

**New Lebanon Regular Council Meeting, January 16, 2024, Meeting Minutes**

The Meeting was called to order at 7:30pm by Mayor Nickerson. The invocation was given by Grant Fullmer from the German Baptist Church, followed by the Pledge of Allegiance.

Verbal Roll Call of Council Members:

Council Members:	
Timothy L. Back	Present
Gale B. Joy	Present
Lyndon Perkins	Present
Melissa Sexton	Present
Tammy Loch	Present
Nicole Adkins	Present
David Nickerson	Present

Others Present:
Police Chief Hensley
Fire Chief Keyser
CFO/Clerk of Council Hinson
Municipal Manager Madden

Approval of the January 2, 2024 regular meeting minutes.

7 Y's and 0 no, minutes approved.

Law Director comments, none due to absence.

Appointment to Municipal Boards. Request and Consideration for Appointment of Carol Macmann to vacancy on Personnel Appeal Board with the term ending 12/31/2026.

Motion to appoint Carol Macmann to Personnel Appeal Board by Council Member Loch, seconded by Council Member Joy.

Roll Call:

Council Member Joy	yes
Council Member Loch	yes
Council Member Perkins	yes
Mayor Nickerson	no
Council Member Sexton	no
Vice Mayor Adkins	no
Council Member Back	no

3 yes 4 no motion failed.

Request and Consideration for Appointment of Carol Macmann to vacancy on Parks & Recreation Board with the term ending 12/31/2025.

Motion to appoint Carol Macmann to Parks & Recreation Board by Council Member Joy, seconded by Council Member Loch.

Roll Call:

Vice Mayor Adkins	no
Council Member Loch	yes
Council Member Joy	yes
Council Member Perkins	no
Council Member Back	no
Mayor Nickerson	no
Council Member Sexton	no

2 yes 5 no motion failed.

Public comments on any Resolution or Ordinance under discussion.

Shannon Bemis, 130 Bronwood Street, asked about the school’s involvement with the project, what the amounts to fund the project would be, and what the project would entail.

Manager Madden answered that the school will provide some money; the grant was for \$50,000, the school will provide \$55,000, and the Village will provide \$60,000. The project would be completely redoing the tennis courts, and the court would be tennis and pickleball lines. The project cannot proceed until the resolution passes and the grant is signed.

Old Business.

Council Member Adkins raised issue with the appointment of George Markus to Planning Board.

Council Member Back wanted to bring forward a motion to review Resolution 2023-15 due to a council member stating that they received their packet late in order to review the resolution prior to the meeting that the resolution was voted on.

Manager Madden commented that legal counsel is not present to advise on that motion.

Mayor Nickerson asked if we could table it until we have legal counsel here.

Council Member Back stated absolutely.

Council Member Sexton asked if they can just vote on it.

Manager Madden asked what exactly they would be voting on.

Council Member Back stated the motion would be to bring back the contract so everyone can look at it.

Manager Madden replied that she can give them all copies of the contract to review them.

Council Member Back stated he would like to review it as a council because at that time Council Member Adkins received her packet late.

Council Member Adkins stated she received that packet that Monday at 9am.

Manager Madden stated that she did review it.

Council Member Back reiterated that he believes that every council member should have time regarding any type of contract and asked for a motion to bring the contract back to review.

Council Member Sexton motioned to bring contract back under review, seconded by Vice Mayor Adkins.

Roll Call:

Council Member Loch	no
Council Member Perkins	abstain
Mayor Nickerson	abstain
Vice Mayor Adkins	yes
Council Member Back	yes
Council Member Sexton	yes
Council Member Joy	abstain

3 yes 1 no 3 abstain motion failed.

Mayor Nickerson brought forth a motion to table this discussion until legal counsel is present. Vice Mayor Adkins motioned, seconded by Council Member Sexton.

Roll Call:

Council Member Loch	yes
Council Member Perkins	yes
Mayor Nickerson	yes
Vice Mayor Adkins	yes
Council Member Back	yes
Council Member Sexton	yes
Council Member Joy	yes

7 yes 0 no, motion carries.

Council Member Back brought up the annexation, and suggested that, once legal counsel is here, the ruling from the Supreme Court case, Kelo vs New London, is looked into.

Council Member Perkins asked how long this would take and would this mess up the annexation for New Lebanon.

Manager Madden stated that the Law Director needs to review it.

Council Member Back added if the ruling of the Supreme Court goes against the annexation then it would be deemed unconstitutional, depending on what the law director finds.

Council Member Perkins asked if we've ever annexed other areas and asked if Montgomery County said it was okay.

Manager Madden stated we haven't submitted anything to them yet, but we have done other annexations.

Council Member Back stated he believes this would fall under eminent domain.

Manager Madden answered no it would not – it's an annexation.

Council Member Perkins brought up the potential property taxes with the houses that would be built.

Council Member Back agreed but brought up that there is a property off of Church Street that already has infrastructure and has been vacant for years and questioned why that wasn't a place of interest for developers.

Council Member Perkins asked if that area is just one house.

Council Member Back answered he doesn't know the acreage but it is a decent amount of land.

Manager Madden stated that you have to have a developer want to come in and develop that area.

Council Member Back stated that we could always sell a developer that area.

Manager Madden replied that we don't own that area.

Council Member Back asked if we own the proposed development area now.

Manager Madden answered no but the person selling it would like to sell it to a developer to develop it and to do that they have to be annexed into the Village. She says that she agrees that it would be great to have a developer develop the area off of Church Street but there has to be a developer that wanting that property and someone selling that property. If he's talking about the 100 acres off of Church Street, we have told them that there's 100 acres there, but this developer does not want to develop that much property.

Council Member Adkins asked how many acres is the proposed development.

Manager Madden answered around 23 acres.

Council Member Back requested that the Manager look into it and get back to him on if it is 100 acres.

Council Member Sexton brought up that the Manager used to bring up things that were discussed at the last meeting under old business and would like her to do that again because it helped her a lot. She moved on to bring up 145 Parkview Dr and asked if we ever found out what's going on and why the cones are still there.

Manager Madden answered that's not ours, the owners are going to have to do something with that, it looks like whoever they had survey it actually went into and destroyed piping underneath.

Council Member Sexton asked if it's just washing away and if they've been contacted.

Manager Madden answered yes basically, and they have been contacted.

Council Member Perkins asked if the annexation is on hold until the attorney can look at it.

Council Member Back responded all he was asking was for the law director to look into the case and make sure it's all okay.

Manager Madden added that the bottom line is that council will have to decide if they want to go through with the annexation. She further asked where council stands on the annexation as an unofficial straw poll since there's a lot of work that goes into the development.

Council Members Perkins, Joy, and Back expressed their support for it.

Council Member Sexton expressed her discontent with the annexation.

Vice Mayor Adkins and Council Member Loch expressed that they would like more information.

Vice Mayor Adkins shared that she would like to see the benefits of going through with it versus not.

Council Member Sexton asked what the Village would be gaining from it.

Vice Mayor Adkins answered property taxes, they would be on the Village water and sewer so we would be getting their payment for those services. She remarked that the school has a lot of open enrollment right now, and if the Village could get more students from New Lebanon, then we won't have to have so many open enrollments.

Council Member Sexton remarked that we used to not have open enrollment and it worked fine.

Council Member Loch asked the Manager if she's talked to the school superintendent and what his opinion is on this.

Manager Madden responded that he's excited to have more homes in the Village.

Vice Mayor Adkins said open enrollment won't go away unless we have enough students to fill our schools; if there is space in the schools, then there should still be open enrollment.

Council Member Sexton brought up hearing people speak at the Planning Board meeting and at the Jackson Township meeting and feels that it isn't right to her. She also asked if the board appointment was denied if it would be reposted.

Manager Madden answered yes.

Council Member Back asked how long away the deadline would be.

Manager Madden answered we usually do about 15 days.

Vice Mayor Adkins asked if anyone else signed up.

Manager Madden answered that Natasha Farley sent emails to her and the Mayor on the 14<sup>th</sup> and the 15<sup>th</sup> but the letters of interest were due by the 11<sup>th</sup>.

Council Member Back brought up that a member of the public requested that a state audit be done by an outside source.

Manager Madden stated that audits for the Village are done every two years by Perry and Associates, which is an outside source.

Council Member Back asked if he can motion for it be done by someone else like the state auditor.

Manager Madden responded that it goes to the state auditor after Perry and Associates do the audit.

Council Member Perkins asked who would pay for it.

Manager Madden answered that everyone pays for their own audits.

Council Member Back brought up that the topic of attendance was brought to council regarding the Zoning Compliance Officer and Service Superintendent and asked how many meetings they attended and what the requirements were for them attending the meetings.

Manager Madden responded that the requirement is that they attend one meeting a quarter and that was brought up the first quarter last year, and they attended one a quarter after that. So they attended all except first quarter last year, but she can go back and verify it.

New Business.

Resolution 2024-01 – a resolution accepting the Ohio Department of Natural Resources (ODNR) NatureWorks Grant Round 29 for the purpose of reconstruction of the tennis courts at Don Rusk Park and authorizing the Municipal Manager to enter into an agreement with ODNR.

Motioned to adopt Resolution 2024-01 by Vice Mayor Adkins, seconded by Council Member Sexton.

Roll Call:

Council Member Loch	yes
Council Member Perkins	yes
Mayor Nickerson	yes
Vice Mayor Adkins	yes
Council Member Back	yes
Council Member Sexton	yes
Council Member Joy	no

6 yes 1 no, motion carries.

Public Comments.

Josh Farley, 136 Bronwood Street, voiced his distaste of the Law Director reviewing the Charter at the last meeting and thinks that the Charter should be rescinded. He went on to report that Council can rescind any resolution if they think it was done improperly and references Vice Mayor Adkins getting her packet late.

Discussion was had with Council, Josh Farley, and a member of the audience about reviewing contracts.

Mayor Nickerson called the meeting back to order.

Josh Farley continued to speak about the Manager's contract – the timeliness of the contract going into effect and timeliness of the resolution regarding the contract.

Shannon Bemis, 130 Bronwood Street, expressed her disapproval with letting an unrecognized person from the audience speak, spoke on the Manager's contract and shamed the council members who said yes to the contract. She then asked if Council did an evaluation on the Manager after the contract was signed.

Vice Mayor Adkins answered yes, about a month ago.

Shannon Bemis expressed her disapproval with council doing an evaluation after the contract was signed and with the Manager getting more perks, and benefits, and pay. She stated she would like an investigation done into previous Council and anyone who had anything to do with this contract. She suggested that Council make a motion to review the resolution and then review the contract in an open session. She brought up the annexation and reported that the water system can't handle it and believes that we can't keep up with what we have to maintain already. She then inquired about two new SUVs in the parking lot and the budget they were taken out of.

Manager Madden answered they are new police cruisers and were out of the police budget.

Police Chief explained the Black SUV will be a marked police vehicle which was approved by Council under Capital Expenditures. The unmarked was disapproved by Council out of Capital from this year and moved to Capitol in 2025. So a used car was purchased with GovDeals money that was brought in from auction so no taxpayer dollars were used to purchase it and the money that was set aside for the car in 2025 can go to something else. The unmarked will be used as a detective car; it was a command vehicle for the city of Cincinnati and was probably taken good care of.

Shannon Bemis asked if the police have take home vehicles.

Police Chief answered it depends on the officers position.

Council Member Sexton asked who has a take home vehicle.

Police Chief answered he has a take home vehicle, along with Captain Chambers, Lieutenant Wortman, and now Detective Weir. He explained in some circumstances, Chief may allow officers to leave their vehicles at their house if they need to quickly stop at their house or are doing back-to-back shifts if another officer does not need that vehicle, but officers do not routinely take home vehicles.

Vice Mayor Adkins inquired to the price of the car that was purchased with GovDeals money.

Police Chief answered \$9,515.

Shannon Bemis asked how much the new marked car was.

Police Chief answered \$42,685, approximately. He noted that obtaining new police cars are ordinarily difficult, so we got lucky with being able to get this. He added that the allotment for

the marked unit was \$55,000 – usually they try to use the budgeted amount to pay for both the purchasing of the vehicle and the outfitting of the vehicle. He stated he is planning to use the Capital money that he has to outfit it, but also plans to auction off equipment from decommissioned cars in order to purchase better equipment.

Shannon Bemis spoke on Natasha Farley emailing her letter of interest for Personnel Board and recounted board appointments that have happened the past year and shared her grievance on the deadline for the boards.

Manager Madden explained that the January 11<sup>th</sup> deadline was so it could be added to the agenda in time.

Shannon Bemis expressed her grievance with the pending litigation case and having to take off work to appear at the case. She further shared her grievances with previous Council. She suggested Council look at incorporating a Whistleblower Act, claiming that there are unsafe work conditions and legal and ethical theft of service.

Tim Back, 31 E Main St, suggested that Council goes to all the Village buildings and get an explanation of all the equipment the Village has. He mentions his background in running a water and sewer facility and brings up the flooding around the Village. He shared his belief that the Police Department is too big. He inquired about a new barn that is at the Service Department.

Manager Madden answered that would be the new salt barn.

Tim Back shared his thoughts and disagreements with the composition of the new salt barn, and approached to show Council a picture of the new salt barn.

Discussion was had about the new salt barn and the construction components of it.

Tim Back mentioned that in the past, Council had reportedly said that if the current Service Superintendent got a raise that he would have to get a water treatment license. He also asked if the Village lost the sewer guy.

Manager Madden answered no.

Tim Back asked if all the service workers have CDLs.

Council Member Back addressed that the Manager said they have CDLs but did not specify what CDLs.

Manager Madden clarified that they don't all have CDLs.

Tim Back mentioned that the lights at the Center for Adolescent Services are out. Discussion was had about the lights being out and about the traffic lights at Church Street.

Manager Madden explained that the components that run the light are obsolete and there aren't replacements and when it gets cold it is set to blinking.

Council Member Sexton asked what we can do about the lights.



Manager Madden stated that it's very costly but it can be looked into again to see what it will cost to fix them.

Administrative staff comments.

Police Chief reported that they just went live with their new bicycle registry on the Village website – people can register their bikes with the police so that, in the event their bike is stolen or lost, it can get back to the owner quicker.

Mayor Nickerson asked Chief what the condition of the police vehicles is and if they'll last a while.

Police Chief answered of the two oldest vehicles in the fleet, one of them is being replaced with the new 2023 and the old one will go to auction. The other was initially purchased by the Fire Department and then was used by Zoning Department with very little use, and in order to conserve funds, it is now converted to be a police vehicle; it is in good shape with about 13,000 miles on it, and it should last long enough to budget for a new marked unit in the future. Police Chief reports that they maintain them well, noting that he initiated alignments for all their vehicles and that they have a preventative maintenance program to make them last as long as they can. The marked units should last a while, and the unmarked units, while older, are not planned to be replaced, unless one of them is destroyed or damaged. We are getting our money's worth.

Fire Chief reported that they received a MARCS grant from the Ohio Department of Commerce and Ohio Fire Marshal Office, and although what was asked for was \$46,000 and they gave \$10,000, it should offset the Capital costs to purchase MARCS radios, which have to be upgraded with unique identifier software by 2025 and causing some of the radios to have to be replaced.

Vice Mayor Adkins asked what the total cost on that project.

Fire Chief answered they allocated \$100,000 for radios.

Council Member Sexton asked if they've had any events for the public at the firehouse, like Bingo.

Fire Chief answered they did an Open House for Fire Safety Week – the first or second week of October – and they planned to continue that but COVID hit. They also have Cookies with a Cop at the Firehouse with Santa and drive Santa on the fire truck throughout the community. For Bingo specifically, we cannot do that in the same way that West Alexandria does it; he explains that he thinks they do it through their association because bingo and other kinds of gambling requires a certain tax-exemption status that we do not have.

Zoning Compliance Officer, nothing.

Chief Financial Officer presented the financial report.

Motion to adopt December 2023 financial report by Vice Mayor Adkins, seconded by Council Member Loch.

Roll Call:

Council Member Perkins	yes
Council Member Loch	yes
Council Member Joy	yes
Vice Mayor Adkins	yes
Council Member Sexton	yes
Council Member Back	yes
Mayor Nickerson	yes

7 yes 0 no motion carries.

Service Department Superintendent, nothing.

Council Member Back stated that he notices a lot of vehicles when he went to the Service Department and asked to look into cleaning it up.

Municipal Manager’s comments, nothing.

Council Member Loch clarified that during a snow emergency, people are permitted to park in their yards in order to be off the road.

Manager Madden stated that is correct.

Council Member Loch stated someone brought up to her about company vehicles parked on the street.

Manager Madden responded they’ll probably leave them on the street and they might get snowed in.

Council Member Loch brought up the videoing of the meetings and asked how quickly the video is on the website.

Manager Madden answered the recording of the meeting will usually go out the same night depending on how long the meeting is and how long it takes to process or it goes out the next morning.

Vice Mayor Adkins asked if the job description for the service workers say they need a CDL.

Manager Madden answered there are two different job descriptions for service workers – one is non-CDL and one is CDL.

Vice Mayor Adkins asked if all the CDL service workers that are employed right now have obtained their CDL within the year.

Manager Madden answered she will check.

Vice Mayor Adkins asked if the Service Superintendent has taken any water tests and how many times he’s taken it if he has.

Manager Madden answered she would check but has not known him to have taken any water testing since she’s been here.

Council Member Perkins asked if all the requested items at this meeting can be addressed at the next meeting.

Manager Madden answered she can try but some of them may take longer.

Vice Mayor Loch requested that the Manager give an update on any investigations after they're done, answer any questions she can at the following meeting.

Council Member Perkins asked about the annexation being tabled.

Manager Madden stated she will look into the Supreme Court ruling that was brought up before it continues.

Council Member Perkins commented that the current tax money will only last so long and that he'd be happy to have new houses come in order to have more tax paying money for the Village.

Council Member Comments.

Council Member Sexton asked if the Village have guidelines for landlords.

Manager Madden answered they would fall under the same guidelines as every other property. If there's a rental property that is breaking the guidelines, the renter and the homeowner should both get a letter. The Village does not have additional guidelines for rental properties.

Vice Mayor Comments.

Vice Mayor Adkins advised everyone to stay safe and stay warm.

Mayor Comments.

Mayor Nickerson noted that the meeting had gone a little long but the council members need to learn and understand what the issues are and promised that they'll get things fixed – they're listening and taking notes. He thanked everyone for being patient and coming out.

Motion to adjourn by Council Member Loch, seconded by Council Member Adkins.

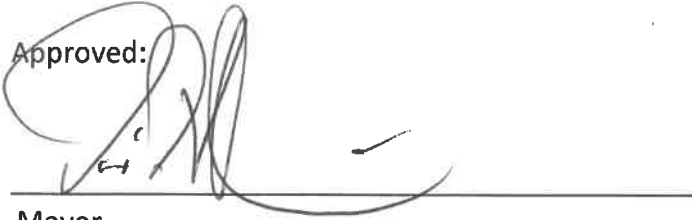
Roll Call:

Council Member Back	yes
Mayor Nickerson	yes
Council Member Sexton	yes
Council Member Joy	yes
Council Member Perkins	yes
Council Member Loch	yes
Vice Mayor Adkins	yes

7 yes 0 no motion carries.

Meeting adjourned at 9:09pm by Mayor Nickerson.

Approved:



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Mayor

2/6/24  
Date



A handwritten signature in black ink, appearing to be initials or a stylized name, followed by a horizontal line.

CFO/Clerk of Council

2/6/24  
Date