



MUNICIPALITY OF NEW LEBANON

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MEMORANDUM

To: Mayor Nickerson and Village Council Members

From: Bill Draugelis, Village Manager

Re: Council Update

Date: April 11, 2025

Here are some updates on your agenda for Tuesday night's meeting:

- **Ordinance 2025-02 - (Third Reading & Public Hearing) AN ORDINANCE REPEALING SECTIONS 36.20-36.34 OF THE VILLAGE OF NEW LEBANON CODIFIED ORDINANCES, TITLED "MUNICIPAL FINANCE AND TAXATION" AND ADOPTING THE PROPOSED LANGUAGE ATTACHED HERETO TO COMPLY WITH THE CHANGES ENUMERATED IN OHIO HOUSE BILL 33.** The Regional Income Tax Agency (RITA) requires the Village to adopt RITA's model income tax ordinance before they begin to administer the Village's income tax collections. The ordinance presented for the second reading and public hearing at this meeting is RITA's model ordinance adjusted for items unique to New Lebanon.

Municipal income tax codes in Ohio must comply with Ohio Revised Code Chapter 718 and, as such, there is a great deal of uniformity in municipal income tax ordinances throughout the state. A benefit to the process of adopting the RITA model is that the Village can benefit from RITA's expertise and ongoing efforts to ensure that their municipal clients' tax codes comply with current Ohio law. The adoption of this ordinance would not make any substantive changes to the Village's tax code. For instance, key elements such as the rate, the policy on credits, and the allocation of tax proceeds will not change. Any changes would be relatively minor and only if necessary to comply with current state law.

Other items of interest

- We have multiple vacancies on multiple boards and commissions. We only received one letter of interest from Shannon Bemis for the Planning Commission and the Board of Zoning Appeals. Mrs. Bemis resigned from the Board of Tax Appeals and Personnel Appeals Board since becoming an employee. We will still have a vacancy on the Board of Tax Appeals, Personnel Appeals Board, and two positions on the Parks and Recreation Board. The posting for these vacant positions will remain on our website.

I will be giving council a brief update on my first few weeks in office at Tuesday's meeting.

Have a great weekend!

**MUNICIPALITY OF NEW LEBANON,
REGULAR COUNCIL MEETING
April 15, 2025, 7:30 PM**

- I. Call to Order
- II. Invocation/Pledge of Allegiance
- III. Verbal Roll Call of Council Members Present for the Record
- IV. Approval of Minutes
 - A. April 1, 2025, Regular Council Meeting
- V. Unfinished Business
 - A. **ORDINANCE 2025-02 - (Third Reading & Public Hearing) AN ORDINANCE REPEALING SECTIONS 36.20-36.34 OF THE VILLAGE OF NEW LEBANON CODIFIED ORDINANCES, TITLED “MUNICIPAL FINANCE AND TAXATION” AND ADOPTING THE PROPOSED LANGUAGE ATTACHED HERETO TO COMPLY WITH THE CHANGES ENUMERATED IN OHIO HOUSE BILL 33.**
 - B. Appointment to Boards and Commissions
 - I. Appoint Shannon Bemis to the Planning Commission and the Board of Zoning Appeals.
- VI. New Business
- VII. Public Comments or Questions (limit 3 minutes per citizen. No donation of time.)
- VIII. Administrative Staff Comments
- IX. Municipal Manager’s Comments
- X. Council Members’ Comments (limit 5 minutes per Council Member)
- XI. Vice-Mayor’s Comments
- XII. Mayor’s Comments
- XIII. Request to be Added to the Agenda (limit 5 minutes per presentation)
- XIV. Adjournment

**MUNICIPALITY OF NEW LEBANON
REGULAR COUNCIL MEETING
April 1, 2025, at 7:30 p.m.**

The meeting was called to order at 7:30 p.m. by Mayor Nickerson. The invocation was given by Council Member Cooper, followed by the Pledge of Allegiance.

Verbal Roll Call of Council Members Present for the Record

Council Members:

Timothy L. Back	Present
Charles Cooper	Present
Gale Joy	Present
Chris Sands	Present
Melissa Sexton	Present
Nicole Adkins	Present
David Nickerson	Absent

Others Present:

Village Manager Draugelis
Interim Law Director McNamee
Fire Chief Keyser
Service Director Easom
Code Enforcement Administrator Long

Approval of Minutes

- Approval of the March 18, 2025, regular council meeting minutes.

Council Member Cooper made a motion to approve the minutes. Council Member Sexton seconded the motion.

5 yes votes, 1 no vote, minutes approved as presented.

Unfinished Business

ORDINANCE 2025-02 - AN ORDINANCE REPEALING SECTIONS 36.20-36.34 OF THE VILLAGE OF NEW LEBANON CODIFIED ORDINANCES, TITLED "MUNICIPAL FINANCE AND TAXATION" AND ADOPTING THE PROPOSED LANGUAGE ATTACHED HERETO TO COMPLY WITH THE CHANGES ENUMERATED IN OHIO HOUSE BILL 33 (Second Reading & Public Hearing).

New Business

Appointment to Boards and Commissions:

Appoint Shannon Bemis to the Planning Commission and the Board of Zoning Appeals.

Council Member discussion on the appointment questioning if there was a conflict. Mr. McNamee will look into. Appointment tabled until the next meeting.

Vice-Mayor Adkins asked if there was a motion to add Resolution 2025-15 to the agenda.

Council Member Joy asked questions related to A Day at the Park and the liquor license permit resolution on the agenda.

Council Member Joy asked that adding Resolution 2025-15 be tabled because he received it at the meeting and wanted to review. Manager Draugelis explained it was the sewer meter rate increases that should have been added when the sewer rate was increased.

Council Member Joy motioned to table Resolution 2025-15. Motion failed for lack of a second.

Council Member Back motioned to add Resolution 2025-15 to the agenda. Seconded by Council Member Sexton.

Roll Call:

Council Member Cooper	Yes
Council Member Sexton	Yes
Council Member Joy	No
Council Member Sands	Yes
Council Member Back	Yes
Vice-Mayor Adkins	Yes

5 yes votes, 1 no votes, motion carries.

RESOLUTION 2025-13 - A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE REQUIRED LIQUOR LICENSE TO ALLOW BEER SALES AT A DAY AT THE PARK.

Council member discussion on the vendor and timing of liquor license.

Council Member Back's motion received a second by Council member Cooper.

Roll Call:

Vice-Mayor Adkins	Yes
Council Member Cooper	Yes
Council Member Sexton	Yes
Council Member Joy	Yes
Council Member Sands	Yes
Council Member Back	Yes

6 yes votes, 0 no votes, motion carries.

RESOLUTION 2025-14 - A RESOLUTION AUTHORIZING THE TEMPORARY WAIVER OF BUSINESS PERMIT FEES FOR AUGUST 9, 2025, AT A DAY AT THE PARK.

Council member discussion on permit fees others have already paid, waiving fees for this day only for this event, costs of permits, and encouraging vendors to come participate.

Council Member Back's motion received a second by Council member Sexton.

Roll Call:

Vice-Mayor Adkins	Yes
Council Member Cooper	Yes
Council Member Sexton	Yes
Council Member Joy	Yes
Council Member Sands	Yes
Council Member Back	Yes

6 yes votes, 0 no votes, motion carries.

RESOLUTION 2025-15 - A RESOLUTION AUTHORIZING THE INCREASE OF SANITARY SEWER METER RATE FROM \$2.00 PER MONTH TO \$3.60 PER MONTH AND THE MINIMUM CHARGE FROM \$20.00 PER MONTH TO \$24.00 PER MONTH.

Council Member Back's motion received a second by Council member Cooper.

Roll Call:

Council Member Back	Yes
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Vice-Mayor Adkins	Yes
Council Member Cooper	Yes
Council Member Sexton	Yes
Council Member Joy	No
Council Member Sands	Yes

5 yes votes, 1 no votes, motion carries.

Council Member Back spoke on the sewer rates.

Public Comments or Questions

Josh Farley, 136 Bronwood Street, spoke about a social media policy, misinformation, auditor’s findings, and recovery of the findings.

Shannon Bemis, 130 Bronwood, spoke on the sewer rate increase, board vacancies, and eligibility.

Administrative Staff Comments

Fire Chief Keyser informed council about the tanker not being taken to the exhibit in Indianapolis.

Code Enforcement Administrator Long informed council there are multiple zoning cases coming up, gave an update on the demo of properties in the village, and provided a quarterly report. Council discussion on being informed of potential businesses coming in and the options to making zoning violations more efficient.

Service Director Easom informed council of a water main break, repairs needed to our infrastructure, a maintenance program, work that is being done, quotes he gave to the manager, and potholes.

Code Enforcement Administrator Long informed council he picked up all of our old blueprints with the cabinets due to the company going out of business.

Interim Law Director McNamee updated council on Glenna Madden’s lawsuit.

Municipal Manager’s Comments

Thanked everyone for the support and is focused on the community.

Council Members' Comments

Council Member Back discussed getting reimbursed for the findings from the AG.

Council Member Sexton also agreed to go after reimbursement.

Council Member Back discussed getting reimbursed for legal fees from the lawsuit.

Vice-Mayor Adkins asked what the legal fees were for the case Glenna Madden lost.

Council Member Sexton discussed frivolous lawsuits and Mr. McNamee staying on.

Council Member Back expressed appreciation for Mr. McNamee.

Vice-Mayor Adkins expressed appreciation for Mr. McNamee and that he has stayed and fights for our community.

Council Member Back discussed the state of the village, the struggles we are facing, and the good things happening.

Council Member Cooper discussed social media and council are the representatives of the village.

Council Member Sexton discussed council on Facebook.

Council Member Joy discussed charter violations and bullying.

Mr. McNamee discussed no evidence of charter violations.

Tammy Loch, 212 Bronwood, discussed conduct of council members towards other council members, being out of order, and council representing the community.

Jodie Ayler 128 N. Church Street, stated she is new to the community, thought this would be a great place to put up a home, didn't feel welcomed, and wanted to share the potential they saw.

Council Member Back discussed the social media policy and online behavior.

Council Member Sexton extended an offer to Council Member Joy to meet and find a way to move forward for the community.

Vice-Mayor's Comments

Vice-Mayor Adkins talked about team building, social media, all that needs to be fixed,

she is approachable, and moving forward.

Mayor's Comments

None

Request to be Added to the Agenda

None

Adjournment

Council Member Cooper motioned to adjourn, Council Member Back seconded.

Roll Call:

Council Member Sands	Yes
Council Member Back	Yes
Vice-Mayor Adkins	Yes
Council Member Cooper	Yes
Council Member Sexton	Yes
Council Member Joy	Yes

6 yes votes, 0 no votes, the motion passes and the meeting is adjourned.

Meeting adjourned at 9:04 p.m.by Vice-Mayor Adkins.

Approved:

Mayor Nickerson

Date

Clerk of Council

Date

**VILLAGE OF NEW LEBANON
MONTGOMERY COUNTY, OHIO**

**ORDINANCE NO: 2025-02
BY
MAYOR DAVID NICKERSON**

AN ORDINANCE: AN ORDINANCE REPEALING SECTIONS 36.20-36.34 OF THE VILLAGE OF NEW LEBANON CODIFIED ORDINANCES, TITLED “MUNICIPAL FINANCE AND TAXATION” AND ADOPTING THE PROPOSED LANGUAGE ATTACHED HERETO TO COMPLY WITH THE CHANGES ENUMERATED IN OHIO HOUSE BILL 33.

WHEREAS, the Village has enacted portions of Chapter 36 of the Codified Ordinances of the Village of New Lebanon, which is titled “Income Tax,” which delineates the responsibility, authority, and imposition of the Village income tax; and

WHEREAS, the Village must repeal the relevant income tax portions of Chapter 36 to remain compliant with applicable Ohio laws and legislation, namely, House Bill 33; and

WHEREAS, the revisions must also be made in order to move forward with the Village’s contract with RITA in a timely manner; and

WHEREAS, the Village is authorized as a charter municipality to exercise all powers of local self-government; and

WHEREAS, the Village recommends repealing Sections 36.20-36.34 of Chapter 36 and replacing it with the language attached to this Ordinance.¹

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW LEBANON, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:

- SECTION I** Sections 36.20-36.34 of Chapter 36 are hereby repealed.
- SECTION II** The language attached hereto is hereby adopted to replace Sections 36.20-36.34 of Chapter 36 with the section numbers to be modified at a later date.
- SECTION III** All provisions of Chapter 36 not specifically amended herein shall remain the same.
- SECTION IV** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in

¹ Due to the time sensitive nature of this Ordinance and to comply with RITA’s requirements, the section numbers will be modified at a later date.

an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION V That this Ordinance shall be in full force at the earliest date allowed by law.

READING 1: 3/18/25 READING 2: 4/1/25 READING 3: 4/15/25

PASSED this 15th day of April, 2025.

David Nickerson, Mayor

Attest:

Bill Draugelis Date
Acting Clerk of Council

CERTIFICATION

I, Bill Draugelis, Acting Clerk of Council for the Municipality of New Lebanon, Ohio do hereby certify that the foregoing is a true and correct copy of the Ordinance 2025-02 as passed by Council and approved by the Mayor and that the same has been published as required by Section 2.17 of the Charter of the Municipality of New Lebanon.

Bill Draugelis, Date: April 15, 2025
Village Manager/Acting Clerk of Council