

June 17, 2019

PROCEEDINGS

Lordstown Village Council Regular Meeting

(WHEREAS, the regular meeting before the Lordstown Village Council commenced on Monday, June 17, 2019, at 6:05 p.m. and proceedings were as follows:)

(Lord's Prayer and Pledge of Allegiance to the Flag.)

MAYOR HILL: Bill, if we could have roll call, please.
MR. BLANK: Mayor Hill?
MAYOR HILL: Present.
MR. BLANK: Mr. Bond?
MR. BOND: Here.
MR. BLANK: Mr. Liming?
MR. LIMING: Here.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Present.
MR. BLANK: Mrs. Jones?
(NO RESPONSE — ABSENT.)
Mr. Sheely?
MR. SHEELY: Present.
MR. BLANK: Mr. Reider?
MR. REIDER: Present.
MR. BLANK: Clerk Blank, present.
Treasurer George Ebling?
MR. EBLING: Here.
MR. BLANK: Solicitor Paul Dutton?
SOLICITOR DUTTON: Present.
MR. BLANK: Police Chief Brent Milhoan?
CHIEF MILHOAN: Present.
MR. BLANK: Fire Chief Travis Eastham?
CHIEF EASTHAM: Present.
MR. BLANK: Planning and Zoning, Economic Development, Kellie Bordner?
MS. BORDNER: Present.
MR. BLANK: Parks, Buildings, Grounds, Street Commissioner, Dale Grimm?
MR. GRIMM: Present.
MR. BLANK: Recreation, Marty Gibson?
MRS. GIBSON: Here.
MR. BLANK: Board of Public Affairs?
MR. DIETZ: Here.
MR. BLANK: Engineer, Chris Kogelnik?
MR. KOGELNIK: Present?
MAYOR HILL: I entertain a motion to excuse Karen. She's unavailable this evening.
MR. LIMING: So moved.
MR. BOND: Second.
MAYOR HILL: Moved by Liming; second Bond. Comments?
(NO RESPONSE FROM COUNCIL.)
All in favor?
COUNCIL: Aye.
MAYOR HILL: Opposed?
(NO RESPONSE FROM COUNCIL.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

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Motion carried.
I entertain a motion for adoption of the agenda.
MR. RADTKA: So moved.
MAYOR HILL: Moved by Radtka. Second?
MR. SHEELY: Second.
MAYOR HILL: Second by Sheely. Comments?
(NO RESPONSE FROM COUNCIL.)
All in favor?
COUNCIL: Aye.
MAYOR HILL: Opposed?
(NO RESPONSE FROM COUNCIL.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

Motion carried.
I'll entertain a motion for disposal of the minutes of the regular meeting held May 20, 2019.
MR. REIDER: So moved, Mr. Mayor.
MAYOR HILL: Moved by Reider. Is there a second?
MR. LIMING: Second.
MAYOR HILL: Second by Liming. Comments?
(NO RESPONSE FROM COUNCIL.)
All in favor?
COUNCIL: Aye.
MAYOR HILL: Opposed?
(NO RESPONSE FROM COUNCIL.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

Motion carried.
I entertain a motion for payment of the bills.
MR. SHEELY: So moved.
MR. BOND: Second.
MAYOR HILL: Moved by Sheely; second Bond. Comments?
(NO RESPONSE FROM COUNCIL.)
All in favor?
COUNCIL: Aye.
MAYOR HILL: Opposed?
(NO RESPONSE FROM COUNCIL.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

Motion carried.
Mayor's report. I have a resignation of a part-time dispatcher, and I have a couple appointments for the Rec. Program.
Everybody should have been seeing in the news about the City of Warren and the county and their sewer rates. Well, we have since, at the village, gotten a letter about our sewer rates. The county's contract expired beginning of 2018. They were running without a contract. And the county arbitrarily just pulled figures out of midair without a rate study. And they created a settlement for our sewer rates. They're all going up. Well, I have sent a letter to the City of Warren, that was composed by the Solicitor's office, asking to meet with them. We have not gotten a response yet.

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Now, they have since sent us—because we have the east side sewer—a letter stating that they are going to be retroactively billing us for service while we are in the middle of and under a contract. So, the Solicitor's office sent a letter to the City of Warren and the county stating that we'd like to have a meeting with them. The rates they came up with were done without a rate study. They have no clue, basically, how much it's going to cost.

One of the big things I have noticed is the person that's running the Wastewater Department in the City of Warren has come from a metropolitan sewer district in Cleveland where you had a group of, I believe, seven people out of 30-some communities. And with that board, they were the ones who set the rate and set policy. Well, now it appears, to myself and some others, that they have one person in the City of Warren who wants to do all the plant upgrades coming back to Lordstown rate payers, Champion rate payers, everybody with the exception of maybe some of those citizens in Warren. We are going to be challenging those rates and how they got them because they had no rate studies, and see what we can do to get this addressed. There's a lot of other parts to this. But, until we actually have a dialogue—which they have not responded to us yet—we're going to address that. Would you like to say anything, Paul?

SOLICITOR DUTTON:

Well, the basis of our argument is we have a written agreement. I'm sure most of you have read the articles in the Tribune Chronicle and/or the Vindicator. Unlike other communities, we have a written contract for the east side and for the Clean Energy Plant. And that contract states that if there is a change in the rates, that they must notify us by the end of March and must sit down with us and show why they need an increase. So, our position is different than other communities.

Whether we prevail, to what extent, we'll have to see. But we're not going to sit back and just take it.

MAYOR HILL:

Okay. That's it for the Mayor's report.

Is there a Clerk's report?

MR. BLANK:

No report, Mayor.

MAYOR HILL:

Solicitor's report?

SOLICITOR DUTTON:

I said what I said.

(Laughter.)

MAYOR HILL:

Treasurer's report?

MR. EBLING:

No report.

MAYOR HILL:

Board of Trustees of Public Affairs report?

MR. DIETZ:

I don't have anything. Our meeting has been moved to the 25th.

MAYOR HILL:

Okay. Thank you. Any questions for Tom?
(NO RESPONSE FROM COUNCIL.)

Village Engineer's report?

MR. KOGELNIK:

I do not have a written report, but there hasn't been much engineering to do for the Village the past month.

We did attend the BPA meeting. There was a detailed discussion with one of the TJX representatives there regarding the meter manhole and how to handle that.

Close-out process for the public warning system Phase 2

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project is just about done. And I think Jeff has kept everybody up to speed with respect to the detailed cost and everything for the TJX land development plan reviews as a whole. I think that's just about it. So, if there's any questions, I'll take them now.

MAYOR HILL: Questions for Chris?
(NO RESPONSE FROM COUNCIL.)

MR. KOGELNIK: Thank you.

MAYOR HILL: Special reports. Police Chief Milhoan?

CHIEF MILHOAN: Yes, Mr. Mayor. I've submitted my monthly report for May. If you have any questions, I'll answer them.

MAYOR HILL: Questions for Brent?
(NO RESPONSE FROM COUNCIL.)
Fire Chief Eastham?

CHIEF EASTHAM: No report.

MAYOR HILL: Questions for Travis?
(NO RESPONSE FROM COUNCIL.)
Planning and Zoning Administrator and Director of Economic Development, Kellie?

MS. BORDNER: No report, Mr. Mayor.

MAYOR HILL: Questions for Kellie?
(NO RESPONSE FROM COUNCIL.)
Parks, Buildings, Street Superintendent, Mr. Grimm?

MR. GRIMM: No report this evening, Mr. Mayor.

MAYOR HILL: Questions for Dale?
(NO RESPONSE FROM COUNCIL.)
Recreation, Marty?

MRS. GIBSON: I have no report, but I just do want to remind everybody that the community day is this Sunday. Hopefully, the weather will prevail and we don't have to move it to the school. It's from 3:00 to 5:30. And the fishing derby is from 6 to 8. If anybody is available to volunteer for the fishing derby, I'll be glad to take the help.

MAYOR HILL: Any questions for Marty?
NO RESPONSE FROM COUNCIL.)
Hearing none, Bill, do we have any correspondence this evening?

MR. BLANK: No correspondence, Mayor.

MAYOR HILL: Public remarks. If you'd like to make a public remark, after I acknowledge you, please come to the microphone and give your name and address so we can get it recorded in the minutes correctly. Public remarks?
(NO RESPONSE.)
Hearing none, are there any Council remarks?
(NO RESPONSE FROM COUNCIL.)
Hearing none, committee reports. Finance, Mr. Radtka?

MR. RADTKA: Yes, Mr. Mayor. I have no report tonight, but we do have four pieces of legislation we'd like to have support tonight for.

MAYOR HILL: Questions for Ron?
(NO RESPONSE FROM COUNCIL.)
Parks, Buildings, Grounds, General Improvements, Streets and Sidewalks, Mr. Bond?

MR. BOND: Yes, Mr. Mayor. Only thing I have this evening is Dale told me earlier that one of the trucks, the oil pan rusted out on it. The repair for that, I believe, you said was \$800?

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MR. GRIMM: Yeah. Just shy of \$800.
MR. BOND: And our new thing where anything over \$500 would have to have the committee report or by making a motion here in Council. I would like to make a motion tonight to get the truck fixed.

MAYOR HILL: Any questions for Bob?
(NO RESPONSE FROM COUNCIL.)
Public Safety and Police Department, Mr. Reider?

MR. REIDER: No report, Mr. Mayor.
MAYOR HILL: Questions for Don?
(NO RESPONSE FROM COUNCIL.)
Public Safety, Fire and EMS, Mr. Sheely?

MR. SHEELY: No report tonight, Mr. Mayor.
MAYOR HILL: Questions for Howard?
(NO RESPONSE FROM COUNCIL.)
Is there anything from the Utilities Committee?
(NO RESPONSE FROM COUNCIL.)
Recreation and Planning, Mr. Liming?

MR. LIMING: No report.
MAYOR HILL: Questions for Lamar?
(NO RESPONSE FROM COUNCIL.)
Bill, first piece of legislation.

MR. BLANK: From Council as a Whole For Emergency Passage, **AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 50-2018 ESTABLISHING THE PERMANENT PART-TIME POSITION OF SCHOOL RESOURCE OFFICER WITHIN THE VILLAGE OF LORDSTOWN POLICE DEPARTMENT AND DECLARING AN EMERGENCY.**

MAYOR HILL: Comments or motions?
MR. RADTKA: Motion to suspend.
MAYOR HILL: Motion to suspend the rules by Radtka. Second?
MR. SHEELY: Second.
MAYOR HILL: Second Sheely. Roll call, please.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 5, ayes; 0, nays. Motion carried to suspend the rules.
Motion to adopt?

MR. LIMING: So moved.
MR. BOND: Second.
MAYOR HILL: Moved by Liming; second Bond. Comments?
(NO RESPONSE FROM COUNCIL.)
Roll call, please.

MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.

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MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 5, ayes; 0, nays. Motion carried to adopt. Ordinance 19-2019. Next, please.

MR. BLANK: From Finance Committee For Emergency Passage, **AN ORDINANCE AUTHORIZING THE CLERK TO MAKE THE FOLLOWING TRANSFERS FROM THE DEPOSIT TRUST FUND INTO THE GENERAL FUND AND DECLARING AN EMERGENCY.**

MAYOR HILL: Comments or motions?
MR. RADTKA: Motion to suspend.
MAYOR HILL: Motion to suspend the rules by Radtka. Second?
MR. LIMING: Second.
MAYOR HILL: Second by Liming. Roll call, please.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.
MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.

(VOTE: 5, AYES; 0, NAYS; 0, ABSTAINED.)

MAYOR HILL: 5, ayes; 0, nays. Motion carried to suspend the rules. Motion to adopt?

MR. SHEELY: So moved.
MAYOR HILL: Second?
MR. REIDER: Second, Mr. Mayor.
MAYOR HILL: Second by Reider. Comments?
(NO RESPONSE FROM COUNCIL.)
Roll call, please.

MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

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MAYOR HILL: 5, ayes; 0, nays. Motion carried to adopt. Ordinance 20-2019. Next, please.

MR. BLANK: From Finance Committee For Emergency Passage, A **RESOLUTION ACCEPTING THE ALTERNATIVE TAX BUDGET IN THE FORM AUTHORIZED BY THE TRUMBULL COUNTY BUDGET COMMISSION PURSUANT TO OHIO REVISED CODE SECTION 5705.281 AND DECLARING AN EMERGENCY.**

MAYOR HILL: Comments or motions?

MR. REIDER: Motion to suspend.

MAYOR HILL: Motion to suspend by Reider. Is there a second?

MR. SHEELY: Second.

MAYOR HILL: Second by Sheely. Roll call, please.

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Yes.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 5, ayes; 0, nays. Motion carried to suspend the rules. Motion to adopt?

MR. RADTKA: So moved.

MAYOR HILL: Moved by Radtka. Second?

MR. LIMING: Second.

MAYOR HILL: Second Liming. Comments?
(NO RESPONSE FROM COUNCIL.)
Roll call, please.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Yes.

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 5, ayes; 0, nays. Motion carried to adopt. Resolution 12-2019.

MR. BLANK: From Finance Committee For Emergency Passage, A **RESOLUTION DECLARING THE NECESSITY FOR AND AUTHORIZING THE TRANSFER OF FUNDS BY THE VILLAGE OF LORDSTOWN FROM THE CAPITAL IMPROVEMENT ACCOUNT TO THE GENERAL FUND, PURSUANT TO OHIO REVISED CODE SECTION 5705.15 AND DECLARING AN EMERGENCY.**

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MAYOR HILL: Comments or motions?
MR. RADTKA: Motion to suspend.
MAYOR HILL: Motion to suspend by Radtka. Second?
MR. BOND: Second.
MAYOR HILL: Second by Bond. Roll call.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.
MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 5, ayes; 0, nays. Motion carried to suspend the rules.
Motion to adopt?
MR. LIMING: So moved.
MAYOR HILL: Moved by Liming. Second?
MR. REIDER: Second, Mr. Mayor.
MAYOR HILL: Second by Reider. Comments?
(NO RESPONSE FROM COUNCIL.)
Roll call, please.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.
MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 5, ayes; 0, nays. Motion carried to adopt. Ordinance 13-
2019—
MR. BLANK: Resolution.
MAYOR HILL: Resolution, excuse me. I had the right number, wrong word.
Any old business Council would like to discuss at this time?
(NO RESPONSE FROM COUNCIL.)
New business. I'd like to go first. Got a resignation letter
from Melissa Russomano, part-time dispatcher, effective
today. I'll entertain a motion to accept her resignation.
MR. REIDER: So moved, Mr. Mayor.
MAYOR HILL: Moved by Reider. Second?
MR. SHEELY: Second.
MAYOR HILL: Second by Sheely. Comments?
(NO RESPONSE FROM COUNCIL.)
All in favor?
COUNCIL: Aye.
MAYOR HILL: Opposed?

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(NO RESPONSE FROM COUNCIL.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

Motion carried.

Rec. Program employees for the Summer Rec. Program, instructor: Danielle Carrell. Substitute instructor: Kenda Frazier. Substitute aide: Abigail Slabaugh. Substitute instructor: Prudy Platt. These are recommended by Marty. I'll entertain a motion to approve those.

MR. LIMING:

So moved.

MR. BOND:

Second.

MAYOR HILL:

Moved by Liming; second by Bond. Comments?

(NO RESPONSE FROM COUNCIL.)

All in favor?

COUNCIL:

Aye.

MAYOR HILL:

Opposed?

(NO RESPONSE FROM COUNCIL.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

Motion carried.

We will be calling for an executive session. Is there anything before we call that?

MR. BOND:

Yes. I'd like to make a motion that we authorize Dale to spend up to \$800 to repair the one truck.

MAYOR HILL:

Motion by Mr. Bond. Everybody heard the motion. Is there a second?

MR. RADTKA:

Second.

MAYOR HILL:

Second by Radtka. Comments or questions on the motion?

(NO RESPONSE FROM COUNCIL.)

All in favor?

COUNCIL:

Aye.

MAYOR HILL:

Opposed?

(NO RESPONSE FROM COUNCIL.)

(VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

Motion carried.

Anything else?

(NO RESPONSE FROM COUNCIL.)

I'll entertain a motion for an executive session to discuss threatened litigation and contract negotiations pertaining to TJX, inviting everyone behind the dais, with the exception of Mr. Radtka and Mr. Ebling. Also, inviting the Village Engineer and our two BPA members. I'll entertain a motion for that executive session.

MR. REIDER: So moved, Mr. Mayor.

MAYOR HILL:

Moved by Mr. Reider. Is there a second?

MR. SHEELY:

Second.

MAYOR HILL:

Second by Mr. Sheely. Comments?

MR. RADTKA:

I'll be abstaining because there could be a potential conflict of interest, Mr. Mayor.

MAYOR HILL:

Okay. Roll call, please.

MR. BLANK:

Mr. Bond?

MR. BOND:

Yes.

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MR. BLANK: Mr. Liming?
MR. LIMING: Yes.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Abstain.
MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.

(VOTE: 4, AYE; 0, NAY; 1, ABSTAINED.)

MAYOR HILL: 4, ayes; 1, abstention. Motion carries. We will have additional public remarks before we go in the back. Are there any other public remarks?
(NO RESPONSE.)
Hearing none, the only order of business when we come out will be to adjourn. You're welcome to stay. I appreciate everybody coming this evening. Thank you.

(WHEREAS, THE REGULAR MEETING BEFORE THE VILLAGE OF LORDSTOWN COUNCIL ADJOURNED INTO EXECUTIVE SESSION AT 6:25 P.M.)

_____, Mayor
_____, Clerk

STATE OF OHIO)
)
COUNTY OF TRUMBULL)

I, Sharon K. Vigorito, a Notary Public, within and for the State of Ohio, do certify that the foregoing meeting before the Lordstown Village Council was written in the presence of witnesses and by me transcribed. I further certify that the foregoing is a true and accurate transcript to the best of my abilities.

Sharon K. Vigorito, Notary Public
My commission Expires May 9, 2022