

**Village of Clinton**  
**Regular Council Meeting**  
**Monday, March 14, 2016**

Mayor Knack called the meeting to order on Monday, March 14, 2016 at 7:00 p.m. in the Clinton Village Hall. The Pledge of Allegiance was led by Louise McGee and Diane Gunter and recited by all those present.

Council Members present: Janice Godwin, Joe Baiera, Phyllis Mayberry, Bud McDaniel, Marissa Gensimore, and Sharley Greer.

Others Present: Louise McGee and Diane Gunter.

**Approval of Council Minutes**

Phyllis Mayberry made a motion to accept the minutes as presented, second by Janice Godwin.

Roll call: Marissa Gensimore and Joe Baiera voted “no.” Sharley Greer, Bud McDaniel, Janice Godwin, and Phyllis Mayberry, voted “Yes.” Mr. Baiera indicated he had not reviewed the minutes but indicated on page 2323, that it was stated he attended a conference, but in reality he had not attended yet. Get rid of the word “proposed” later on the page as well. Marissa Gensimore said for the record not everything can get transcribed which is tedious, however, she suggests parties interested in what actually transpired at any particular meeting bring in a flash drive and get a copy of the meeting.

With the amendments stated, roll call to approve minutes as corrected. Marissa Gensimore, no; Joe Baiera, yes; Sharley Greer, Bud McDaniel, Janice Godwin, and Phyllis Mayberry voted “yes.”

Motion passed. 5 yes, 1 no. Motion passed.

**Citizen’s Comments** – None.

**Solicitor’s Report** – No report.

**Police Report** – Report attached.

**Fire Chief’s Report**

Attached report was read by Chief Frey. There are three fire fighters he would like to bring on the department - Ross Wymer, Patrick Kapper, and Joseph Gombaski. Mayor Knack said he has discussed with the Chief these three gentlemen and approve their appointment.

Phyllis Mayberry made a motion to appoint Ross Wymer, Patrick Kapper and Joseph Gombaski to the Village Fire Department, second by Sharley Greer. Roll call: Marissa Gensimore, Joe Baiera, Sharley Greer, Bud McDaniel, Janice Godwin, and Phyllis Mayberry, voted “Yes.”

**Street Commissioner Report**

Joni Murgatroyd will get him a P.O. to start patching and doing alleys and parking, and other areas in town. Friday the 18<sup>th</sup> the engineer’s associates will be here about future projects to put in order. Part of a 10-year plan – wish list.

**Zoning Report** – No report.

**Mayors Report of Village Affairs**

Mayor Knack attended George Mizarek's funeral. He owns Canal Fulton Provisions and his son does a lot for us here in Clinton. He also went to another opiate / heroin symposium meeting in Barberton.

He attended a meeting after the sewer meeting at the Middle school relative to a community newsletter with the City of Canal Fulton, Village of Clinton, Lawrence Township and N. Lawrence Township. Mayor Schultz is spearheading and is getting prices on putting together every three months. This will not be political or business related – it's about what is going on in our communities. The name of this publication will be temporary, Community Newspaper, and ask the residents to supply possible names for this publication. Clinton would have input and charged according to our number of households. Mayor Knack shared from Summit County Public Health some statistics relative to our Village. Our population is 1,149.

Mayor Knack stated that applications for the fiscal officer position so far, don't have government experience.

**Acting Fiscal Officer's Report**

Joni Murgatroyd said no one here understands the budgetary, financial, or legislative requirements for a governmental entity. When I came in here, things were very, very bad and the only reason it got turned around was because of my expertise. There are those in the Village that have been working hard – but it can't be just a select group. My concern in leaving is I turned a very bad situation around. You were in bad standing with the IRS, State of Ohio, Ohio Attorney General, OPERS, OP&F, Summit County – and that's why I postponed my retirement – to turn this around. I'm working to try to find someone with experience, but it takes unity and being a team but that can't happen when you have a bunch of egos in the way. It was a very stressful year for me here, and the core group of people I have worked closely with they know how much I have had to go through to get this stuff done.

Additionally, I met with the auditor's office and they had asked me about the situation here and asked if they should be put in fiscal watch, and I said no – I can turn this around. Had I not been here, and had this audit taken place, you would have been put there. When I said to Bud McDaniel at the finance meeting that this is just the tip of the iceberg, I was serious. When running for these positions, you don't look at the pay you get for what you need to know, it's about what you need to know as soon as you take that oath of office. Getting the minutes on the website was trying to save the Village money on the audit. I have 30 years plus in auditing experience – I know what to do to save money. Everybody needs to come together after I leave because the next person may not have the same experience and it cannot just be on their shoulders.

Mayor Knack said when Joni is gone we don't have anyone to do payroll or pay bills. Once Phyllis is gone and Joni's gone it takes two signatures on a check and we only have one signature, and that's Sharley. Something has to happen in the next two weeks. Also, when the audit comes, we need to have someone to be here.

Marissa Gensimore said she thought Joni would be here till after the audit. Joni Murgatroyd responded that the way and direction things are going here, she doesn't need the stress. Joni said: I don't see an end to this divisiveness. We've been talking about a website matter for three months. I tried to give my reasons for why we needed to get signed minutes out there for the auditors - the goal was to save you money. The more they travel and sit here it's costing you money. I didn't make that recommendation to get my way - I know how to do audits and save money. If you are not going to take the advice of someone who is an expert, just like you take the advice of Marshal, then I am beating my head against the wall. Regarding the three reading rule issue, I thought I made it clear about why entities can do it at the beginning of the year because they have enough money that their certificate of resources that is prepared in the fall of the prior year gave them sufficient resources to meet their expenditures for the full year. The Village does not have a lot of money. We need to wait for that certificate to be done by the budget commission in February. You cannot adopt appropriations until you do your certification of resources or that's a violation of findings that will come out because you can't adopt something you don't have the resources in place for. That's why I said to look at 5705, Tax Levy Law, which explains the requirements of a legislative body relative to the budgetary and legislative requirements of the spending of this Village. That has to be done.

Mayor Knack said there are two people interested in the vacated council seat. One is Debbie Ikins, and the other one is Matt Steiner.

Joni Murgatroyd stated, for the record, that this was her last meeting. She said this was the worst circumstance she had ever walked into. All of the issues buried by former fiscal officer have been addressed. You are now in good standing with all the entities I explained earlier. Everything has been filed timely. For the audit, 2105 will be ready - getting organized. 2014 I have not been able to get to. I am getting appropriations into the UAN and purchase orders opened for the departments so they can spend and functions and will do as many filing done ahead of time.

I want to thank Phyllis, Sharley and Al -- your intensity, dedication and commitment to this Village - and Matt Steiner and Steve Finical, I did get to know them, and that's why you have seen things get done. I was proud seeing some of this stuff through. I regret it came to this.

### **Unfinished Business & Council Communication and Committee Reports**

Bud McDaniel reported on the progress of the ReWorks/ReTrack grant. Another form needs sent in and has not been done for several years. He will get with Sue on this.

Janice Godwin said we need a committee meeting set up for the Safety Committee. It will be held next week on Tuesday, March 22, 2016 at 9:00 AM. Someone will notify Chief Frey.

Phyllis Mayberry said she was asked provide some additional information relative to the Landbank so we can get our reimbursement. That was taken care of. Also, there will be a Landbank meeting on the 24<sup>th</sup> at 10:00 AM that she and Sharley Greer will be attending.

There are some street lights out by the Park and Division.

Sharley Greer stated the Planning Commission appointments need handled. The zoning code needs revisited. Also a copy machine usage policy needs prepared and the spring newsletter needs done.

Mayor Knack said the MOU with the County was sent to everyone via email. Codification updates is another issue to be addressed.

Chrystal Cianciola is working on our health care plan and what our increase would be. Joe Baiera reported that he was to have updated the R-16-4 resolution and will have it done for the next meeting.

Marissa Gensimore reported on the newsletter. She indicated that Sharley Greer felt it should be handled under the Community Development Committee as their responsibility however there has been no official assignment to that end. In the past random members have put together. So we might want to make a motion to make this appointment official. Mayor Knack said maybe wait until we see what transpires with the Community News Letter that is currently being looked at. Marissa Gensimore agreed to wait on this. The meeting will be on March 23, 2016 regarding the community newsletter.

## **Ordinances and Resolutions**

### **First Readings**

#### **Resolution No. R-16-06**

A Resolution Adopting the 2016 Permanent Appropriations, and Declaring an Emergency. Phyllis Mayberry made a motion to suspend the rules on Resolution No. R-16-06, second by Marissa Gensimore.

Roll call: Bud McDaniel, Marissa Gensimore, Janice Godwin, Sharley Greer, Phyllis Mayberry, and Joe Baiera voted "Yes." Motion passed. 6 yes, 0 no.

Phyllis Mayberry made a motion to adopt Resolution No. R-16-06, second by Janice Godwin.

Roll call: Bud McDaniel, Marissa Gensimore, Janice Godwin, Sharley Greer, Phyllis Mayberry, and Joe Baiera voted "Yes." Motion passed. 6 yes, 0 no.

### **Second Readings**

#### **Resolution No. R-16-04**

A Resolution Authorizing And Directing The Mayor To Enter Into A Two Year Personal Service Contract With Infinite Reality LLC For Designing And Managing The Website For The Village Of Clinton, County Of Summit, State Of Ohio, Authorizing The Mayor To Enter Into A Contract, and Declaring An Emergency.

#### **Resolution No. R-16-05**

A Resolution Granting Bud McDaniel Access to the Village Email Server for the Purpose of Resetting Passwords and Creating New Accounts.

Marshal Pitchford had not seen the legislation and was wondering what the purpose of this was. He was advised that it was for the purpose of Bud McDaniel's ability to set up new members in the future and be available 24 hours a day to reset passwords, whatever is needed, etc. Mr. Pitchford asked, as a security access standpoint, will that give him access to everyone's email? He said that if he communicates with someone on an individual basis, he does not feel it would be appropriate for other members of council to look at that. There always has to be someone with that access, I just wanted to know how the security was set up. Mr. McDaniel said as far as he knows, he would not be able to see everybody's email. The server is more secure now than it has been. I have the knowledge to do this in an efficient manner. Mr. Pitchford said it's all public record – I'm only worried about mine to you. There needs to be a thought process of how these emails will be protected. Not everything we do if I'm involved is. Marissa Gensimore said there would be no access to our email's proper. It is the ability to reset passwords for us. Mr. Pitchford summarized that Mr. McDaniel has the role of being the one to push that reset button and you are the only one to allow that function. He was told, yes.

**Third Readings** – No third readings.

**New Business** – Nothing to report.

### **General Discussion**

Phyllis Mayberry stated that things are happening quite fast on my move to Indiana but I will miss my friends and the Village. She said that prior to her decision to move, she had contemplated leaving her council seat due to all the confusion and craziness that has been going on at the meetings. I have never in all the years of when I was Mayor and council member have I sat through meetings like the ones we have had. I would home so upset and discouraged I could not sleep. I've enjoyed working with everyone and may come back to visit.

Joe Baiera thanked Joni Murgatroyd for all the work she done for the Village and that he has no understanding of what she put forth. He asked if the County put on seminars on tax laws. Joni said you have to go out and read all the time. There is the tax levy law – you have a fire levy coming up. Marshal Pitchford was not aware of this. She added that has to be done in June/July to get on the ballot the beginning of August. You have to rename or reappoint your bank every five years – ORC 135. The Ohio Municipal League is a source and so is the Ohio Revised Code applicable to Villages. There are calendars as to what you need to do and please start with the Village Handbook on the State Auditor's website and read the publications (compliance supplement) they provide. She indicated all the funding requirements that must be met, which is constant. They do change so you have to regularly review. These are stringent and you must follow the requirements. You need someone who knows government finance – one who knows grant and budgetary requirements. Mr. Pitchford asked if there is an association of fiscal officers or council clerks of council like they exist for mayors courts. Mrs. Murgatroyd stated there are municipal clerks but you have to have the other stuff first as you are just coming in and supplementing. UAN may have more training seminars this year, but some are not very well done. You have to have an accounting background before you take it. It's learning as you go with a lot of research. You can waive the residency too on the next fiscal officer if they do not live in the Village. The ad is out there for Joni's replacement.

Marissa Gensimore said before Joni came on board, it was stated that we could get someone from the UAN. Mayor Knack said we did contact them and UAN never called back until two weeks after we brought in a lady who was here for a very short time. Joni said they come in and train fiscal officers – they are not going to come in here and do the work. The issue is of who we will have in place to sign checks, etc., was talked over due to the 31<sup>st</sup> being Joni Murgatroyd's last day. We need two people to sign the checks – the next president of council. Only visiting clerks come and train – they won't have authorization to sign things. Mr. Pitchford we could call UAN and ask if they are aware of anyone we could bring in and help us. The UAN person may not want the responsibility of signing our checks. We could have a special council meeting on the 1<sup>st</sup> of April.

**Presentation of Bills**

Sharley Greer made a motion to pay all bills and salaries on the Payment Listing Report dated March 14, 2016 for transactions dated March 1 through March 18, 2016. Second by Phyllis Mayberry.

Roll call: Bud McDaniel, Marissa Gensimore, Janice Godwin, Sharley Greer, Phyllis Mayberry, and Joe Baiera voted "Yes." Motion passed. 6 yes, 0 no.

Phyllis Mayberry motioned to adjourn.

  
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Mayor Allen Knack

  
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President of Council

  
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Fiscal Officer

STATEMENT CONCERNING MINUTES  
COUNCIL MEETING  
MARCH 14, 2016  
MARISSA GENSIMORE

For the record transcribing the recordings is a tedious job, at best. And Sue regularly submits regularly submits more than adequate minutes. However, it's just impossible to include every detail of the meeting. Somethings get missed. I just suggest that parties interested in the full details of what actually transpired at any particular meeting bring a flash drive into the Village Hall and ask for a copy of the recorded meeting.