

March 19, 2018

PROCEEDINGS

**Lordstown Village Council Regular Meeting
(WHEREAS, the regular meeting before the Lordstown Village Council commenced on Monday, March 19, 2018, at 6:05 p.m. and proceedings were as follows:)**

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

MAYOR HILL: Bill, if I can get a roll call, please.
MR. BLANK: Mayor Hill?
MAYOR HILL: Present.
MR. BLANK: Mr. Bond?
MR. BOND: Here.
MR. BLANK: Mr. Liming?
MR. LIMING: Present.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Present.
MR. BLANK: Mrs. Jones?
MRS. JONES: Present.
MR. BLANK: 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?
MRS. BORDNER: Present.
MR. BLANK: Parks, Buildings, Grounds, Street Commissioner, Dale Grimm?
(NO RESPONSE — ABSENT.)
Recreation, Marty Gibson?
MRS. GIBSON: Here.
MR. BLANK: Board of Public Affairs?
(NO RESPONSE — ABSENT.)
Municipal Engineer, Chris Kogelnik?
MR. KOGELNIK: Present.
MAYOR HILL: I entertain a motion to excuse Mr. Grimm. He had a doctor's appointment.
MR. RADTKA: So moved.
MRS. JONES: Second.
MAYOR HILL: Moved by Radtka; second Jones. Comments?
(NO RESPONSE FROM COUNCIL.)
All in favor?
COUNCIL: Aye.
MAYOR HILL: Opposed?
(NO RESPONSE FROM COUNCIL.)

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

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Motion carried.
 I'll entertain a motion for adoption of the agenda.
 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: 6, AYE; 0, NAY; 0, ABSTAINED.)

Motion carried.
 I'll entertain a motion for disposal of the minutes of the regular meeting held March 5, 2018.
 MR. SHEELY: So moved.
 MAYOR HILL: Moved by Sheely. Second?
 MR. REIDER: Second.
 MAYOR HILL: Second by Reider. Comments?
 (NO RESPONSE FROM COUNCIL.)
 All in favor?
 MR. BOND: Aye.
 MRS. JONES: Aye.
 MR. RADTKA: Aye.
 MR. REIDER: Aye.
 MR. SHEELY: Aye.
 MR. LIMING: Abstain.

(VOTE: 5, AYES; 0, NAYS; 1, ABSTAINED.)

MAYOR HILL: 5, ayes; 1, abstention. Motion carries.
 I entertain a motion for payment of the bills.
 MRS. JONES: So moved.
 MAYOR HILL: Moved by Jones. Second?
 MR. SHEELY: Second.
 MAYOR HILL: Second Sheely. Comments?
 (NO RESPONSE FROM COUNCIL.)
 All in favor?
 COUNCIL: Aye.
 MAYOR HILL: Opposed?
 (NO RESPONSE FROM COUNCIL.)

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

Motion carried.
 I have no Mayor's report this evening.
 Is there a Clerk's report?
 MR. BLANK: No report, Mayor.
 MAYOR HILL: Solicitor's report?
 SOLICITOR DUTTON: No report.
 MAYOR HILL: Treasurer's report?
 MR. EBLING: No report.
 MAYOR HILL: No one is here from the Board of Trustees of Public Affairs.
 Village Engineer's report?
 MR. KOGELNIK: No report, Mayor.

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MAYOR HILL: Special reports. Police Chief Milhoan?
CHIEF MILHOAN: No report, Mr. Mayor.
MAYOR HILL: Questions for Brent?
(NO RESPONSE FROM COUNCIL.)
Fire Chief Eastham?
CHIEF EASTHAM: No report, Mr. Mayor.
MAYOR HILL: Questions for Travis?
(NO RESPONSE FROM COUNCIL.)
Planning and Zoning Administrator and Director of
Economic Development, Kellie?
MS. BORDNER: I just would like to remind everyone that the March 21
Planning Commission meeting has been cancelled and is
being rescheduled for Monday, March 26 at 6:30 here in the
administration building.
MAYOR HILL: Thank you. Questions for Kellie?
(NO RESPONSE FROM COUNCIL.)
Mr. Grimm is not with us this evening.
Recreation, Marty?
MRS. GIBSON: No report.
MAYOR HILL: Questions for Marty?
(NO RESPONSE FROM COUNCIL.)
Bill, do we have any correspondence this evening?
MR. BLANK: No correspondence, Mayor.
MAYOR HILL: Public remarks. After I acknowledge you, please come up
and give your name and address so we can get it recorded
correctly in the minutes. Public remarks? Martin?
MR. JONES: Martin Jones, 2786 Hallock Young Road. I know some of
the people that are here are interested in the possible zoning
change. I just want to point out to them and to Council that,
yes, there are a lot of people against that, but it's about the
zoning change. It's not about slamming TJX. It's about the
zoning change. Just don't want to do that really anywhere,
not just there. There are other places in the Village that
would be vulnerable in the same situation. Just want to slow
down this change of Residential into Industrial in large
chunks. Thank you.
MAYOR HILL: Are there any other public remarks? Jerry?
MR. APGAR: Jerry Apgar, 3036 Salt Springs. What I'd kind of like to
know is about the abatement. Did they ask for one or don't
you know?
MAYOR HILL: We have not met with them for an abatement.
MR. APGAR: No?
MAYOR HILL: The only thing they ever brought up was—I said, you know,
we could go 75 for ten years without any School Board
input. I said if you want to do more than that, the Village is
not willing to give up income tax. If you have any more
questions, you know, want to go for that, talk to the school. I
believe they have talked with the school, but we have not sat
down and actually talked with them at all, Jerry.
MR. APGAR: So you don't know anything about, say, a pay scale or what
the wages will be?
MAYOR HILL: We have not—there has not been that extensive of a dialogue
yet, Jerry. I just found out who they were myself the 21st of
January. I had to sign a non-disclosure statement. That
means when they come in that's the way this operates and,
you know, when they start looking for land. I did find out

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who they were. And about two, three weeks after that, they did release me from the non-disclosure. I did notify all of Council; and after Council found out about it, it ran like wild fire. We have not had any discussions as far as abatements or wages. I saw preliminary plans and that's it. That's the extent we've had so far.

MR. APGAR: All right. Thank you.

MAYOR HILL: Public remarks?

(NO RESPONSE.)

Hearing none, are there Council remarks?

(NO RESPONSE FROM COUNCIL.)

Hearing none, committee reports. Finance, Mr. Radtka?

MR. RADTKA: Just two pieces we have. One for second reading and one for first. That is all.

MAYOR HILL: Questions for Ron?

(NO RESPONSE FROM COUNCIL.)

Parks, Buildings, Grounds, General Improvements, Streets and Sidewalks, Mrs. Jones?

MRS. JONES: Yes. We have the two pieces of legislation we'd like to see passed tonight because of time constraints. And, when Dale called me today, he told me that we have been approved for the scrap tire grant again this year. And the wind turbines have been advertised in Farm and Dairy and the Plain Dealer, I believe, is the other one.

MR. BLANK: That is correct.

MRS. JONES: That's all I have.

MAYOR HILL: Questions for Karen?

(NO RESPONSE FROM COUNCIL.)

Public Safety and Police, Mr. Reider?

MR. REIDER: No report, Mr. Mayor, but I will be asking for an executive session dealing with the Police Department.

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.)

Public Utilities, Mr. Bond?

MR. BOND: I have no report this evening, Mr. Mayor.

MAYOR HILL: Questions for Bob?

(NO RESPONSE FROM COUNCIL.)

Recreation and Planning, Lamar?

MR. LIMING: No report.

MAYOR HILL: Questions for Lamar?

(NO RESPONSE FROM COUNCIL.)

Bill, first piece of legislation.

MR. BLANK: From Streets, Sidewalks, Public Parks, Buildings, Grounds, and General Improvement Committee For Emergency Passage, **AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 28-2017 CREATING TEMPORARY, SEASONAL, PART-TIME SUMMER POSITIONS WITHIN THE STREET AND PARKS DEPARTMENTS OF THE VILLAGE OF LORDSTOWN FOR THE 2018 SEASON AND DECLARING AN EMERGENCY.**

MAYOR HILL: Comments or motions?

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MRS. JONES: Motion to suspend.
MAYOR HILL: Motion to suspend the rules by Jones. Second?
MR. SHEELY: Second.
MAYOR HILL: Second by Sheely. 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: Mrs. Jones?
MRS. JONES: Yes.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to suspend the rules. Is there a motion to adopt?
MR. RADTKA: So moved.
MR. BOND: Second.
MAYOR HILL: Moved by Radtka; second by Bond. Comments? (NO RESPONSE FROM COUNCIL.)
Roll call.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.
MR. BLANK: Mrs. Jones?
MRS. JONES: 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: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to adopt. Ordinance 13-2018. Next, please.
MR. BLANK: From Finance Committee For Emergency Passage, **A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF LORDSTOWN TO EXPEND PUBLIC FUNDS FOR THE PURPOSE OF ENTERTAINING POTENTIAL BUSINESSES AND DECLARING AN EMERGENCY.**
MAYOR HILL: Comments or motions? (NO RESPONSE FROM COUNCIL.)
Hearing none, I declare this Resolution has had its second reading. Next, please.

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MR. BLANK: From Streets, Sidewalks, Public Parks, Buildings, Grounds, and General Improvement Committee For Emergency Passage, **AN ORDINANCE AUTHORIZING THE VILLAGE OF LORDSTOWN TO SELL MISCELLANEOUS EQUIPMENT NO LONGER NEEDED FOR MUNICIPAL PURPOSES TO THE LORDSTOWN LIONS CLUB FOR THE SUM OF ONE DOLLAR AND DECLARING AN EMERGENCY.**

MAYOR HILL: Comments or motions?

MRS. JONES: Motion to suspend.

MR. LIMING: Second.

MAYOR HILL: Motion to suspend by Jones; second by Liming. Roll call.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Yes.

MR. BLANK: Mrs. Jones?

MRS. JONES: Yes.

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to suspend the rules. Motion to adopt?

MR. BOND: So moved.

MR. SHEELY: Second.

MAYOR HILL: Moved by Bond; second Sheely. 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. Reider?

MR. REIDER: Yes.

MR. BLANK: Mrs. Jones?

MRS. JONES: Yes.

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to adopt. Ordinance 14-2018. Next, please.

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MR. BLANK: From Finance Committee For Emergency Passage, A
**RESOLUTION APPROVING THE APPLICATION OF
CHARLES C. LAWRENCE, JR. J/S DARLENE E.
LAWRENCE, RESIDENTS OF 7461 PALMYRA
ROAD, S.W., WARREN, OHIO 44481 FOR
PLACEMENT OF FARMLAND LOCATED AT
PALMYRA ROAD IN AN AGRICULTURAL
DISTRICT AND DECLARING AN EMERGENCY.**

MAYOR HILL: Comments or motions?
(NO RESPONSE FROM COUNCIL.)
Hearing none, I declare this Resolution to have had its first
reading.
Is there any old business Council would like to discuss at this
time?
(NO RESPONSE FROM COUNCIL.)

MR. REIDER: Hearing none, new business. Mr. Reider?
Mr. Mayor, I'd like to make a motion that we go into
executive session for the reason of personnel dealing with
the Police Department and possibility of hiring in the Police
Department, inviting everyone here. We'll excuse the
Treasurer and the Clerk. We would also invite the Police
Chief.

MAYOR HILL: Everybody heard the motion by Mr. Reider. Is there a
second to the motion?

MR. RADTKA: Second.
MAYOR HILL: Second by Radtka. Comments?
(NO RESPONSE FROM COUNCIL.)

Roll call, please.

MR. BLANK: Mr. Bond?
MR. BOND: Yes.
MR. BLANK: Mrs. Jones?
MRS. JONES: 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: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays for that executive session.
Is there any other new business at this time?
(NO RESPONSE FROM COUNCIL.)
We'll go to executive session after public remarks. The only
action to be taken after that will be adjournment after we
come out.

MR. JONES: Are there any additional public remarks? Martin?
Martin Jones, 2786 Hallock Young Road. I just want to add
that if anybody is interested, we do have a petition back here
that just expresses the displeasure with any zone change in
this matter. Thank you.

MAYOR HILL: Any other public remarks? Hearing none—Bob?

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MR. KRISHER: Bob Krisher, 1405 Tate Road, Lordstown. I have a question maybe for Mr. Reider. I'm not sure. About 60 years ago, the railroad took that property off my great grandparents for, I think, \$400 an acre, just north of the Turnpike. They took it under eminent domain. They've never used it for anything pertaining to eminent domain. Now they're trying to sell it to private industry for a big price. Is that legal?

SOLICITOR DUTTON: Are you directing that to Mr. Reider or me?

MR. KRISHER: To you. I'm sorry. Mr. Dutton.

SOLICITOR DUTTON: Well the railroads have to—I mean, the Interstate Commerce Clause prohibits individual states or local political subdivisions from regulating railroads. And they do have the power of eminent domain. Once they acquire property, just like a utility in Ohio acquires property, they're doing it for a public purpose if they're a public utility.

MR. KRISHER: But they don't have to use it?

SOLICITOR DUTTON: They don't have to use it. In some instances, they acquire it for future plans that never come to fruition. But they have a right to dispose of that the way they want. Now, if they did sell it and it's no longer a public utility, then the village—the Planning and Zoning Office, our zoning ordinance, would—in other words, if they sold it to General Motors or sold it to you, then our zoning laws would apply, and we would have some right to enforce the zoning laws. But we can't prohibit the sale. Unless your grandfather had language in a contract that's called a reverter clause—and we're getting deep into the weeds here—In other words, if they didn't use it within so many years that it would revert back. Unless that was in there, then, no, they have a right—

MR. KRISHER: I was just wondering a way it could be made available at a halfway reasonable price to industry, but I guess that's not—

SOLICITOR DUTTON: Are they going to auction it off?

MR. KRISHER: Well, I've heard they want some astronomical prices for it. But, okay, thank you.

MAYOR HILL: Public remarks?
(NO RESPONSE.)
Thank you for coming. You're welcome to stay. The only action taken afterwards will be to adjourn.

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

_____ Mayor
 _____ Clerk

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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