

January 17, 2023

PROCEEDINGS

Lordstown Village Council Regular Meeting

(WHEREAS, the regular meeting before the Lordstown Village Council commenced on Tuesday, January 17, 2023, at 6:05 p.m. and proceedings were as follows:)

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

MAYOR HILL: Bill, 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: Mr. Campbell?
MR. CAMPBELL: Here.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Here.
MR. BLANK: Mr. Moseley?
MR. MOSELEY: Here.
MR. BLANK: Clerk Blank, present.
Treasurer George Ebling?
MR. EBLING: Here.
MR. BLANK: Matt Ries?
ATTY. RIES: Present.
MR. BLANK: Police Chief Brent Milhoan?
(NO RESPONSE — ABSENT.)
Fire Chief Travis Eastham?
CHIEF EASTHAM: Present.
MR. BLANK: Planning and Zoning Administrator, Kellie Bordner?
MS. BORDNER: Present.
MR. BLANK: Parks, Buildings, Grounds, Street Commissioner, Ron Hickox?
MR. HICKOX: Here.
MR. BLANK: Board of Public Affairs?
MR. KEVIN CAMPBELL: Here.
MR. BLANK: Engineer Chris Kogelnik?
(NO RESPONSE — ABSENT.)
MAYOR HILL: Entertain a motion to excuse Milhoan. He asked to be excused this meeting.
MR. LIMING: So moved.
MR. BOND: Second.
MR. RADTKA: Also, Chris did call me and said he wasn't going to make the meeting.
MAYOR HILL: Also Chris Kogelnik.
MR. LIMING: So moved.
MR. BOND: Second.
MAYOR HILL: Moved by Liming; second Bond. Comment?
(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.
Motion for adoption of the agenda.
MR. CAMPBELL: So moved.
MAYOR HILL: Moved by Campbell. 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.
Do we want to dispose all the meeting minutes individually or all at once? Is anybody going to abstain?
(NO RESPONSE FROM COUNCIL.)
I'll entertain a motion to dispose of the minutes of the special meeting December 30th, regular meeting January 3rd and special meeting January 9th.
MR. LIMING: So moved.
MAYOR HILL: Moved by Liming. Second?
MR. RADTKA: Second.
MAYOR HILL: Second by Radtka. 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: I have no report, Mayor.
MAYOR HILL: Solicitor's report?
ATTY. RIES: No report.
MAYOR HILL: Treasurer's report?
MR. EBLING: No report.
MAYOR HILL: Board of Trustees of Public Affairs report?
MR. KEVIN CAMPBELL: Just to announce we'll have our regular meeting next Tuesday. We moved it because of the holiday this week.
MAYOR HILL: Village Engineer has been excused.
Special reports. Police Chief has been excused. Fire Chief Eastham?
CHIEF EASTHAM: No report tonight, Mr. Mayor.
MAYOR HILL: Questions for Travis?
(NO RESPONSE FROM COUNCIL.)
Planning and Zoning Administrator, Kellie?
MS. BORDNER: No report.
MAYOR HILL: Questions for Kellie?
(NO RESPONSE FROM COUNCIL.)

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Parks, Grounds, Buildings, Street Superintendent, Mr. Hickox?

MR. HICKOX: Yes. Thank you, Mayor. Our crews were dispatched one time for snow and ice over the past two weeks. We've been working on some drainage issues on Hallock-Young Road. We are removing dead trees in various locations. And we are cold-patching potholes as they appear. That's all I have.

MAYOR HILL: Thank you. Any questions for Ron?
(NO RESPONSE FROM COUNCIL.)
Bill, do we have any correspondence this evening?

MR. BLANK: No correspondence.

MAYOR HILL: Public remarks?
(NO RESPONSE.)
Hearing none, Council remarks?

MR. BOND: Yes, Mr. Mayor. I received an email from Paul Dutton a few days ago where he prepared an Ordinance he'd taken the liberty to do. And I thought it was appropriate to see about bringing it in. I think it may well be and I'd like to see it come to Council as a whole. And I wonder if there's any discussion on that? Each person was given a copy of it. I had sufficient Council expressed interest to get it on the agenda as Council as a whole. Is there any discussion on that?

MR. SHEELY: I don't have a problem with it.

MR. RADTKA: Section 1 and III, Bob, it's saying it's coming through committee—

MR. BOND: Well—

MR. RADTKA: So that would have to be amended.

MR. BOND: That would have to be changed, yes.

MR. RADTKA: And changed.

MR. BOND: If anybody doesn't want their name on it, I suggest they ask for it not to be.

MAYOR HILL: I think this issue about the grindings has gone on long enough. It's been addressed. I think this is another issue like when Karen brought in when her brother didn't get enough grindings then she wanted to make sure that we had a procedure to go through with that.

MR. BOND: Well—

MAYOR HILL: And if it goes 3:3, I will vote no.

MR. BOND: Okay. That's your prerogative. There's nowhere in here mentioning anything about grindings except yourself. I think we need a procedure that's up-to-date to deal with these things, and I think it should basically comply with state law. That's my feelings on it.

MAYOR HILL: You may be right, Bob, But I think the grindings is what lead to this.

MR. BOND: Well, the only one I've heard mention it tonight is yourself.

MR. RADTKA: I have a question for you, Bob.

MR. BOND: Sure.

MR. RADTKA: On the grindings, firewood, fill dirt, topsoil, whatever it would be, who is going to have authorization to deem that there's no value to it?

MR. BOND: Well—

MR. RADTKA: Is that going to be an obligation of our Superintendent, in

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this case, Mr. Hickox, or is that going to be run by a committee or—

MR. BOND: Personally, I would think it should be the committee, and I think it should come from legislative authority. That's my feeling on it. I don't know your feelings. They may be different. I don't know. I think there's nothing wrong with getting counsel from the department heads. I can see them having some say in it but when it comes from legislative authority, I think you're going to find there's less chances of having problems with it down the road. This is something that if it's done and done correctly, it protects not only the Village, it protects our employees, too, because they've got a procedure to follow. And I think that's an important process that's orderly and it keeps misunderstandings out.

MR. SHEELY: We did this before. I don't remember who had the right to— whether it was Dale or who was here. This was done a long time ago.

MR. RADTKA: We were giving away the—

MAYOR HILL: Like, ditch dirt and stuff like that and grindings before.

MR. RADTKA: I think that just went through Dale.

MAYOR HILL: That went through Dale, and he just came along and said, okay. Well, when somebody didn't get all the grindings they wanted, then they figured we're going to address this and that's how the Ordinance came in.

MR. SHEELY: If somebody wanted it, they can call and say if it's available, put me on the list or whatever.

MR. BOND: That was the way I understood it.

MR. MOSELEY: When it went through Dale, did it have a value on it?

MR. RADTKA: That's the other question, Jamie. At least in my eyes, with things that are deemed to have no value, number one, who is that person that sets the value? Because fill dirt to me might not be worth anything but if Howard needs it, it's got a value to him. Or firewood may not mean anything to me, but if Lamar needs the firewood, it's worth something. We need to set some kind of policy—

MR. LIMING: That's what I mean. Is this going to be every load that Council is going to have to approve to go to somebody?

MR. BOND: No—

MR. LIMING: I mean, every tree that gets cut down? I mean, where is this going to differentiate—

MR. BOND: If the trees are on the road right-of-way, they actually belong to the property owner unless it's the center of the road. I think they would have first chance to have the firewood.

MR. RADTKA: If they would want it.

MR. LIMING: If they want it but then who determines who gets it after that?

MR. BOND: Well, before, in the past, it's been hauled up here at the Village and then it can either be sold; it can be given away. It's going to be—

MR. LIMING: I mean, is that going to be on a case-to-case? I mean, we're talking a lot of meetings here then.

MR. BOND: Well, I think they just go through a committee meeting.

MAYOR HILL: Yeah, but how many people don't have committee meetings? I can tell you one committee may have had one last year. Bill, did you want to say something?

MR. BLANK: This section of the O.R.C., it's only referring to Village

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property paid by tax dollars. It has nothing to do with anything else. And I already know you have to bid this stuff out when you go to sell it. So, this doesn't need to be tied in with dirt and grindings and everything else. This is already in place. I already know you have to—you can't get rid of stuff without selling it like—

MR. LIMING: This is talking about trucks—

MR. BLANK: Equipment and—it has nothing to do with grindings and dirt. I agree with you on one thing, Bob, if somebody wants a bunch of grindings to stockpile them, they should be going through the committee. If someone calls for a load or two of grindings, they ought to be able to give it to them if it's a Lordstown resident. This is already in place in the O.R.C. I don't know why you're bringing an Ordinance in.

MR. BOND: Well, this was suggested by our Solicitor. He took the liberty of coming up with it. He emailed it to me—

MR. BLANK: It's going to make things worse. I can tell you that.

MR. BOND: —he emailed it to Mr. Ries and his secretary—

MAYOR HILL: Travis, you were the one who handled when we disposed of the equipment down there at Kunkle. You want to say something about this?

CHIEF EASTHAM: The only thing that I was—this was brought up and it was brought to my attention by Chris Peterson because he works at Lisbon. He's the Water Superintendent. They were selling their grindings down there. ODOT came in and fined them because it was grindings that came off of a grant that was supplied by ODOT. Technically, they said that they have a say so where these things go. Now, if a municipality wants to use them for their own municipality, like things they're using, they had no problem with. When they were selling them for what they considered profit, ODOT came in and told them no. And they fined them for it. So when Chris was sitting in the meeting and listening to you guys talking about this a couple weeks ago, he told me after the meeting that you might want to call down to Lisbon and ask them what they had to do to dispose of grindings and the way they had to do it properly. Because the majority of the roads we blacktopped were an ODOT grant. And ODOT paid to put the blacktop down that you're grinding back up.

MS. BORDNER: I recall Dale going through this, as well. When Dale was putting residents on the list, it was still considered within the community. So if a resident wanted to get the asphalt grindings or dirt or whatever that may have been a part of—almost all of our roads use paving grants—so the paving and then the subsequent taking up of that roadway and the creation of the asphalt grindings, would all be a part under those grants. Dale was only allowing people within the community so it stayed in the community. And I do remember him saying something about that. That because these were used with grant funds, that it had to stay within the community. I didn't remember that until Travis said it. I didn't have it to offer. I apologize—

MAYOR HILL: Now there was, I believe, Cortland gave some grindings away to the county, but that was one municipality to another one. And that's when they had given us a call—gave Ron a call and said hey, do you have some grindings or anything? I

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was aware of it. I believe there may have been a councilman or two who was aware of it. Then we had a councilman going looking all over Warren Township trying to find out where they were hiding them.

MR. BOND: Well, I think what Kellie just addressed here is covered by Section C of this. It says "is not needed for public use or is obsolete and unfit for use for which it was acquired." If it was acquired from the state under the provision that it was not to be sold, then it falls under Section C, I would think.

MS. BORDNER: And what does that mean? I mean, I didn't see the legislation, so what does that mean? Does that mean that you can, then, allow it to be—

MR. BOND: Section C says "If the legislative authority of the municipal corporation determines that municipal personal property is not needed for public use or is obsolete or unfit for use of which it was acquired and the property has no value, the legislative authority may discard or salvage that property." You're not allowed to sell it. It has no value.

MR. BORDNER: If you're not allowed to sell it, it has no value. I can understand where you're coming from on that, but what I'm saying is you have to factor in the original—

MR. BOND: Intent?

MS. BORDNER: —the original acquiring of it by grant funds. And then you pick it up and you put down more pavement under grant funds.

CHIEF EASTHAM: And, like, when I was selling everything at Kunkel, Paul's opinion—if you look at his opinion letter—was for us to scrap it to deem it to have no value, no one had to bid on it. If no one bid on an item, then he said we were okay to scrap it. If it was bid on for a dollar and it sold, we sold it for a dollar. If it was—no bids were taken—

MS. BORDNER: Then it has no fair market value.

CHIEF EASTHAM: —then he said it was deemed as no value and he told us at that time we could dispose of it however we needed to, whether it was wood or metal or you know what I mean? We disposed of it however it needed to go from there. But that's how we deemed it as no value, once no one bid on it.

MR. BOND: If you're not allowed to sell it, I would say it has no value.

CHIEF EASTHAM: That's probably how we were giving them to residents.

MS. BORDNER: I would assume.

MR. BOND: Yeah, I would too.

MAYOR HILL: Well, if somebody wants to bring it in, get ahold of Bob. Any other discussion?
(NO RESPONSE FROM COUNCIL.)
Committee reports. Finance, Mr. Radtka?

MR. RADTKA: Yes, Mr. Mayor. Our next meeting is the 30th at 1:00. Chris Kogelnik from CT is also going to attend that meeting. He is going to discuss his interest in getting a contract—retaining contract with us for engineering services. So I would invite anybody on Council that would like to attend to be at that meeting at 1:00 if you have questions or concerns. I did give everybody a copy of that after the last meeting. That's all I have.

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MAYOR HILL: I know there has also been some discussions from some Council people that maybe they want to bid out the engineering services, but that's a Council function. I'll go back to the same thing I said last meeting. Who is going to do it? Anything else on Finance?

MR. RADTKA: No. That's all I've got.

MAYOR HILL: Parks, Buildings, Grounds, General Improvements, Streets and Sidewalks, Mr. Moseley?

MR. MOSELEY: No report.

MAYOR HILL: Questions for Jamie?
(NO RESPONSE FROM COUNCIL.)
Public Safety and Police, Mr. Liming?

MR. LIMING: No report.

MAYOR HILL: Questions for Lamar?
(NO RESPONSE FROM COUNCIL.)
Public Safety, Fire and EMS, Mr. Campbell?

MR. CAMPBELL: Yeah, I've got a couple things here. I'd like to make a motion for Kellie and Travis to write and submit two FEMA grants. The first one—

MR. BLANK: You have to do that under new business—

MR. LIMING: New business.

MR. CAMPBELL: Under new business? I'm sorry.

MAYOR HILL: You can say what you want to do then just bring it up under new business, Terry.

MR. CAMPBELL: All right. The first one is for turnout gear for \$150,000 with a five percent match. Our share is going to be \$7,500. The second one is for a rescue \$750,000 with a five percent match. Our share is going to be \$37,500.

MAYOR HILL: Any questions for Terry?
(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, Mr. Sheely?

MR. SHEELY: No report tonight, Mr. Mayor.

MAYOR HILL: Questions for Howard?
(NO RESPONSE FROM COUNCIL.)
Bill, first piece of legislation.

MR. BLANK: From Finance Committee for Emergency Passage, **AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 8-2021 TO RE-ENGAGE PAUL M. DUTTON OF HARRINGTON, HOPPE, AND MITCHELL, LTD, TO SERVE AS VILLAGE SOLICITOR TO ENGAGE MATTHEW M. RIES OF HARRINGTON, HOPPE, AND MITCHELL, LTD, TO SERVE AS DEPUTY SOLICITOR AND DECLARING AN EMERGENCY.**

MAYOR HILL: Comments or motions?
(NO RESPONSE FROM COUNCIL.)
Only thing I thought was that Matt was going to be the Village Solicitor and Paul was going to be the Deputy.

MR. BLANK: I think after a year.

ATTY. RIES: It flips at the end of year.

MAYOR HILL: Oh, it flips at the end of the year. Okay. Comments or motions?

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(NO RESPONSE FROM COUNCIL.)

Hearing none, I declare this Ordinance has had its first reading.

Any old business at this time?

(NO RESPONSE FROM COUNCIL.)

New business. I believe Ron will be asking for an executive session after all the motions. Ron, you want to go first?

MR. RADTKA: I'd like to make a motion that we pay Rose Horner for 46 hours of work that she performed at the rate of \$13.00 an hour.

MAYOR HILL: Everybody heard the motion by Ron—

MR. BLANK: You got a total on the hours?

MR. RADTKA: Excuse me?

MR. BLANK: Did you get a total on the hours?

MR. RADTKA: For 46 hours, Bill.

MR. LIMING: Second.

MAYOR HILL: Second by Liming. Comments or questions on the motion?

(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.

Terry?

MR. CAMPBELL: Yeah. I'd like to make a motion here, like I said before, for two FEMA grants for Kellie and Travis to write. The first one is for turnout gear, \$150,000, with a five percent match. Our share is going to be \$7,500.

The second one is for a rescue, \$750,000, with a five percent match. Our share is \$37,500. I make a motion to that.

MAYOR HILL: Everybody heard the motion by Terry. Is there a second to that motion?

MR. LIMING: Second.

MAYOR HILL: Second by Liming. Comments or questions on the motion?

(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.

Anything else before Mr. Radtka asks for executive session, which will be after public remarks. And there will be no action taken after that. Ron, the floor is yours.

MR. RADTKA: All right. I'd like to make a motion we adjourn to executive session to discuss the pending litigation on the open meeting lawsuit filed against the Village. Inviting everybody here except for George—all of Council, Solicitor, Clerk and Mayor.

MAYOR HILL: Everybody heard the motion. Is there a second to that motion?

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MR. CAMPBELL: Second.
MAYOR HILL: Second by Campbell. Comments or questions?
(NO RESPONSE FROM COUNCIL.)
MR. RADTKA: There will be no action taken afterwards other than to
adjourn.
MAYOR HILL: Roll call, please.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.
MR. BLANK: Mr. Campbell?
MR. CAMPBELL: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.
MR. BLANK: Mr. Moseley?
MR. MOSELEY: 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 for that executive session.
Is there any other new business before I ask for public
comments and then adjourning to the executive session?
(NO RESPONSE FROM COUNCIL.)
Public comments?
(NO RESPONSE.)
Hearing none, you're welcome to stay. The only action to be
taken will be to come out of executive session and adjourn.
Thank you for coming this evening.

**(WHEREAS, THE REGULAR MEETING BEFORE
THE VILLAGE OF LORDSTOWN COUNCIL ADJOURNED
INTO EXECUTIVE SESSION AT 6:20 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, 2027