

**MUNICIPALITY OF NEW LEBANON
REGULAR COUNCIL MEETING
January 7, 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 Charles Cooper, followed by the Pledge of Allegiance.

Verbal Roll Call of Council Members Present for the Record

Council Members:

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

Others Present:

Acting Manager Anderson
Interim Law Director McNamee
Interim Police Chief Wortman
Fire Chief Keyser
Interim Superintendent Darryl Sorrell
Interim Zoning Inspector Gary Long

Approval of Minutes

- Approval of the December 17, 2024, regular council meeting minutes.

Council member Joy stated on page 3 of the meeting minutes it should be noted that the Dayton Bar did not release an opinion if he was a client of Mr. McNamee, it is what Mr. McNamee stated himself.

Council Member Sexton made a motion to approve the minutes as presented. Vice Mayor Adkins seconded the motion.

4 yes votes and 1 no vote, minutes approved as presented.

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Council Organization

- A. Selection of Vice-Mayor. Mayor Nickerson nominated Vice-Mayor Adkins. Council member Sexton seconded the nomination.

Roll Call:

Council member Sands	Yes	Mayor Nickerson	Yes
Council member Joy	Yes	Council member Sexton	Yes
Vice-Mayor Adkins	Yes		

5 yes votes and zero no votes, nomination passes.

- B. MVRPC Delegate and Alternate. The mayor is the first delegate by charter. Council member Sands nominated Council member Back. Vice-Mayor Adkins seconded the nomination.

5 yes votes and zero no votes, nomination passes.

- C. Volunteer Firefighter's Dependent Fund. Council member Sands nominated Mayor Nickerson and Council member Back. Vice-Mayor Adkins seconded the nomination.

5 yes votes and zero no votes, nomination passes.

- D. Appointment to Boards and Commissions. Council member Sands motioned to reappoint George Markus to the Personnel Appeals Board and the Board of Tax Appeals. Council member Sexton seconded.

Roll Call:

Council Member Sands	Yes	Vice Mayor Adkins	Yes
Council Member Joy	Yes	Mayor Nickerson	Yes
Council Member Sexton	Yes		

5 yes votes and zero no votes, nomination passes.

Review of Municipal Charter

Law Director McNamee discussed section 2.06 of the charter and recommended the review of the charter with elected officials and department heads. Mr. McNamee stated there were a few sections in the charter he would suggest looking at such as section 2.09 relating to absences for council members and section 4.01 relating to residency requirements for the municipal manager which is contrary to Ohio law. Mr. McNamee recommended the council form a charter review committee to review the entire charter. He encouraged anyone interested in participating on the committee to contact Mr. Anderson.

Unfinished Business

Council member Sands clarified with Mr. Anderson that ordinance 2024-07 for the pay scale was tabled at the last meeting and will be reintroduced at the next meeting as ordinance 2025-01.

Law Director McNamee gave an update on the situation with Brenda Clark and others with the New Lebanon Mobile Home Park. Mr. McNamee stated he has been looking at different options from reviewing statutory law and the ORC, looking into other authorities such as the EPA, along with reviewing New Lebanon's ordinances and reaching out to other municipalities that have been in similar situations. Mr. McNamee will be compiling information to pass along to the council and then suggests they meet for a work session. He would also like to review the property with the fire chief. Mr. McNamee stated the State Fire Marshall also passed along several groups for legal aid resources for residents.

Council member Sexton asked if the MHP is charged for police and fire services, and it was stated by Mr. Anderson and Fire Chief Keyser that since they are within the village they are covered as residents. Mrs. Sexton also followed-up on Mr. Bundy and Mr. Dunnigan's homes. Mr. Anderson stated that Mr. Bundy has been working with Mr. Long in zoning, and he will follow up with Mr. McNamee regarding Mr. Dunnigan's home which is far more complex.

Council member Joy asked if Mr. McNamee has contacted BCI regarding the investigation of the police department. Mr. McNamee stated he has contacted them, and it is in process. Mr. Joy asked why we didn't go with the second pick in the municipal manager search. Mr. Anderson stated that he did speak with him, that there needs to be mutual interest to move forward. Mr. Anderson stated that it best to start the process over.

New Business

Mayor Nickerson motioned to add resolution 2025-02 to the agenda confirming that Council member Perkins has not forfeited his position pursuant with the charter section 2.09. Council member discussion regarding the charter section relating to council member attendance requirements and the extenuating circumstances with Council member Perkins’ personal and health issues. Mr. McNamee stated that it was his legal opinion that the Charter is self-executing, and that Mr. Perkins’ seat is vacated.

Shannon Bemis, 130 Bronwood Street, stated the charter is specific to the attendance requirement and didn’t feel it was right to adopt the resolution. Ms. Bemis suggested Council member Perkins vacate his seat per the charter, and the council can reappoint him to fill the unexpired term if they wish to keep him on council.

Joshua Farley, 136 Bronwood Street, echoed the specifics of the charter section addressing council member attendance. Mr. Farley stated he felt bad for Council member Perkin’s issues, but we must follow the charter and with Council member Perkin’s health issues, vacating his seat is beneficial to the community because of his decline.

The motion to add Resolution 2025-02 to the agenda died due to lack of a second.

Resolution 2025-01 - A Resolution Authorizing the Acting Village Manager to Enter into an Agreement Between Jackson Township and the Village of New Lebanon for Fire Protection and Emergency Medical Services.

Council member Sexton received confirmation that this was a renewal and none of the terms changed.

Council member Sands’ motion to approve was seconded by Council member Sexton.

Roll Call:

Mayor Nickerson	Yes	Council Member Joy	Yes
Council Member Sexton	Yes	Council Member Sands	Yes
Vice-Mayor Adkins	Yes		

5 yes 0 no, motion carries.

Public Comments or Questions

Theresa Cooper, 433 Hazelhurst, asked about streetlights that were out and who was responsible for them. Mr. Anderson stated we have a contract with Miami Valley Lighting and he just needs to be told the pole number or the street that the pole is on and he can report it to the company to come out and make the repair.

Michelle Nadolsky, 301 Ledgewood, questioned why we have an ordinance that people must move their cars from the street when it snows for plowing, yet it is not enforced through vehicles being tagged or towed. Mrs. Nadolsky stated there has been a vehicle parking in their front yard on Church and Lawson and has created deep ruts. She also stated there is an enclosed trailer parked in the front yard of a home on the north side of Perry Street.

Natasha Farley, 136 Bronwood Street, thanked Police Chief K for staying during the meeting after the open house and stated it is night and day with the new administration. Mrs. Farley addressed Council member Joy stating he used to have a fire within him for the law and reason and wants that person back for our community. She stated the charter review committee met last year and the board was a sham of all friends and yes men. Mrs. Farley stated we need to follow the charter or abolish it and go by the ORC.

Joshua Farley, 136 Bronwood Street, thanked the council for looking into the issues with the trailer park, stated we need to stay with the charter, and thanked Police Chief K for staying around for the meeting.

Brenda Davis, 12 G Street, thanked council and Mr. McNamee for looking into the trailer park situation.

Administrative Staff Comments

Interim Zoning Inspector Long provided Mr. Anderson with a year-end report. Council member Adkins asked about the two food trailers on Main Street in front of a business. Mr. Long stated he will investigate what the plans are for that business, but the trailers may be permitted there by the code.

Interim Service Department Superintendent Sorrell stated the service department has been busy with plowing from the snowstorm and there were a lot of cars on the road. Council members gave thanks to the service department for their work.

Fire Chief Keyser stated the new medic was sent from Horton's back to Rush for repair and he would continue to follow-up.

Interim Police Chief Wortman stated the previous guidance he has received regarding the snow ordinance was that if the service department could not get down a street, they were to call the police department to report and then the police would either ask the owner to move the vehicle or it would be tagged or towed. He stated he would get with Mr. Anderson on how to move forward with the ordinance.

Council member Sexton asked Interim Police Chief Wortman about panhandlers on the corner, and he stated he would look into it.

Municipal Manager's Comments

Mr. Anderson gave Mr. Sorrell and his department a lot of credit for all the work they did with the large amount of snow we had. He stated the focus is on the major roads, then the smaller streets, and then go around cleaning things up. Mr. Anderson reminded everyone that there is a meeting next Tuesday at 7:00 p.m. to discuss water and sewer rate increases as well as discussion of outsourcing our tax collection services to the Regional Income Tax Agency (RITA).

Council member Sands brought up the article in the DDN from December 12th asking if the reporter's public records request had been filled asking for meeting minutes from the interview sessions of the municipal manager applicants. Mr. Anderson stated the Mayor and two council members sat in on the first round of interviews with him and it was not a quorum or meeting so there were no public records created. Mr. Sands asked how much it cost the village for the first round of the municipal manager hiring process. Mr. Anderson stated it didn't cost anything. Council member Sands asked how long Shannon Bemis has been on payroll and what her position is. Mr. Anderson stated about a month as a part-time admin. Mr. Sands asked if this was the same position that someone was fired from being an at-will-employee and Mr. Anderson stated it was not. Mr. Sands stated there were accusations being made about people creating positions for families and friends and now she has a part-time position. He stated on May 21st she stood before council and created a volunteer position for herself and the only two people that spoke up were Council member Joy stating it wasn't up to council and Ms. Loch's concern was with those that lost their jobs. Mr. Anderson reminded Mr. Sands that it is his discretion on hiring of employees. Council member Sands agreed. Mr. Anderson said she had been voluntarily helping, and he needed someone that was familiar with the operation and could help. Council member Sands stated he believes that it is illegal because if free labor is not compensated then it becomes a gift, and an elected official cannot receive a gift. Mr. Anderson stated he is not an elected official.

Council Members' Comments

Council member Sexton stated she dislikes Facebook and how rumors start. She asked if anyone has a question to call and get an answer and not assume or listen to the rumors.

Council member Joy stated we have been violating the charter for over a year.

Council member Sands asked about the N.L.Y.A. contract and Mr. Anderson stated there is a three-month grace period in the current contract and it will be on an upcoming agenda for council to approve. Mr. Anderson stated he is waiting for a confirmation on who he is speaking to via email because it is unsigned, and he wants to verify the person is authorized to speak on behalf of the N.L.Y.A.

Vice-Mayor's Comments

None

MAYOR'S COMMENTS

None

Request to be Added to the Agenda

None

Adjournment

Council member Sexton motioned to adjourn, Council member Sands seconded.

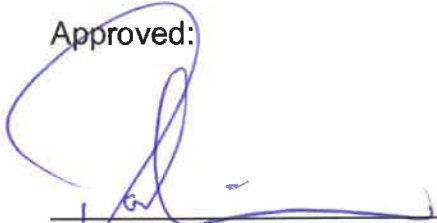
Roll Call:

Council member Sands	Yes	Mayor Nickerson	Yes
Council member Joy	Yes	Council member Sexton	Yes
Vice-Mayor Adkins	Yes		


5 yes votes and zero no votes, the motion passes and the meeting is adjourned.

Meeting adjourned at 8:47 p.m.by Mayor Nickerson.

Approved:



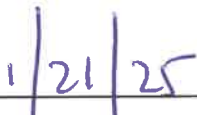
Mayor Nickerson



Date



Clerk of Council



Date