

December 17, 2018

PROCEEDINGS

Lordstown Village Council Regular Meeting

(WHEREAS, the regular meeting before the Lordstown Village Council commenced on Monday, December 17, 2018, at 6:20 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?
MRS. JONES: Present.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Here.
MR. BLANK: Mr. Reider?
MR. REIDER: Present.
MR. BLANK: Clerk Blank, present.
Treasurer, George Ebling?
(NO RESPONSE — ABSENT.)
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?
(NO RESPONSE — ABSENT.)
Board of Public Affairs?
(NO RESPONSE — ABSENT.)
Municipal Engineer, Chris Kogelnik?
(NO RESPONSE — ABSENT.)
MAYOR HILL: I was notified by George. He said he's out of town on work-related duties. Marty said she was unavailable this evening. And Chris said he had another obligation in Pittsburgh. I'll entertain a motion to excuse those three 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.)

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

Motion carried.
 I'll entertain a motion for adoption of the agenda.
 MR. SHEELY: So moved.
 MAYOR HILL: Moved by Sheely. Second?
 MR. REIDER: Second, Mr. Mayor.
 MAYOR HILL: Second by Reider. 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 December 3, 2018.
 MRS. JONES: So moved.
 MAYOR HILL: Moved by Jones. Second?
 MR. LIMING: Second.
 MAYOR HILL: Second by Liming. Comments?
 (NO RESPONSE FROM COUNCIL.)
 All in favor?
 MRS. JONES: Aye.
 MR. RADTKA: Aye.
 MR. LIMING: Aye.
 MR. SHEELY: Aye.
 MR. REIDER: Aye.
 MR. BOND: Abstain.
 MAYOR HILL: Opposed?
 (NO RESPONSE FROM COUNCIL.)

(VOTE: 5, AYE; 0, NAY; 1, ABSTAINED.)

5, ayes; 1, abstention. Motion carried to dispose the minutes.
 Motion for payment of the bills?
 MR. RADTKA: So moved.
 MAYOR HILL: Moved by Radtka. 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: 6, AYE; 0, NAY; 0, ABSTAINED.)

Motion carried.
 Mayor's report. We're going to have the special Council
 meeting the 28th at 5:00, so we'll need Council approval
 under new business.
 We did have one Road Department employee, Rob Nutt,
 who's going to be working for the Ohio Turnpike

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Commission. I'll be asking Council to accept his resignation. And I see our Facebookers are back in town. They're making comments about the zoning issues. You know, zoning has been a pretty big issue in the village for the last year on several different fronts. And I notice that they're coming after myself, again, the Zoning Administrator, Police Department. The only thing I'd like to say is, you know, when we get elected, we take an oath of office. We have to uphold the rules and regulations of the U.S. and State and of the Village of Lordstown. We may not agree with all of those on every occasion. But, you know, there's a lot of misinformation which is being put out there. And I just want to say, you know, that we are required to enforce the rules. If people don't like the rules, they can always get ahold of a Council person or come to the Planning Commission meeting and see if they can get it changed. Because, you know, we've had several issues in the past which a lot of incorrect misinformation has been read and once again, it's reared up. But we all took an oath to enforce the zoning laws. I feel they are being enforced fairly and impartially. I also have some appointments for the Rec. Program tonight. I'll need Council's approval. 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: No report.
MAYOR HILL: The Treasurer is not here this evening. No one is here from the Board of Public Affairs, unless Bruce has a something.
MR. PLATT: No report this evening.
MAYOR HILL: And the Village Engineer is not here.
Special reports. Police Chief Milhoan?
CHIEF MILHOAN: Yes, Mr. Mayor. Because of the continued support of our community, we were able to provide non—perishable foods, turkey and gift cards to 15 different families throughout the village. So, we'd like to thank all those that contributed to our food drive this year.
MAYOR HILL: Thank you. Any questions for Brent?
(NO RESPONSE FROM COUNCIL.)
Fire Chief Eastham?
CHIEF EASTHAM: No report tonight.
MAYOR HILL: Questions for Travis?
(NO RESPONSE FROM COUNCIL.)
Planning and Zoning Administrator and Director of Economic Development, Kellie?
MS. BORDNER: No report.
MAYOR HILL: Questions for Kellie?
(NO RESPONSE FROM COUNCIL.)
Parks, Grounds, Buildings, Street Superintendent, Mr. Grimm?
MR. GRIMM: No report, Mr. Mayor.
MAYOR HILL: Questions for Dale?
(NO RESPONSE FROM COUNCIL.)
Marty is not here for Recreation. Bill, do we have any correspondence this evening?
MR. BLANK: No correspondence, Mayor.

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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 FROM COUNCIL.) Hearing none, are there any Council remarks?

MRS. JONES: Yes, Mr. Mayor. Before us tonight is an Ordinance to amend the zoning map to reclassify the property into a PUD Unit. I'd like to make a couple of things clear. On March 20th, a letter was written to the Planning Commission members from the Lordstown Village Council members, and it was received by the Planning and Zoning Departments March 23rd at 12:31 p.m. And it's regarding the PUD regulations within the Lordstown zoning code ordinances. And it states that, "The undersigned members of the Lordstown Village Council would like to request that the Planning Commission members visit the Planned Unit Development language, 1180, of the Zoning Code Ordinances of the Village of Lordstown. We respectfully request that you consider recommending to Council that 1180 be repealed in its entirety from the Zoning Code Ordinances for the Village of Lordstown." And then they gave some reasons why. And the last paragraph read, "please consider these reasons and make a recommendation that Council repeal 1180, Planned Unit Development, from our Zoning Code Ordinances." This letter was signed by five Council members. Then, later on—at a later date, there was a meeting of the Planning Commission, and one of the people who signed this letter stated that the letter did not say we were repealing or to ask for the language to be repealed but said we wanted them to look at it. Then one of the people who signed this letter is one of the people who brought that up in the Planning Commission. And I just wanted to clarify that because he—this person made the remark that one of our residents was wrong when he said that the letter was to repeal it. The letter is to repeal that Ordinance.

MAYOR HILL: Any other Council remarks?

MR. RADTKA: I'd just like to say that I was the one that didn't sign that letter to have it on the record. I was the Council member that didn't.

MAYOR HILL: Any other comments? Council remarks?
(NO RESPONSE FROM COUNCIL.)
Committee reports. Finance, Mr. Radtka?

MR. RADTKA: The only thing I is that we will be making a motion under new business that our clean-up meeting will be at 5:00 on the 28th.

MAYOR HILL: Any questions for Ron?
(NO RESPONSE FROM COUNCIL.)
Parks, Buildings, Grounds, General Improvements, Streets and Sidewalks, Mrs. Jones?

MRS. JONES: Yes. We have the one Ordinance for Lyden Oil Company to supply the village with the gasoline and diesel fuel for the next calendar year. That needs to be passed tonight so it can go into effect before the first of the year.

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

MR. REIDER: Yes, Mr. Mayor. Just to let everybody know—maybe they're aware of—that four remaining sirens that we have were removed and the new ones were put up. I think they're probably—I haven't heard from Chris yet, but I'm sure they're going to be ready for testing maybe this week or next week. So, they are installed.

MAYOR HILL: Thank you. Any 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?
(RESPONSE FROM COUNCIL.)
Public Utilities, Mr. Bond?

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

MAYOR HILL: Questions for Bob?
(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, please.

MR. BLANK: From Planning Commission For Passage, **AN ORDINANCE AMENDING THE LORDSTOWN VILLAGE ZONING MAP TO RECLASSIFY 116.865 (per Auditor website) ACRES OF REAL PROPERTY OWNED BY MALA PROPERTIES LIMITED, BEING PARCEL NO. 45-196400 FROM RESIDENTIAL (R-1) TO PLANNED UNIT DEVELOPMENT DISTRICT (PUD).**

MAYOR HILL: Comments or motions?

MR. RADTKA: I have a comment, Mr. Mayor. I had a couple phone calls over the weekend on this issue. Some of the concerns were raised that if we would let this PUD come in, then we could be over impacting our schools with students and a burden on the finances. So, I did get ahold of the school, and I was reassured that we did have room in the high school and in the elementary—up to 120 children in the high school and up to 80 in the elementary—that we could easily handle without any financial burden or an increase in staff and busing to the school, and they would welcome some more students because that means more funding. That would definitely help. So, those were a couple concerns I had over the weekend. So, I just wanted to get that on the record that we can support more students.

MAYOR HILL: Any other comments or motions? We will need a motion for passage to adopt.

MR. RADTKA: I'll make that motion for passage.

MAYOR HILL: Motion to adopt by Mr. Radtka. Is there a second?

MR. REIDER: I'll second that, Mr. Mayor.

MAYOR HILL: Second by Mr. Reider. Comments or questions on the motion?
(NO RESPONSE FROM COUNCIL.)
Roll call, please.

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MR. BLANK: Mr. Bond?
MR. BOND: No.
MR. BLANK: Mrs. Jones?
MRS. JONES: No.
MR. BLANK: Mr. Liming?
MR. LIMING: No.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.

(VOTE: 3, AYE; 3, NAY; 0, ABSTAINED.)

MAYOR HILL: 3:3. I vote yes. Motion carried to adopt—
MRS. JONES: Excuse me—
MR. BOND: Point of order—
MRS. JONES: Ohio Revised Code, Planning Commission, 713.12, Zoning Regulations Notice of Hearing, it says at the very last sentence, "No Ordinance, measure, or regulation which is in accordance with the recommendation, plan, or report submitted by the Commission Board or of an officer, shall be deemed to pass or take effect with Council's concurrence of at least a majority of the members elected to the legislative authority." And the legislative authorities are the six members of Council.

MAYOR HILL: Weren't you quoting Council rules last meeting or the meeting before talking about five and you thought that it took five to overturn—

MRS. JONES: No. The 4th—
MAYOR HILL: I believe you were quoting Council rules before and now you're quoting—
MRS. JONES: I can quote it from—
MR. BOND: Council rules.
MRS. JONES: —Council rules, as well if you want me to do it there.
SOLICITOR DUTTON: We have always—I disagree with you, number one. The Mayor is part of the legislative authority because the Mayor does have the right to vote to break ties.

MRS. JONES: Not according to Ohio Revised Code.
MR. BOND: 7 31.09, it's the six members.
MAYOR HILL: Does it specify six members?
MR. BOND: Yes, it does. Would you like a copy of it?
MAYOR HILL: Well, I—
SOLICITOR DUTTON: That's your Council rules, correct—
MR. BOND: No. State law, 731.09, first paragraph.
SOLICITOR DUTTON: We've always voted on zoning matters and the Mayor has always had the right to break a tie on all matters.

MR. BOND: Well, we're wondering if we haven't been doing it wrong in the past possibly.

SOLICITOR DUTTON: Well, my advice is to go to second reading—is this third reading?
MAYOR HILL: Third reading.
SOLICITOR DUTTON: Well, it's my opinion that the Mayor can vote on this. I will render an opinion—a written opinion. And if need be, you

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MAYOR HILL: can repeal the Ordinance at your next meeting.
Thanks for sharing before the meeting. I appreciate that.
That's—

MRS. JONES: I shared at the last meeting.

MR. BOND: I was out of town at the last meeting and was unable to share it at that time.

MAYOR HILL: Based on the recommendation of the Solicitor, motion carries 4:3. Ordinance 67-2018. Next, please.

MR. BLANK: From Council as a Whole For Emergency Passage, **AN ORDINANCE AUTHORIZING THE VILLAGE OF LORDSTOWN, OHIO, TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH HOMEGOODS, INC. (TJX) FOR A TAX EXEMPTION OF 75 PERCENT (75%) FOR A PERIOD OF TEN (10) YEARS ON THE INCREASE IN THE ASSESSED VALUE OF REAL AND TANGIBLE PERSONAL PROPERTY AND DECLARING AN EMERGENCY.**

MAYOR HILL: I believe we'll need a motion to amend this.

MR. REIDER: I'll make that motion, Mr. Mayor.

MAYOR HILL: Motion by Mr. Reider to amend as per what was discussed in caucus—

MR. REIDER: Yes.

MAYOR HILL: —with the income tax sharing agreement with the school.

MR. LIMING: Second.

MAYOR HILL: Second by Mr. Liming. Comments or questions on the motion to amend?
(NO RESPONSE FROM COUNCIL.)
Roll call, please.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Yes.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

MR. BLANK: Mr. Radtka?

MR. RADTKA: I'll be abstaining.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

MR. BLANK: Mrs. Jones?

MRS. JONES: Yes.

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

(VOTE: 5, AYE; 0, NAY; 1, ABSTAINED.)

MAYOR HILL: 5, ayes; 1, abstention. Motion carries to amend. Are there any other comments or motions on this piece of legislation?
(NO RESPONSE FROM COUNCIL.)
Hearing none, I declare it to have had its second reading.
Next, please.

MR. BLANK: From Council as a Whole For Emergency Passage, **AN ORDINANCE ACCEPTING THE PROPOSAL OF LYDEN OIL COMPANY TO SUPPLY THE VILLAGE OF LORDSTOWN WITH GASOLINE AND DIESEL FUEL FOR THE YEAR 2019, SUCH PROPOSAL BEING THE MOST RESPONSIVE, LOWEST AND BEST PROPOSAL AND DECLARING AN EMERGENCY.**

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MAYOR HILL: Comments or motions?
 MR. SHEELY: Motion to suspend the rules.
 MAYOR HILL: Motion to suspend the rules by Sheely. Second?
 MR. LIMING: Second.
 MAYOR HILL: Second Liming. Roll call.
 MR. BLANK: Mr. Liming?
 MR. LIMING: Yes.
 MR. BLANK: Mr. Sheely?
 MR. SHEELY: Yes.
 MR. BLANK: Mrs. Jones?
 MRS. JONES: Yes.
 MR. BLANK: Mr. Reider?
 MR. REIDER: Yes.
 MR. BLANK: Mr. Radtka?
 MR. RADTKA: 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?
 MRS. JONES: So moved.
 MR. SHEELY: Second.
 MAYOR HILL: Moved by Jones; second by Sheely. Motion and second. Could we have roll call to adopt?
 MR. BLANK: Mr. Radtka?
 MR. RADTKA: Yes.
 MR. BLANK: Mr. Bond?
 MR. BOND: Yes.
 MR. BLANK: Mrs. Jones?
 MRS. JONES: Yes.
 MR. BLANK: Mr. Reider?
 MR. REIDER: Yes.
 MR. BLANK: Mr. Liming?
 MR. LIMING: 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 68-018. Next, please.
 MR. BLANK: From Planning and Zoning and Recreation Department Committee For Emergency Passage, **AN ORDINANCE AMENDING IN PART AND RESTATING ORDINANCE NO. 10-2018 CREATING VARIOUS SEASONAL, PART-TIME EMPLOYMENT POSITIONS FOR THE WINTER/SPRING RECREATION PROGRAM, SETTING WAGES FOR THE SAME, AND DECLARING AN EMERGENCY.**
 MAYOR HILL: Comments or motions?
 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, please.

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MR. BLANK: Mrs. Jones?
MRS. JONES: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.
MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Sheely?
MR. SHEELY: 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. LIMING: So moved.
MR. BOND: Second.
MAYOR HILL: Moved by Liming; second by Bond. 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. Motion carried to adopt. Ordinance 69-2018. Next, please.
MR. BLANK: From Finance Committee For Emergency Passage, **AN ORDINANCE AUTHORIZING THE CLERK TO MAKE ALL NECESSARY REVISIONS TO THE REVENUE PURSUANT TO THE AMENDED CERTIFICATE DATED DECEMBER 12, 2018, AND DECLARING AN EMERGENCY.**
MAYOR HILL: Comments or motions?
MR. RADTKA: Motion to suspend.
MAYOR HILL: Motion to suspend the rules by Radtka. Is there a second?
MR. BOND: Second.
MAYOR HILL: Second by Bond. Roll call, please.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.
MR. BLANK: Mrs. Jones?
MRS. JONES: Yes.

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

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

MAYOR HILL: 6, ayes; 0, nays. Motion carries to suspend the rules. Is there a motion to adopt?
 MR. SHEELY: So moved.
 MR. RADTKA: Second.
 MAYOR HILL: Moved by Sheely; second by Radtka. 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: Mrs. Jones?
 MRS. JONES: Yes.
 MR. BLANK: Mr. Liming?
 MR. LIMING: Yes.

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

MAYOR HILL: 6, ayes; 0, nays. Motion carried to adopt. Ordinance 70-2018. Next, please.
 MR. BLANK: From Finance Committee For Emergency Passage, **AN ORDINANCE AUTHORIZING THE CLERK TO MAKE THE FOLLOWING TRANSFERS WITHIN VARIOUS FUNDS AND DECLARING AN EMERGENCY.**
 MAYOR HILL: Comments or motions?
 MRS. JONES: Motion to suspend.
 MAYOR HILL: Motion to suspend by Jones. Second?
 MR. RADTKA: Second.
 MAYOR HILL: Second by Radtka. Roll call, please.
 MR. BLANK: Mr. Liming?
 MR. LIMING: Yes.
 MR. BLANK: Mrs. Jones?
 MRS. JONES: Yes.
 MR. BLANK: Mr. Bond?
 MR. BOND: Yes.
 MR. BLANK: Mr. Sheely?
 MR. SHEELY: Yes.
 MR. BLANK: Mr. Radtka?
 MR. RADTKA: Yes.
 MR. BLANK: Mr. Reider?
 MR. REIDER: Yes.

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

MAYOR HILL: 6, 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.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Yes.

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

MR. BLANK: Mrs. Jones?

MRS. JONES: Yes.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

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

MAYOR HILL: 6, ayes; 0, nays. Motion carried to adopt. Ordinance 71-
2018. Next, please.

MR. BLANK: From Finance Committee For Emergency Passage, **AN
ORDINANCE AUTHORIZING THE MAYOR AND
CLERK TO ENTER INTO AN AGREEMENT WITH
THE OFFICE OF THE PUBLIC DEFENDER OF
TRUMBULL COUNTY, OHIO, TO REPRESENT
INDIGENT MISDEMEANANTS CHARGED WITH
VIOLATION OF LORDSTOWN VILLAGE
ORDINANCES COMMENCING JANUARY 1, 2019,
AND ENDING DECEMBER 31, 2019, AND
DECLARING AN EMERGENCY.**

MAYOR HILL: Comments or motions?

MR. SHEELY: Motion to suspend the rules.

MAYOR HILL: Motion to suspend the rules by Sheely. Second?

MR. LIMING: Second.

MAYOR HILL: Second by Liming. 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. Sheely?

MR. SHEELY: Yes.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

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

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

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MR. BOND: Motion to adopt?
So moved.
MAYOR HILL: Moved by Bond. Second?
MR. RADTKA: Second.
MAYOR HILL: Second by Radtka. Comments?
(NO RESPONSE FROM COUNCIL.)
Roll call, please.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Reider?
MR. REIDER: 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 adopt. Ordinance 72-2018. Next, please.
MR. BLANK: From Council as a Whole For Emergency Passage, A
RESOLUTION FOR THE PURPOSE OF OFFERING FULL AND UNCONDITIONAL SUPPORT TO THE UNION AND MANAGEMENT EMPLOYEES AND ANY OTHER COMPANIES AFFECTED BY THE RECENT ANNOUNCEMENTS OF THE IDLING OF THE GENERAL MOTORS LORDSTOWN FACILITY AND SUPPORTING THE DRIVE IT HOME CAMPAIGN AND DECLARING AN EMERGENCY.
MAYOR HILL: Comments or motions?
MRS. JONES: Motion to suspend.
MAYOR HILL: Motion to suspend the rules by Jones. Second?
MR. RADTKA: Second.
MAYOR HILL: Second by Radtka. Roll call, please.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.
MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.
MR. BLANK: Mrs. Jones?
MRS. JONES: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.

(VOTE: 6, AYES; 0, NAYS; 0, ABSTAINED.)

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

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MAYOR HILL: Moved by Sheely. Second?
MRS. JONES: Second.
MAYOR HILL: Second by Jones. Comments?
(NO RESPONSE FROM COUNCIL.)
Roll call, please.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.
MR. BLANK: Mrs. Jones?
MRS. JONES: Yes.
MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: 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. Resolution 21-2018. Next, please.
MR. BLANK: From Finance Committee For Emergency Passage, **AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 26-2018, CHAPTER 181 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF LORDSTOWN ENTITLED "MUNICIPAL INCOME TAX" TO ADOPT SECTIONS 718.80 THROUGH 718.95 OF THE OHIO REVISED CODE, 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 by Sheely. Roll call, please.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.
MR. BLANK: Mrs. Jones?
MRS. JONES: Yes.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.
MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.

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

MAYOR HILL: 6, ayes; 0, nays. Motion carried to suspend the rules.
Motion to adopt?
MR. LIMING: So moved.
MR. RADTKA: Second.
MAYOR HILL: Moved by Liming; second by Radtka. Comments?
(NO RESPONSE FROM COUNCIL.)

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Roll call, please.
 MR. BLANK: Mr. Liming?
 MR. LIMING: Yes.
 MR. BLANK: Mr. Sheely?
 MR. SHEELY: Yes.
 MR. BLANK: Mrs. Jones?
 MRS. JONES: Yes.
 MR. BLANK: Mr. Reider?
 MR. REIDER: Yes.
 MR. BLANK: Mr. Radtka?
 MR. RADTKA: Yes.
 MR. BLANK: Mr. Bond?
 MR. BOND: Yes.

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

MAYOR HILL: 6, ayes; 0, nays. Motion carried to adopt. Ordinance 73-2018.

Is there any old business Council would like to discuss?
(NO RESPONSE FROM COUNCIL.)

Hearing none, rule of business. Solicitor would like to make a comment on what was proposed to him.

SOLICITOR DUTTON: We are going to write an opinion, and Mr. Bond has shared with me Ohio Revised Code 731.09. I hadn't known of this objection prior to the meeting. It sort of caught me off guard. But this section, after reading it, does nothing more than specify that after June 8th of 1961, statutory villages—and we are a statutory village—shall have six members of a legislative authority. It doesn't address anything about a Mayor and the executive—in this case, the Mayor—being able to break a tie, which is elsewhere in the Ohio Revised Code and is common practice. Otherwise, you'd have deadlocks on many issues, and you couldn't function. And, also, it says nothing about matters being recommended from the—in other words, there are all kinds of legislative enactments. One is new Ordinances. Some are financing, some deal with other issues, contracts. This one has to do with a matter coming from the Planning Commission. And, in this case, this says nothing about matters—it doesn't address matters before the Planning Commission. So, I make these comments now because rather than create some specter of uncertainty in the audience, we're going to write an opinion, and we're going to be honest about it. In fact, I'm going to call the Legislative Service Commission and say, can the Mayor of a village break a tie? And I feel very confident that the answer is yes. But, in the future, if you have an issue like this, I'm available. I respond to every member of Council within hours, if not minutes, of when they contact me. And you could have brought this to my attention. And I could have been better prepared.

MR. BOND: The first I saw it was this afternoon. May I say one thing? I don't know if you saw the section 713.12. It says, "no Ordinance, measure, or regulation"—this is from the Planning Commission, Zoning Regulation Notices of hearing. "No Ordinance, measure, or regulation which in

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accordance with the recommendation, plan, or reports submitted by the Commission Board or officer shall be deemed to pass or take affect without a concurrence of at least a majority of the members elected to the legislative authority. Which reads—the other one kind of appears to define what legislative authority is after June 8, 1961. The effective date of this one is after that. It's 1970.

SOLICITOR DUTTON: But a mayor in a statutory village wears two hats, unlike a mayor in a chartered municipal corporation. Look at Youngstown or Warren. The mayor doesn't sit up there with council members and vote on matters. The mayor doesn't have a vote. Council does have a vote. The President of Council has the vote to break a tie. We are a statutory village, so we need to look at the section for a statutory village. So, now you're narrowing the issue and you're saying on matters coming from the Planning Commission, that the mayor can't vote. And we will specifically research it. But I feel very confident that a mayor has the right to break the tie.

MRS. JONES: In Ohio Revised Code 731.09, it states that the legislative authority is comprised of six members in a village.

SOLICITOR DUTTON: Right. And the mayor—there's another statute that I will show you where the mayor will have the right to break a tie. Unless the mayor has a conflict of interest, of course.

MRS. JONES: That's true but it's not specific to—things that come from Planning and Zoning. 713.12 is specific to things coming from Planning and Zoning.

MAYOR HILL: I believe the Solicitor is going to get you an opinion, Karen.

MRS. JONES: Okay.

MAYOR HILL: Unless there's more discussion on this, is there any other old business?

NO RESPONSE FROM COUNCIL.)

Hearing none, new business. I'd like to go first. I'd like Council to accept the resignation Robert Nutt. He went to work for the Turnpike Commission.

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 some appointments for the Rec. Program for winter. Instructors: Tom Paisley, Jane Grider, Nicole Peterson, Mike Rendziniak, Lauren Cash, Breanne Zublena.

Substitute Instructor: Alex Behon. Supervisors: Alex Behon, Theresa Rendziniak. Substitute Supervisors: Jane Grider and Courtney Gibson. And, also, I'll ask for the removal of Nicole McWhirter as an instructor, as she has resigned.

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I'll entertain a motion to confirm that.
 MR. RADTKA: So moved.
 MAYOR HILL: Moved by Radtka; 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: 6, AYE; 0, NAY; 0, ABSTAINED.)

Motion carried.
 Is there any other new business Council would like to discuss at this time other than to set the special meeting for December 28th at 5:00? I'll entertain a motion for that.
 MR. RADTKA: So moved.
 MAYOR HILL: Moved by Radtka. Is there a second?
 MR. SHEELY: Second.
 MAYOR HILL: Second by Sheely. Comments?
 MR. RADTKA: Yes. Bill, we just have to advertise for that.
 MR. BLANK: Yes. I have to list everything on there.
 MAYOR HILL: Any other comments?
 (NO RESPONSE FROM COUNCIL.)
 All in favor?
 COUNCIL: Aye.
 MAYOR HILL: Opposed?

(VOTE: 6; AYES; 0, NAYS; 0, ABSTAINED.)

Motion carried.
 Any other new business?
 (NO RESPONSE FROM COUNCIL.)
 Hearing none, any public remarks?
 (NO RESPONSE.)
 Hearing none, I'll entertain a motion to adjourn.
 MR. RADTKA: So moved.
 MR. REIDER: Second, Mr. Mayor.
 MAYOR HILL: Moved by Radtka; second by Reider. 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. Meeting adjourned.

(WHEREAS, THE REGULAR MEETING BEFORE THE VILLAGE OF LORDSTOWN COUNCIL ADJOURNED AT 6:55 P.M.)

_____ Mayor

_____ Clerk

December 17, 2018

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