

**Village of Clinton**  
**Regular Council Meeting**  
**Tuesday, December 5, 2023**

Council President Kent Goch called the meeting to order on Tuesday, December 5, 2023, at 7:00 PM in Clinton Village Hall. The Pledge of Allegiance was recited by those present.

Council Members present: Matt Steiner, Ellen Conroy, Janice Godwin, Marissa Gensimore, Kent Goch and Louis Rash. Mayor Bud McDaniel was absent.

Others Present: New Franklin Officer Zampelli; Diane Gunter, Rosie Millican, David Graham, and DeAnna Jenkins, residents.

**Approval of Minutes**

Mr. Steiner made a motion to approve the minutes of November 21, 2023 as written, second by Mr. Rash.

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

**Solicitor Monthly Report**

He is going to prepare legislation that needs to be passed by emergency at the next meeting regarding a tax change due to House Bill 33. RITA has prepared language for us and we need to follow to be in compliance with State law.

**Police Monthly Report**

The report was read for the month of November.

**Fire Chief Monthly Report** – In the packet.

**Street Commissioner Monthly Report**

Mr. White reported that he is getting the trucks ready for snow and put the wreaths on the poles outside.

**Fiscal Officer's Report** – No report.

**Unfinished Business**

Mr. Steiner reported that Council received a quote from Visual Edge IT for securing our server. The quote came in under four thousand. Mr. Steiner indicated we will be going from a server, to a cloud-based system along with email and other changes the quote includes. He said it's active and since it is server based, someone can be actively looking at it every day for security issues. We now have to look, and that's not happening. They look at viruses in the system. These people are qualified and he does not have a problem moving forward. He was thinking a timeline of January. He didn't do due diligence on other quotes and maybe we can put a group together on this. Mrs. Gensimore said we are behind on this. We have had problems repeatedly. She has compared quotes and looking through this one, she said we already use the company for our copier and likes the thought of bringing the email into this as well.

Mrs. Gensimore made a motion to hire Visual Edge IT. Mr. Steiner said this is not a fixed cost. We are only addressing getting rid of the server and going cloud based - there is more to do on this as it's a first step but he recommends this company.

Mrs. Gensimore amended her motion as stated by the solicitor: To authorize and direct the Mayor to enter into an agreement with Visual Edge IT for Microsoft 365 Migration in a form substantially similar to the Quote 027002 presented to the Village, second by Mr. Rash.

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

Mrs. Gensimore said the mayor is having health issues and the third meeting in a row missed. If he cannot take care of this contract in a timely fashion, the person acting in his place is the Council President. Can the President of Council sign this contract? Mr. Pitchford said the case law says that language only applies to presiding at a meeting. You can let your mind run and say the mayor went to downtown Akron to the Civic Theater and then the president pro tempore is mayor, which is not the intent. She said she was hopeful it would not come to that. Mr. Pitchford said you can take the contract to his house to sign. We can let Visual Edge IT know it was authorized. By using the word "direct," the mayor has to sign it.

### **Mayor's Communications**

Mr. Goch did not have a report from Mayor McDaniel. The next meeting will be our last of the year and we normally have our holiday party at its conclusion.

### **Council Communications and Council Committee Reports**

Mrs. Conroy reported that the Canal Fulton Friends of the Library want to build a freewill library book stand here in Clinton to keep here. Mr. Steiner said that we are probably the only community that pays taxes on two libraries. Mrs. Gensimore said this book stand is a great idea. They want it on the Village Greens and she wondered if there is a liability putting it there. Mr. Pitchford said you take a book or place a book. We can allow them to do it and sign a liability waiver as they are a non-profit. Mrs. Conroy said she would handle.

### **Citizens Comments**

Diane Gunter said we had a great turn out for Santa Claus on Sunday. She reminded everyone that on Sunday, December 10 the Heritage Society will host an open house tour of the Rhoads-Harter House from 2 – 4 PM.

Mrs. Jenkins said we had an incident on the railroad tracks where a train was stopped for a very long time. Is there something we can do to see what other routes are available? Where do we go? She was told that's a great question. Mr. Goch said they were switching cars and that is why that happened. Mrs. Gensimore said that all three of our crossings were blocked which is not good. Mr. Rash agreed this was not acceptable and he thinks we should take them to court. Why are they doing this in the middle of our town? Mr. Goch liked the idea of finding a route to take to get through when his happens and he is going to look into it.

Mr. Pitchford said he has had this conversation with multiple other communities. This is a national issue. In one case, someone had issued a ticket to the railroad for a similar issue. It was appealed to the Ohio Supreme Court and ultimately held that it is a matter of federal law, not a state or local law. The federal law, while it does not address railroad crossings, it is held to squeeze out, the legal phrase, preempt, all state or local laws that relate to railroad services and operations. We are not legally permitted to issue them a citation for blocking the road.

The Attorney General's office did appeal, and U.S. Supreme Court did accept the case. Last week, Ohio, along with 18 other states, filed briefs in support of the local communities saying this exact issue – we should be able to keep our roadways free. Literally, people have died because emergency crews cannot get through and minutes matter. The railroad lobby, the deep pockets, have existed for hundreds of years. They have a framework of laws that regulate railroads. And because you have it at the federal level, wanting uniformity across the country, no other state or local municipality can pass any law that would contradict or delve into that area because the courts have held that framework is so wide sweeping it squeezes, pre-empts local law. The briefing was filed last week. Arguments, probably early next year, and we'll have a decision on this issue by June of next year.

Mrs. Gensimore stated that due to safety, that is why we have two fire houses. Both can be accessed at any time.

**Resolutions and Ordinances** – No first or second readings.

**Third Readings**

Resolution No. R-23-24

A Resolution Authorizing the Mayor to sign the July 1, 2023 to June 30, 2024 Summit County Intergovernmental Memorandum of Understanding Regarding Job Creation and Tax Sharing, and Declaring an Emergency.

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

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

Resolution No. R-23-25

A Resolution Adopting the Annual Appropriations for the Current Expenses and other Expenditures of the Village for the Fiscal Year Ending December 31, 2024, and Declaring an Emergency.

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

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

Ordinance No. O-23-26

An Ordinance Amending Ordinance No. O-22-24, Establishing the Pay Rates for Certain Employees, Effective January 1, 2024, and Declaring an Emergency.

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

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

**New Business** – No new business.

**Council General Discussion**

Mr. Goch opened up discussion regarding a one-time cash bonus for our two part-time employees in lieu of longevity the first of the year. No annual obligation. A one-time thing. Mr. Steiner said this is on the agenda for the next budget meeting. Mr. Goch said do we want to discuss now because the fiscal officer is not here or do we wait. Mr. Steiner said we talked about this in our Finance Committee. We are in the red right now and don't want to go further in the red. We are not having a schedule based on

years. We can review this year by year. This year we decided not to do anything and will be discussed at the next finance meeting.

Mrs. Gensimore said technically, we are in the red only on paper because of Clinton Road Project. Mr. Steiner said we will look at this in the future with our next set of appropriations.

Mrs. Gensimore said that Diane Gunter did a lovely job of decorating the town.

**Presentation of Purchase Orders and Bills for Approval**

Mr. Steiner indicated the bills totaled \$23,974.15. Visual Edge IT's invoice for \$97.16 and shows we are doing business for who we are going to partner with for our web service and security.

Mr. Steiner made a motion to approve purchase orders and bills, second by Mr. Rash.


Roll Call: Steiner, Rash, Gensimore, Goch, Godwin, and Conroy voted yes. Motion passed.

Mr. Rash made a motion to adjourn at 7:50 PM, and was seconded by Mrs. Gensimore. Meeting was adjourned.



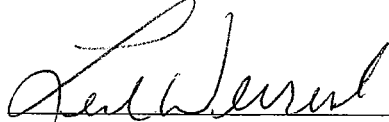
---

Mayor Bud McDaniel



---

Kent Goch, President of Council



---

Leah Weirick, Fiscal Officer