizen's Comments - No Comments.

Resolutions and Ordinances – No Third or Second Readings.

First Readings

Resolution No. R-22-04

A Resolution Authorizing All Actions Necessary to Accept Northeast Ohio Public Energy Council (NOPEC) 2022 Energized Community Grant.

Resolution No. R-22-05

A Resolution Submitting to The Electorate the Question of Replacing the Existing 3.75 Mills Tax Levy with an Increase of 4.5 Mills, Totaling 8.25, for the Village, for the Purposes Provided Under Section 5705.19(I) of the Ohio Revised Code, and Declaring an Emergency.

Mrs. Gensimore made a motion to set aside the three-reading rule, second by Mr. McDaniel.

Roll Call: Conroy, Goch, Rash, McDaniel, Gensimore and Godwin voted yes. Motion passes.

Mrs. Gensimore made a motion to adopt, second by Mr. McDaniel.

Mr. Pitchford stated that the Board of Elections (BOE) contacted the Village last week about a potential concern that has not been raised in the year and a half we've been discussing this issue with language contained in the ordinance. We passed this exact legislation and placed the exact levy on the ballot last year. It was approved by the same person at the BOE and went to the ballot. It was approved from an administrative standpoint and by the BOE.

Because we received word here, he was concerned another one of his communities would have a similar issue. He had submitted that legislation with the exact same wording to the county prosecutor, civil division with legal counsel specified for the BOE who responded, something to the effect, it was good to go.

When this was brought to Mr. Pitchford's attention, he emailed the individual at the county about the situation. This individual responded that while yes, he agreed and stood by his legal position that the language was very clear, that we didn't have to agree, he is just legal counsel for the BOE and could not approve, and we will have to defer to the actual Board of Elections. We should pass this. By no means is this anyone's fault here.

Roll Call: Goch, Rash, McDaniel, Gensimore, Godwin and Conroy voted yes. Motion passes.

New Business- No new business.

Council General Discussion – No general discussion.

Presentation of Purchase Orders and Bills for Approval

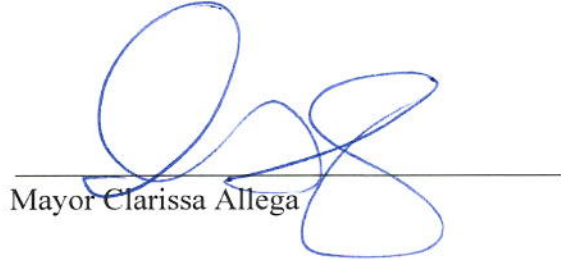
Mr. McDaniel motioned to approve the purchase orders and pay the bills as presented, second by Mrs. Conroy.

Roll Call: Rash, Gensimore, McDaniel, Conroy, Godwin and Goch voted yes. Motion passes.

Motion by Mr. Rash, second by Mr. McDaniel. Meeting was adjourned at 7:41 PM.



Bud McDaniel, Council President



Mayor Clarissa Allega



Leah Weirick, Fiscal Officer

Subject: Street Commissioner Report**From:** Jeff Ferjutz <zoning@clintonoh.gov>**Date:** 1/31/2022, 10:58 PM**To:** mayor@clintonoh.gov, Sue <admin@clintonoh.gov>

All,

I am on 12's this week due to the storm heading our way.

Report

1. Kevin has been doing a great job with all the storms we've had. With this storm system coming in Wednesday afternoon thru Friday morning, I hope every resident and passer by through our Village drives safely. If you do not need to go out, please stay in through this system. Wednesday night thru Thursday night will be the worst.

2. There was an accident where a car hit a guardrail on Cleve/Mass Rd just south of Serfass Rd. There is damage to a section of guardrail and one of the posts is broken. We should have received the police report tonight from NF and the Village will take the proper steps to have the drivers insurance pay for and replace the damaged Village property.

3. There is a temporary stop sign on N. 4th St approaching Hickory St. I do not believe it was stolen as the pole is gone too. Typically a 10' pole is impacted in the ground 24-30". Impossible to pull out without equipment, I'm assuming it was hit during a storm. It will be replaced in a timely manner. NF was notified.

Jeff Ferjutz

Zoning Inspector

Village of Clinton

330-417-2298

Email zoning@clintonoh.gov