

**VILLAGE OF NEW LEBANON  
COUNCIL MEETING  
December 17, 2024, at 7:30 p.m.  
Council Chambers**

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

**VERBAL ROLL CALL OF COUNCIL MEMBERS**

**Council Members:**

|                 |         |
|-----------------|---------|
| Timothy L. Back | Present |
| Gale Joy        | Present |
| Chris Sands     | Present |
| Melissa Sexton  | Present |
| Nicole Adkins   | Present |
| Lyndon Perkins  | Absent  |
| David Nickerson | Absent  |

**Others Present:**

|                                       |
|---------------------------------------|
| Interim Police Chief Wortman          |
| Fire Chief Keyser                     |
| Interim Superintendent Darryl Sorrell |

Vice-Mayor Adkins asked if there was a motion to excuse Council member Perkins' absence. Council member Back made a motion to excuse Council Member Perkins. Council member Sexton seconded the motion.

**Roll Call:**

|                       |     |
|-----------------------|-----|
| Council member Back   | Yes |
| Council member Joy    | Yes |
| Council member Sands  | Yes |
| Council member Sexton | Yes |
| Vice-Mayor Adkins     | Yes |

5 yes votes and zero no votes, the motion passes.

## **APPROVAL OF MINUTES**

- Approval of the November 18, 2024, special meeting minutes.

4 I's and 1 no's, minutes approved.

- Approval of the November 19, 2024, regular meeting minutes.

4 I's and 1 no's, minutes approved.

- Approval of the December 3, 2024, regular meeting minutes.

4 I's and 1 no's, minutes approved.

## **UNFINISHED BUSINESS**

Council member Joy stated on several occasions he has asked Mr. McNamee for detailed billing records. Mr. McNamee stated the detailed narrative of law director invoices are not public records and cited the Ohio Supreme Court. Mr. McNamee also stated that Council member Joy had made a complaint to the Ohio Ethics Commission, and they declined to pursue the complaint.

Mr. McNamee followed up on council questions from previous meetings stating:

Council member Joy has cost the village approximately \$19,000.00 for Mr. McNamee's discourse with Council member Joy's attorney.

Mr. McNamee researched the legality and validity of the New Lebanon Charter Ordinance 4.01 regarding the residency requirement on employees (specifically the Municipal Manager). Mr. McNamee stated ORC 9.481 reflects that the residency requirement contained in our ordinance is a violation of state law further stating the ordinance is void and unenforceable. He stated the Charter Provision must come off the books and gave four options on how to proceed in doing so such as doing nothing, prevail in court if sued to enforce the charter provision, begin a charter review process to the electorate to remove the provision by vote, or file suit in the Montgomery County Common Pleas Court for a declaratory judgment. He recommended options three and four and would gather more information for the council to make a resolution for these actions.

Mr. McNamee stated the Dayton Bar opinion was that Council member Joy is not a client of Mr. McNamee's, the Village of New Lebanon is.

Council member Sexton followed-up on Mr. Bundy's zoning issues. Council member Back stated he spoke with Mr. Bundy and said things are moving along. Council member Sexton inquired into Mr. Dunnigan's home and was determined that Interim Municipal Manager Anderson would have to answer that.

**NEW BUSINESS**

**Ordinance 2024-07 - EMERGENCY ORDINANCE - An Ordinance to Approve the 2025 Pay Scale for Non-Bargaining Unit Employees and Declaring an Emergency.**

Council member Joy stated he was against emergency ordinances and didn't understand why this was an emergency.

Council member Sexton stated she had a few issues with the pay scale and found some discrepancies. She also asked the fire chief if we were going to get an assistant fire chief, if we used volunteer firefighters, and how many firefighters we have. Fire Chief Keyser stated we are not getting an assistant fire chief, we do use volunteer firefighters, and we have approximately 18 firefighters between fulltime, parttime, and volunteer.

Council member Sexton asked to table ordinance 2024-07. Discussion was had on what would happen if the ordinance wasn't passed that night and Council member Sands stated the employees would receive retroactive pay when it was approved.

Council member Sexton motioned to table ordinance 2024-07, seconded by Council member Back.

Roll Call:

|                       |     |
|-----------------------|-----|
| Council member Sands  | Yes |
| Council member Joy    | Yes |
| Council member Sexton | Yes |
| Vice-Mayor Adkins     | No  |
| Council member Back   | Yes |

4 yes votes and 1 no vote, the motion passes, and Ordinance 2024-07 is tabled.

**Ordinance 2024-08 - EMERGENCY ORDINANCE - An ordinance to Authorize Supplemental Appropriations to the 2024 Expenditure Budget, the Repeal of Ordinance 2024-02 and 2024-03, and Declaring an Emergency.**

Council member Joy stated if there were two ordinances introduced there was no need to add a new one.

Council member Sexton made a motion to approve Ordinance 2024-08 and declare an emergency. Council member Back seconded the motion.

Roll Call:

|                       |     |
|-----------------------|-----|
| Council member Sexton | Yes |
| Vice-Mayor Adkins     | Yes |
| Council member Joy    | No  |
| Council member Back   | Yes |
| Council member Sands  | Yes |

4 yes votes and 1 no vote, the motion passes, and Ordinance 2024-08 is approved as an emergency.

**Ordinance 2024-09 - EMERGENCY ORDINANCE - An Ordinance to approve the Annual Budget, Adopt Appropriations for Current and Other Expenditures and Authorize the Transfer of Monies to the Village of New Lebanon, Ohio for the Fiscal Year Ending December 31, 2025 and Declaring an Emergency.**

Council member Joy stated he has not been presented with a monthly financial report since December. Council member discussion regarding our financial situation and budget being fully discussed.

Council member Sands verified this was replacing the previous budget ordinance making a \$10,000.00 adjustment.

Council member Back made a motion to approve Ordinance 2024-09 and declare an emergency. Council member Sands seconded the motion.

**Roll Call:**

|                       |     |
|-----------------------|-----|
| Council member Sands  | Yes |
| Council member Joy    | No  |
| Council member Sexton | Yes |
| Vice-Mayor Adkins     | Yes |
| Council member Back   | Yes |

4 yes votes and 1 no vote, the motion passes, and Ordinance 2024-09 is approved as an emergency.

**PUBLIC COMMENTS**

**Michelle Nadolsky, 301 Ledgewood**, gave thanks to the person responsible for getting the boat moved she brought up at a previous meeting. She asked about the legal process for 301 Lawson. She stated the property behind the Legion still has trash and their fencing in her lot and has gutters falling off. She stated she appreciates zoning and sees changes, but there are still problems out there. Mr. McNamee discussed court action for zoning issues.

The burnt down house on Cain Street was discussed and was stated that a company purchased the tax lien on the home. Interim Municipal Manager Anderson was not present to discuss.

**Brenda Clark, 12 G Street**, asked for the village to help her and fellow residents in the New Lebanon Mobile Home Park. She stated there are new owners and a new management company where several homes are being taken from the residents and they are now homeless. Ms. Clark stated it is a private investment group, and they are handing out violations in order to evict people and take their homes. She stated the condition of the park is terrible with debris, dangerous electric poles down, water lines that are busted, and raw sewage leaking on the ground. She wants to know what the park's motive and plans are for the park in the future. She stated there have been 6 different managers in one year and she can't reach anyone, and they are evicting people while inheriting their real estate for free. Ms. Clark stated she goes to court on 12/26 to find out if she is evicted. She stated in June the park refused to accept her rent and they are bullying and harassing her for voicing her concerns in the mobile home community. She stated they gave out bogus violations and denied two buyers she had interested in purchasing her mobile home.

Council member Back stated the new management company broke a contract he had with them and people have a hard time reaching a property manager.

Council member Sexton asked how many residents had been evicted and Ms. Clark stated she believed there were eight. Council member discussion with multiple residents that were at the meeting asking for help with the Mobile Home Park evicting residents and the issues they have there.

Ms. Clark stated she has called all departments she can think of including the Ohio Department of Commerce. Council authorized Mr. McNamee to investigate this situation. Interim Police Chief Wortman advised Mr. McNamee that Nate Rose (Mr. McNamee's colleague) is somewhat familiar with the situation.

Fire Chief Keyser stated the mobile home park is private and the park provides electricity and water to the residents. He has had issues with the park and has given hazard notices for their poor infrastructure and downed poles. He stated DP&L won't go out there stating the poles aren't theirs and they aren't on their grid. The park won't call a private electrician, so our fire department has had to go on calls due to electric wire/pole issues.

Josh Farley suggested the State Fire Marshal be called.

Other residents that spoke were Crystal Buzzard, J. Partridge, Barb Clark. They reiterated the poor and neglected conditions of the park and the way management is treating their residents.

### **ADMINISTRATIVE STAFF COMMENTS**

Interim Police Chief Wortman stated the past Saturday they had Cookies with A Cop and thanked the fire department for hosting. He stated the push-in ceremony for the new truck was great and the parade went well. He updated that we have two new full-time officers and have a total of five full-time employees now. Interim Police Chief Wortman stated they are waiting for the police chief hiring process to be completed, and we are down to two good candidates.

Interim Service Superintendent Sorrell updated the council that he has a new service worker with a CDL, and he started Monday.

Fire Chief Keyser stated the push-in/dedication ceremony for the tanker was great. He informed the council that he nominated Steve Kautz for fire fighter of the year with

Miami Valley Fire Fighters Association with him having 50 years of service and he will receive his award in January at the annual banquet.

Interim Police Chief Wortman asked for a BCI update and Mr. McNamee said he would get back with him.

Council member Sexton asked Interim Police Chief Wortman when Officer Townsend would be on the road, and he stated he is finishing up paperwork and should be on the road shortly.

Interim Service Superintendent Darryl Sorrell was asked about the water main break on Lawson and when he would be patched. He stated they needed to wait a couple of months for the area to settle.

### **MUNICIPAL MANAGER'S COMMENTS**

Fire Chief Keyser gave Mr. Anderson's comment that the village will be closed at noon on Christmas Eve and New Year's Eve and will be closed on Christmas and New Year's Day.

### **COUNCIL MEMBERS' COMMENTS**

Council member Back thanked everyone for coming out, stated his heart went out to everyone in the trailer park, and wished everyone a happy holiday.

Council member Joy shared that he felt for the residents in the mobile home park and his heart goes out to them. He asked Fire Chief Keyser to pass along congratulations to Steve Kautz and told the police department to stay safe.

Council member Sexton stated the Christmas parade was great and thanked everyone that was involved. She also stated she had a resident contact her about their water being scheduled to be shut off because their check didn't make it to the village and stated that residents should receive notice before their water is shut off. A couple of residents stated you receive an email notification when your bill is due or past due. Tammy Feters, Utility Administrator, was in the audience and stated even if someone didn't want to pay their bill online, they could still create an account to receive all of these notifications. Mrs. Sexton asked Mr. Sorrell if he saw the cement posts that were dumped at Don Rusk Park.

Council member Sands said he was sorry about what the mobile home park residents were going through and hoped that the village could help. He wished everyone a Merry Christmas and a Happy New Year.

**VICE-MAYOR'S COMMENTS**

Vice-Mayor Adkins said her heart goes out to the mobile home park residents, she will pray for them and hopes they can get help.

**MAYOR'S COMMENTS**

**ADDED TO AGENDA**

**ADJOURNMENT**

Council member Back made a motion to adjourn. Council member Sexton seconded the motion.


Roll Call:


|                       |     |
|-----------------------|-----|
| Council member Sexton | Yes |
| Council member Joy    | Yes |
| Vice-Mayor Adkins     | Yes |
| Council member Back   | Yes |
| Council member Sands  | Yes |

5 yes votes and zero no votes, the motion passes.


Meeting adjourned at 9:15 p.m.by Vice-Mayor Adkins.

Approved:

  
\_\_\_\_\_  
Vice-Mayor Adkins

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Acting Clerk of Council

  
\_\_\_\_\_  
Date