



## **CITY OF PATASKALA**

### **COUNCIL MEETING**

January 6, 2014

The Council of the City of Pataskala met in organizational and regular session on January 6, 2014 at 7:00 PM in City Hall, located at 621 W. Broad Street. The pledge of allegiance was given and an invocation was provided. Roll Call: Barstow, Fox, Hayes, Hickin, and Lenzo-present. Sagar was absent. Michael W. Compton presiding and Rufus B. Hurst were present.

Lenzo nominated Dan Hayes for Council President. Seconded by Hickin. Hearing no other nominations Mayor Compton called for the roll call. Roll Call: Barstow, Fox, Hayes, Hickin, and Lenzo-yes. Mayor Compton congratulated Mr. Hayes.

Hayes nominated Pat Sagar for Vice President of Council. Seconded by Lenzo. Fox nominated Bryan Lenzo for Vice President of Council. Seconded by Barstow. Fox noted that many years ago past practice was to rotate these positions. Hayes made a motion to close the nominations. Seconded by Barstow. Roll Call: Barstow, Fox, Hayes, Hickin, and Lenzo-yes. Mayor Compton declared the motion passed. Hayes noted both candidates will do a wonderful job for the City. Roll Call on the election of Vice President of Council: Barstow-Lenzo, Fox-Lenzo, Hayes-Sagar, Hickin-Sagar, and Lenzo-Sagar. Mayor Compton announced that Pat Sagar has been elected Vice President of Council.

Fox made a motion to amend Council Rules of Order Section 4.01 to change the Council Meeting dates to the first and third Tuesdays of each month. Seconded by Hayes. Hayes made a motion to table. Seconded by Fox. Roll Call: Barstow, Fox, Hayes, Hickin, and Lenzo-yes. Mayor Compton declared the motion to table passed.

Council discussed the possibility of adding a Tech Committee to the Standing Committees.

Fox made a motion to amend Council's Rules of Order section 3.04 to add a Tech Committee to the list of Standing Committees. Seconded by Lenzo. Discussion was regarding the possibility of merging the Tech Committee with either the Building and Grounds Committee or the Safety Committee. Hayes made a motion to amend to merge the Safety Committee and the Tech Committee into one committee. Seconded by Fox. Roll Call: Barstow, Fox, Hayes, Hickin, and Lenzo-yes. Mayor Compton declared the motion to amend passed. Fox made a motion to table. Seconded by Hayes. Roll Call: Barstow, Fox, Hayes, Hickin, and Lenzo-yes. Mayor Compton declared the motion passed.

Hayes made a motion to adopt Council's Rules of Order pursuant to section 3.06 of said rules subject to the pending motions to amend. Seconded by Barstow. Roll Call: Fox, Hayes, Hickin, Lenzo, and Barstow-yes. Mayor Compton declared the motion passed.

Mayor Compton read a letter to Council dated January 6, 2014 noting that he has concluded that the same are insufficient to support the determination that the accused is guilty of malfeasance in office.

Lenzo noted that he was surprised at this announcement and called upon Mr. Hurst to speak.

Mr. Hurst noted that once the Mayor brought forward the charges this was turned over to a special prosecutor and at that point the Mayor is out of it. It will be Council that will determine if there is probable cause and what action shall be taken. He also noted the various avenues of appeal.

Mr. Hurst noted there is no authority for the Mayor to withdraw the charges. Mr. Hurst noted that the Mayor can certainly contact the special prosecutor. Mr. Hurst and Hayes both noted only the prosecutor can withdraw the charges.

Mayor Compton noted that this was his attempt to diffuse this situation so that the City could move forward. He also noted he did not want to see the city bogged down as the Fire District has been.

Fox noted there have been untrue statements made that he has been patient and have stood by while this has gone on and expressed concern over the expense to the city.

The complete discussion is available by audio recording through the Office of the Clerk of Council in accordance with the City's record retention schedule.

#### Citizens Comments

Eileen DeRolf, Bernie Brush, Chris Fouras, Daniel Conrad, Milton Carney, Ron Zaleski, Margret Howe, Steven Dunham, Evangeline Fouras, Judy Cafemyer, and Rick Burkholder provided public comments and these comments are available by audio recording through the Office of the Clerk of Council in accordance with the City's record retention schedule.

Fox asked that the December 16, 2013 Council Minutes be removed from the Consent Agenda.

Hayes made a motion to approve the Consent Agenda as altered. Seconded by Fox. Roll Call: Fox, Hayes, Hickin, Lenzo, and Barstow-yes. Mayor Compton declared the motion passed.

Fox made a motion to approve the December 16, 2013 Council Minutes. Seconded by Hayes. Discussion was regarding Fox's vote on an amendment to Ordinance 2013-4172 noting that he had inadvertently voted on this item after at least 10 minutes of discussion and also noting that he had not made the motion or seconded the motion. It was also noted that he was not advised that it was inappropriate to vote on this matter which would have made it clear which amendment was being considered. Fox apologized to the Council and the citizens in the community for this oversight. Fox noted it was not his intention to vote on this matter.

Fox made a motion to amend the December 16, 2013 minutes to reflect that it was not his intention to vote on this matter.

Hayes called for a point of order that it would be inappropriate to add this to the December 16, 2013 minutes but should be noted in the minutes for this evening. Fox asked to hear from the Law Director. Mr. Hurst indicated the minutes should reflect what transpired at the meeting and noted these are important comments and should be relayed to the special prosecutor at the earliest possible moment. Mayor Compton requested the Law Director speak up and tell us if we

are doing something inappropriate or something that is illegal. Mayor Compton asked if there was a reason this did not happen. Mr. Hurst explained that it would be inappropriate for him to advise Mr. Fox. That at the previous meeting during the discussion of the motion to schedule a special meeting of Council to convene on January 14, 2014 for the purpose of considering the charges asserted against Council Member Fox with such meeting to begin at 6:30 PM in Council Chambers and to continue thereafter until completed pursuant to scheduling of Council he was advised to seek legal counsel. Fox noted this was on a completely different matter and had nothing to do with a budget line item that did not specifically identify the purpose of the special counsel. Fox noted he made a mistake and his apology certainly stays. Barstow disagreed with Mr. Hurst. Barstow noted his background in the National Guard as an ethics advisor to the Adjutant General's Department and that he would have provided advice before he allowed someone to make an ethics violation in his presence.

Compton declared the motion dies for a lack of a second.

Roll Call on the motion to approve the December 16, 2013 Council Minutes: Hayes-yes, Hickin-yes, Lenzo-yes, Barstow-yes, and Fox-abstained. Mayor Compton declared the motion passed.

The Consent Agenda included the Administrator's Report, Department Reports, minutes from the December 16, 2013 Council Study Session and the December 30 Council Public Hearing.

#### Unfinished Business

Hayes made a motion to have the third reading of Ordinance 2013-4176. Seconded by Lenzo. The Clerk read the following:

**ORDINANCE 2013-4176 Third Reading** An ordinance amending Ordinance No. 2009-3936 by removing properties from the discharge and non-discharge map as amended. (Fouras Trust)

Discussion was regarding that this was a property right issue and that this legislation was never to regulate discharge as much as it was to establish safety. Amendments were based on development in the area. It was noted that the information provided tonight as to ownership was not what they have been told. Hayes made a motion to table. Seconded by Lenzo. Roll Call: Barstow-no, Fox-no, Hayes-yes, Hickin-yes, and Lenzo-yes. Mayor Compton declared the motion passed.

Fox made a motion to have the third reading of Ordinance 2013-4177. Seconded by Hayes. The Clerk read the following:

**ORDINANCE 2013-4177 Third Reading** An ordinance to amend Ordinance 2004-3569 authorizing the creation of a City Records Commission pursuant to Ohio Revised Code Section 149.39.

Fox made a motion to adopt Ordinance 2013-4177. Seconded by Barstow. Roll Call: Fox, Hayes, Hickin, Lenzo, and Barstow-yes. Mayor Compton declared the motion passed.

Hayes made a motion to have the second reading of Ordinance 2013-4178. Seconded by Lenzo. The Clerk read the following:

**ORDINANCE 2013-4178 Second Reading** An ordinance to establish a 2014-2016 pay matrix for the non-collectively bargained employees for the City of Pataskala, effective for the pay period beginning on January 6, 2014.

Hayes made a motion to table Ordinance 2013-4178. Seconded by Lenzo. Roll Call: Hayes, Hickin, Lenzo, Barstow, and Fox-yes. Mayor Compton declared the motion passed.

Fox made a motion to table Resolution 2013-054. Seconded by Lenzo. Roll Call: Lenzo-yes, Barstow-no, Fox-yes, Hayes-no, and Hickin-no. Mayor Compton declared the motion failed.

Discussion was regarding the current status of this of House Bill 5.

Roll Call on the motion to adopt Resolution 2013-054: Hickin, Lenzo, Barstow, Fox, and Hayes-no.

### Reports

Mayor Compton thanked the Staff for the warm welcome. Mayor Compton recommended the reappointment of Anne Rodgers and Jerry Truex to the Planning and Zoning Commission, the reappointment of Ann Walther to the Parks and Recreation Advisory Board, and the reappointment of Bill Schuler to the Licking County Transit Board. Compton asked for a motion to appoint Tim Hickin to the Fire Board, the need to advertise the open council seat, and direction regarding the appointments to a Charter Review Commission.

Dan Hayes, Council President thanked Council for their support in re-electing him Council President.

### New Business

Hayes made a motion to approve the applications for renewal of Agricultural Districts as presented at the December 30, 2013 Council Public Hearing and as recommended by the Agriculture Committee. Seconded by Lenzo. Discussion was regarding that the Agriculture Committee did recommend approval of the applications. Roll Call: Barstow, Fox, Hayes, Hickin, and Lenzo-yes. Mayor Compton declared the motion passed.

Lenzo made a motion to confirm the reappointment of Missi Langcamp as Licking Heights Local School's representative on the City of Pataskala Parks and Recreation Advisory Board. Seconded by Barstow. Roll Call: Barstow, Fox, Hayes, Hickin, and Lenzo-yes. Mayor Compton declared the motion passed.

Fox made a motion to confirm the Mayor's reappointment of Anne Rodgers and Jerry Truex to the Planning and Zoning Commission. Seconded by Barstow. Roll Call: Fox, Hayes, Hickin, Lenzo, and Barstow-yes. Mayor Compton declared the motion passed.

Fox made a motion to confirm the Mayor's reappointment of Ann Walther to the Parks and Recreation Advisory Board. Seconded by Barstow. Roll Call: Fox, Hayes, Hickin, Lenzo, and Barstow-yes. Mayor Compton declared the motion passed.

Fox made a motion to confirm the Mayor's reappointment of Bill Schuler to the Licking County Transit Board. Seconded by Barstow. Roll Call: Hayes, Hickin, Lenzo, Barstow, and Fox-yes. Mayor Compton declared the motion passed.

Hayes made a motion to appoint Kathy Hoskinson, Clerk of Council as the Mayor's and Council's representative to attend the required House Bill 9 Certified Training on their behalf. Seconded by Hickin. Discussion was regarding that this training is provided by the Ohio Attorney General's Office and if there was any expense to register. Hayes made a motion to include any expense up to \$50.00. Seconded by Barstow. Roll Call: Lenzo, Barstow, Fox, Hayes, and Hickin-yes. Mayor Compton declared the motion to amend passed. Roll Call: Hickin, Lenzo, Barstow, Fox, Hayes-yes. Mayor Compton declared the motion passed.

There was no motion to request the Ohio Division of Liquor Control conduct a hearing regarding Permit # 7135025.

#### Additional Citizens Comments

Bernie Brush provided public comments and these comments are available by audio recording through the Office of the Clerk of Council in accordance with the City's record retention schedule.

Compton explained the reason copper gutters were used on the old town hall was that their life expectancy would match the roof.

Fox made a motion to appoint Tim Hickin as the City's representative to the West Licking Joint Fire District Board. Seconded by Hayes. Roll Call: Barstow, Fox, Hayes, Hickin, and Lenzo-yes. Mayor Compton declared the motion passed.

Fox made a motion that each councilmember submit their recommendation of a person to serve on the Charter Review Commission for Council's consideration. Seconded by Lenzo. Discussion was regarding if this should be a full review or one on select items. The Clerk explained that once the Charter Review Commission makes a recommendation it is then that Council considers the merits of the recommendations. Roll Call: Barstow, Fox, Hayes, Hickin, and Lenzo-yes. Mayor Compton declared the motion passed.

Barstow noted it was a little different sitting in this chair than in the audience. He also thanked Mr. King for the great job on snow removal.

Hayes addressed the procedure in place regarding the current charges against Mr. Fox.

Hayes noted an issue with several properties that were annexed into the City from Harrison Township and that we are working on a resolution to that problem.

Hickin expressed his excitement in being in this position and noted the great job that was done on snow removal.

Lenzo welcomed new Councilmembers.

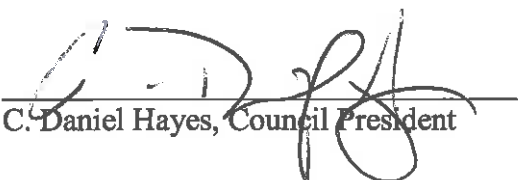
Lenzo made a motion to adjourn. Seconded by Hayes. Roll Call: Fox, Hayes, Hickin, Lenzo, and Barstow-yes. Mayor Compton declared the motion passed.

Meeting Adjourned.

Minutes approved January 21, 2014.

ATTEST:

  
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Kathy M. Hoskinson, Clerk of Council

  
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C. Daniel Hayes, Council President