

Minutes
Village of Thornville
3 South Main Street, Thornville, Ohio
Special Council Meeting
November 16, 2015

Council Members Present:

Heidi Robinson, Council President
Lynne Snider *SUB*
Mary Renner
Dale Brussee
Olivia Newbold
Ryan Yzenski

Other Village Officials

Gavin Renner, Mayor
Beth Patrick, Village Administrator
Brian Zets, Village Solicitor
Sharon Brussee, Clerk of Council
Melissa Tremblay, Fiscal Officer

Guests:

Beth Dannaher

Call to Order/Pledge of Allegiance:

The Village of Thornville Special Council meeting was called to order by Mayor Gavin Renner on November 16, 2015 at 7:43 p.m. by saying the Pledge of Allegiance.

Roll Call:

Roll call was taken with all members present with the exception of Councilwoman Lynne Snider.

Ordinance 15-10 AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES OF THE VILLAGE OF THORNVILLE, OHIO BY ADOPTING CURRENT REPLACEMENT PAGES AND DECLARING AN EMERGENCY. 1st Reading.

Discussion held. It was asked if **Ordinance 15-10** needed to be passed tonight. Village Administrator Beth Patrick responded that it is the codifications of ordinances. Solicitor Zets responded that it needs to be passed by the end of the year. Councilwoman Olivia Newbold asked why Council is just now getting this. Village Administrator Beth Patrick responded that she just received it. Mayor Renner also responded that it is one of those things where the people send it at the last minute and it does not allow us enough time to adequately address it. Village Administrator Beth Patrick responded there can be Special Council meetings held. Mayor Gavin Renner added this is a codification of ordinances that have already been passed by Council over the past year, and they are put into the book.

With no further discussion held, a **motion** was made by Councilwoman Heidi Robinson to suspend the rules for **Ordinance 15-10** and declare as an emergency and was seconded by Councilwoman Mary Renner. A roll call vote was taken with all members voting yea. **Motion passed 5-0.**

With no further discussion held, a **motion** was made by Councilwoman Heidi Robinson to adopt **Ordinance 15-10** as an emergency and was seconded by Councilwoman Mary Renner. A roll call vote was taken with all members voting yea. **Motion passed 5-0.**

Discussion regarding Twitter/Facebook

Mayor Gavin Renner stated a question came up by Councilwoman Olivia Newbold about Council members having personal use of a Twitter. Mayor Gavin Renner added this question was asked if Councilwoman Olivia Newbold could have a personal Twitter account to facilitate conversations with the public so that she wouldn't have to go door-to-door, and this would be her own personal account that wouldn't necessarily be sanctioned by the Village. Solicitor Zets responded this would not be a good idea, and if Councilwoman Olivia Newbold is going to have an account as Olivia the council person, then it is going to be Village-sanctioned because she is acting on behalf of the Village. Councilwoman Olivia Newbold responded that she wasn't asking for a vote from Council in order to have an official Twitter account, but that she was asking the Mayor regarding her concerns. Mayor Gavin Renner gave his concerns were keeping records because there are Records Retentions Rules that the Village is required to follow under the Ohio Revised Code so those things have to be available for the public to inspect at any

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moment. Mayor Gavin Renner stated that the Village Solicitor wasn't sure if it was a Public Record. Solicitor Zets responded that he is sure that it would be a Public Record. Councilwoman Olivia Newbold stated that she had no problem with this, and those things would only be Public Record. Mayor Gavin Renner voiced his concern because they would need to be archived and documented, and that raises the question as to who would be responsible for this. He added if this responsibility would go to the Village staff, and we would be asking them to do this, when they have other things to do, and it is not part of their job responsibilities. Councilwoman Mary Renner voiced her concern that if multiple Council members weighed in on this site, it may become a public meeting, and it would need to be posted. Mayor Renner voiced his concern that it is hard to stop the public from making rude remarks about other people. Councilman Dale Brussee voiced his concern about incorrect information being distributed (on the Twitter account). Mayor Gavin Renner responded that Twitter has no controls on it, and it's always available and with Facebook it's archived and never shown to the public. Village Administrator Beth Patrick asked Councilwoman Olivia Newbold what she would like to see on Twitter that she doesn't see now. Councilwoman Olivia Newbold responded that she actually canvassed the Village, and she has a petition from people of the town showing that they use Twitter and/or Facebook and they would consider that a necessary means of communications to let them know when meetings times are and what will be discussed. Councilwoman Olivia Newbold offered to let Council review the petition. Councilwoman Olivia Newbold stated that what is being touched upon is the way we keep records, and it should not infringe upon any of the Village knowing what is going on. She added that she understands that things are posted on the glass, post office and library, all which we are supposed to do, but why can't we add an additional element to our Village communications. Council President Heidi Robinson asked why this can't be done on the Village's Facebook page to notify residents of meetings. Mayor Gavin Renner responded that he has already done this intermittently, but it comes down to having the personnel to do it. Village Administrator Beth Patrick asked Councilwoman Olivia Newbold if this is just for agendas for Council meetings. Councilwoman Olivia Newbold responded yes and also community events. Mayor Gavin Renner responded that community events are posted. Clerk of Council Sharon Brussee commented that she does not always get all of the information for agendas until Saturday, and there is a timing issue. She added Council if they want someone working on Saturday or Sunday because with the paper postings it must be done 24 hours before the meeting, but there is not the same time constraint for Twitter or Facebook. Councilman Ryan Yzenski responded it doesn't take that long to do. It was stated that it is a matter of getting someone to do it. Councilwoman Olivia Newbold read the benefits of social media as a source of communications and it is a way to get the Village involved. Councilwoman Olivia Newbold provided a picture of the board in the post office, and the difficulty residents have in finding Village information. Councilman Ryan Yzenski voiced his concern about the Twitter account being hacked and what would be done in that instance. Councilwoman Olivia Newbold stated that she didn't know how the Village would be liable. Mayor Gavin Renner responded that he does post a lot of the things that Councilwoman Olivia Newbold recommended on Facebook page, but not the meetings and the agendas. Discussion was held on who would post the agendas on the Facebook page. Councilwoman Mary Renner volunteered to do this since she is an administrator, and Village Administrator Beth Patrick also volunteered to do it. Village Administrator Beth Patrick commented to see how many hits are on this. Mayor Gavin Renner asked about Twitter. Village Administrator Beth Patrick responded to wait on Twitter. Councilman Ryan Yzenski again voiced his concern about hacking on Twitter because he knows how much his personal account gets hacked. Councilman Dale Brussee asked for Solicitor Zets' opinion on Twitter. Discussion was held on why a State Senator can have a Twitter account, and how is it a controversy for a Council member to have a Twitter account. Solicitor Zets responded those are two separate questions and that Council is governed by completely different rules than a State Senator. Councilwoman Olivia Newbold stated that she asked other counsel, and they don't have a problem with her having an official Facebook and Twitter accounts. Solicitor Zets asked who

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Councilwoman Olivia Newbold asked. Ms. Beth Dannaher then asked Solicitor Zets what authority Council has to limit Councilwoman Olivia Newbold from having a Twitter account. Solicitor Zets stated that he is trying to keep Councilwoman Olivia Newbold from getting in trouble by violating the Open Meetings Act and the Public Records Act. Mayor Gavin Renner asked if this is a Council bi-law or Council Rules type of issue. Solicitor Zets responded that Council as a whole must be onboard with this and the processes must be in place. He added it needs to be figured out how to manage the information, and then everyone could have one. Solicitor Zets added that he doesn't want the Village to violate the law. Village Administrator Beth Patrick asked Solicitor Zets if his concern was the liability to the Village. Mayor Gavin Renner responded for Solicitor Zets stating there would be liability to the Council if a member acts in an (official) capacity and the liability transfers to the Village. Discussion was held regarding the Twitter and limiting responses. Councilwoman Mary Renner stated that it will be Public Records.

Councilwoman Olivia Newbold asked if Council members should have an official email. She stated that she has the understanding that there are Council members who share email ids with people who are not a member of Council. She also stated that she has a new email id of onebold@gmail.com and informed Council of this and wanted all Village communication sent to her new email. Discussion was held about receiving official Village information on personal email ids, and they are Public Records. Solicitor Zets recommended Council members getting official Village email ids, and to use them exclusively for official Village business. Mayor Gavin Renner asked if the Village would need a server, and there was concern of the cost for a server. Village Administrator Beth Patrick stated that the Village is limited to 5 official Village email ids by their Internet provider.

Discussion was held regarding the retention policy, possible solutions and archiving. It was discussed as a solution setting up a dummy email account so that official Village email correspondence could be sent to it and it can be controlled. He added that it would meet all of the needs of the law, and the transparency would be there. It was a concern about the cost to the Village to do this electronically. Mayor Gavin Renner stated that a meeting needs to be set up a meeting with the Records Retention Board. Village Administrator Beth Patrick stated to just take it one step account by posting agendas to the Village's Facebook page, and see how that works out before doing anything else. It was agreed that the agendas would be posted on the official Village Facebook page, and the email ids would be looked into. Ms. Beth Patrick added that we need to take baby steps.

Ms. Beth Dannaher asked Solicitor Zets if Councilwoman Olivia Newbold is prohibited from getting official Facebook and Twitter accounts as an official Council person. Solicitor Zets responded they should not be set up until it is figured out controls. Solicitor Zets strongly discouraged this because the Village doesn't have a way to capture those Public Records right now. He added he is not saying don't ever have it. He stated that the Village needs to find a way to process that information and retain it properly, and once it is figured out, and then do it. Solicitor Zets stated he is not saying it is prohibited, but that right now the Village does not have the means to be able to not violate the Public Records Act. Village Administrator Beth Patrick asked if this is something that the Council Rules Committee needs to look at. Discussion was held about the limitations of Twitter with the information being on there forever. Village Administrator Beth Patrick stated that what Solicitor Zets is saying not now until things are figured out. Council President Heidi Robinson reminded everyone there was a past employee using social media that got in trouble. Fiscal Officer Melissa Tremblay advised Council that a \$100 daily fine could be potentially assessed to the Village for failure to provide Public Records. Village Administrator Beth Patrick cautioned Council on the expense of a server because this is a Village. Fiscal Officer Melissa Tremblay added that Solicitor Zets is the Village's legal counsel and he is here to protect the Village. She added that is

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what he is here for. Village Administrator Beth Patrick responded that if Council is not going to abide by his advice, then they need to look for another Village Solicitor. She added that at some point we need to listen to Solicitor Zets. Councilwoman Mary Renner stated the Village has learned from the past and that she felt the Village needs to have all of their ducks in a row before doing this so that the Village doesn't run into any issues.

Executive Session

A **motion** was made by Councilwoman Mary Renner that Council go into **Executive Session** pursuant to ORC 121.22 (G) (2) for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest; and ORC 121.22 (G) (3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action and ask that Fiscal Officer Melissa Tremblay, Village Solicitor Brian Zets and Beth Patrick accompany Council into said meeting and was seconded by Council President Heidi Robinson. A roll call vote was taken with all members voting yea. **Motion passed 5-0.**

Council went into **Executive Session** at 8:15 p.m.

A **motion** was made by Councilwoman Mary Renner to come out of **Executive Session** and seconded by Councilwoman Olivia Newbold. A roll call vote was taken with all members voting yea. **Motion passed 5-0.**

Council came out of **Executive Session** at 8:55 p.m.

Councilwoman Mary Renner made a **motion** to adjourn.
Motion died due to lack of a second.

Councilman Dale Brussee stated that discussion was held regarding the Commissioners and the sewer contract, and the commissioners want to meet again as per their interpretation of the 2-year meeting requirement. He added they need to meet here in Thornville, and they need to meet at the Council meeting, if they want to talk about the contract.

Councilman Dale Brussee made a **motion** that if the commissioners want to talk about that contract then they can talk with Council at that Council meeting and was seconded Council President Heidi Robinson

Discussion held. Mayor Gavin Renner commented the contract states it is to review the contract, and there will be no negotiations at this meeting.

With no further discussion, a roll call vote was taken on the **motion** with all members voting yea. **Motion passed 5-0.**

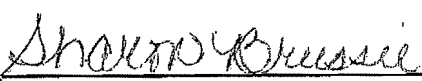
Adjournment:

A **motion** was made by Councilwoman to adjourn. And Clerk of Council Sharon Brussee asked if there was a second. Village Administrator Beth Patrick mentioned the Firehouse. No discussion held. **Motion died due to lack of a second.**

With no further discussion held, Councilwoman Mary Renner made another **motion** to adjourn and was seconded by Councilman Dale Brussee. A roll call vote was taken with all members voting yea. **Motion passed 5-0.** Meeting adjourned at 8:57 p.m.



Gavin Renner, Mayor



Sharon Brussee, Clerk of Council

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