

## Regular Council

February 19,

2024

The meeting was called to order at 7:30 p.m. Mayor Jarvis presiding.

### **ROLL CALL**

The following Village Council members were present: Keith Bacin, Adam Gongwer, Wynn Kearns, Kim Little, Jeff O'Brien and Todd Wise.

Motion by LITTLE to excuse  
Councilman Hoptry.

Seconded by O'BRIEN.

Roll call. Yeas: 6; Nays: 0; Abstains: 0.

Motion carried.

Other officials present: Attorney John Studenmund, Chief Troy Weaver, and Village Administrator Peter Them, Finance Director Jim Banks, Park Superintendent Todd Ward. Residents and other guests: Robert Price Jr. of 440 Clearview Road Mansfield; Adam McElroy of 139 Popular Street Mansfield; Judge David Badnell of Lexington; Charles Comstock of 199 Essex Road; Donald Zehner of Mansfield.

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF MINUTES**

Motion by O'BRIEN to approve the minutes  
of February 5, 2024 Regular Council Meeting.

Seconded by WISE.

Roll call. Yea: 5; Nays: 0; Abstain: 1 (KEARNS)

Motion carried.

### **FIXING TIME OF ADJOURNMENT**

Motion by GONGWER to set the time of adjournment  
for 8:15 p.m. Seconded by KEARNS

Roll call. Yeas: 6; Nays: 0; Abstains: 0;

Motion carried.

### **COMMUNICATIONS FROM CITIZENS**

Mayor Jarvis requested any Village resident wishing to address Council concerning Council business to please stand, state their name and address for the record, and their purpose for attending Council.

Charles Comstock of Essex Road thanked Council for quick action regarding potholes throughout the parks. Mr. Comstock recommended the Village post parking availability during the total eclipse. Mr. Comstock attended the last solar eclipse in Kentucky and without signs motorists were stopping in the middle of streets. Mayor Jarvis agreed. Chief Weaver will have plans. Mr. Weaver noted that the schools will be closed and their parking facilities barricaded.

Judge Badnell introduced himself to Council Members.

Donald Zehner, Republican Candidate for Richland County Sheriff introduced himself to Council and revealed his strategy if he was elected Sheriff.

## Regular Council

February 19,

2024

### **COMMITTEE REPORTS**

RULES AND PERSONNEL: No report.

FINANCE: No report.

SAFETY SERVICE: Met last week for budget 2024. Minutes have been read and approved.

PUBLIC UTILITIES: Budget meeting 6:15 March 4<sup>th</sup>. We will be discussing project with KEM. The remote read water meter install has been well received within the Village. Prior to the new equipment there have been unusual water leaks. We are now seeing more accurate readings.

STREETS & SIDEWALKS: We had meeting before tonight's Council meeting to discuss capital expenditures. Next meeting will be June 4<sup>th</sup>.

BUILDINGS & GROUNDS: Committee meets after tonight's Council session.

### **FINANCE REPORT**

Mr. Banks reported the month of January has been balanced. Mr. Banks welcomed new Council members.

Motion by LITTLE to approve

The Finance report.

Seconded by WISE.

Roll call. Yeas: 6; Nays: 0; Abstains: 0.

Motion carried.

### **ADMINISTRATIVE DIRECTOR'S REPORT**

As reported by Finance Director Peter Them:

Two employees were selected for Grievance Committee. Tristan Kraft will represent the service departments and Mike Davis will represent the safety department.

The fort, at Bicentennial Park, has exceeded its service life. The playground equipment is over 25 years old. The coating is completely gone, the decks are rotting, and many other safety issues exist. We will be addressing this in our Buildings and Grounds Committee meeting following tonight's Council session.

I am working with Councilman Wise regarding the crosswalk on Plymouth Street. We will meet again next Wednesday morning; money is available.

There has been an issue with Poggemeyer and Kleinfelder merger. The ball was dropped on the US Route 42 bridge repair project.

Councilman Wise asked that Village set a time line [when/what] for opening the Pickle Ball court and Basketball court. Mr. Wise said the Village needs to set a date when the courts will be open. Mr. Ward, Supervisor of Parks and Maintenance, stated they do watch the weather but having gates to the courts do offer an option. Councilman Wise said talk to your committee regarding the gates.

Councilman Bacin noted the line of sight at Holiday Hill is very bad. Chief Weaver added there is an overgrown tree in the southbound lane and the northbound line of sight is often blocked by overgrown shrubs. The Chief also noted that a truck is frequently parked in the driveway and blocks the view. Councilman O'Brien updated the truck belong to the old owner; the house has recently sold but the new owners need to be told to trim the bushes.

Councilman O'Brien requested corporation limit signs throughout the Village so guests can recognize when they have reached our Village. After all, Mr. O'Brien noted, we are the biggest Village in Richland County and it is important to identify where our corporate line begins. Councilman O'Brien observed no corporate signs at crossroads Orchard Park and Middle-Bellville Roads, and Lexington-Ontario Road. It is important that we announce, "This is where Lexington begins."

## Regular Council

February 19,

2024

### **Mayor's report**

As reported by Mayor Bob Jarvis:

I met with Jeremy Secrist, Superintendent of Lexington Schools, and he addressed the coming eclipse and expected spectators. Chief Weaver has plans for patrolling during the eclipse and Pete Them will be taking care of the utilities for the Village of Lexington. Chief Weaver added that this is nothing out of the ordinary for the officers; we have handled big races where at least 150,000 spectators attend for the weekend.

I received an email from Rob Dorns regarding prevailing wages for the remote water meter project. I have talked with John Studenmund and he states we are good. But we do need a prevailing wage administrator.

Motion by O'BRIEN electing Mr. Peter Them  
as Prevailing Wages administrator for the  
Village of Lexington.

Seconded by LITTLE.

Roll call. Yeas: 6; Nays: 0; Abstains: 0.

Motion carried.

Jami Kinton-Sluss asked to hold an egg-hunt for the Village at noon on March 24<sup>th</sup> in Patriot Park.

Motion by BACIN allowing for egg hunt  
in Patriot Park hosted by Jami Kinton-Sluss on  
March 24<sup>th</sup> in Patriot Park.

Seconded by KEARNS.

DISCUSSION – Councilman Kearns requested that Jami clean up after the hunt.

Roll call. Yeas: 6; Nays: 0; Abstains: 0.

Motion carried.

I attended the Richland County Planning Commission meeting. Nothing has been decided regarding the feasibility grant, but it is looking favorable.

We submitted a grant application to the State of Ohio via State Representative Marilyn John. I had to resubmit later to Senator Romanchuk. Councilman Bacin asked if the Mayor received any feedback. Mayor Jarvis replied the only comment Marilyn made is that the Village will not be getting the 5.7 million we applied for. Mayor Jarvis added he will be calling Senator Romanchuk tomorrow.

### **POLICE CHIEF'S REPORT**

As reported by Chief Weaver:

I will be putting something together for the eclipse event in the next couple of weeks.

Councilman Bacin thanked the Parks Department for covering up the graffiti on the bike trail. Administrator Them also thanked Supervisor Ward for his pro-active actions.

### **PARLIMENATARIAN REPORT**

As reported by Parliamentarian Keith Bacin:

Reminder tomorrow is the last day to register to vote in the primary.

**ORDINANCES AND RESOLUTIONS**

**Ordinance No. 24-08 by Mr. Kearns  
AN ORDINANCE TO APPROVE AND ADOPT A DISINTERMENT POLICY FOR  
THE LEXINGTON-TROY TOWNSHIP UNION CEMETERY.**

Motion by KEARNS to waive rules of Council  
requiring that an Ordinance comes from a  
standing committee.

Seconded by LITTLE.

Roll call. Yeas: 6; Nays: 0; Abstains: 0.

Motion carried.

Motion by KEARNS to waive rules of Council  
requiring that an Ordinance is read on  
two separate occasions.

Seconded by LITTLE.

Roll call. Yeas: 6; Nays: 0; Abstains: 0.

Motion carried.

Motion by KEARNS to adopt.

Seconded by LITTLE.

DISCUSSION: Councilman Kearns explained the action by the Cemetery Board. The Ohio Revised Codes clearly define the laws regarding townships and municipalities, but the Union Cemeteries section is very brief; there is no legislation regarding disinterment. Attorney Studenmund added the Ordinance reflects the Township language creating a policy where, currently, there were none. Councilman Bacin stated this action is long past due.

Roll call. Yeas: 6; Nays: 0; Abstains: 0.

Motion carried.

**Resolution No. 24-09 by Mr. Gongwer  
A RESOLUTON APPROVING THE HIRING OF ANDREW SMALLSTEY AS A  
PART-TIME CONSULTANT AND DECLARING AN EMERGENCY.**

Motion by GONGWER to waive rules of Council  
requiring that an Ordinance comes from a  
standing committee.

Seconded by KEARNS.

Roll call. Yeas: 5; Nays: 1 (Little); Abstains: 0.

Motion carried.

Motion by GONGWER to waive rules of Council  
requiring that an Ordinance is read on  
two separate occasions.

Seconded by KEARNS.

Roll call. Yeas: 5; Nays: 1 (Little); Abstains: 0.

Motion carried.

Regular Council

February 19,

2024

Motion by GONGWER to adopt.  
Seconded by KEARNS.

DISCUSSION: Councilman Little asked how much money will Mr. Smallstey be paid? Attorney Studenmund replied, that it is up to the Council to decide. Councilman Kearns noted that many consultants charge \$200.00 to \$250.00 per hour, whereas Mr. Smallstey is broken down quartered hours. Mayor Jarvis suggested \$75.00 per hour and not \$100.00. Councilman Kearns asked where the money will come from. Mayor replied from zoning department. Mr. Kearns noted this transition was not given much time to carry over. The information Mr. Smallstey has is valuable. Councilman O'Brien asked who will keep track of the hours worked? Councilman Wise stated Council could be capped. Councilman Bacin asked if there was a time frame for the contract. Attorney Studenmund stated very little time or none. Councilman Kearns noted it is a rate without benefits. Mr. Wise stated he trusts Peter to use it wisely. Council President Gongwer asked if it was possible to use a number that is divisible. Councilman Kearns and Councilman Bacin both agreed, \$80.00 is good. Mr. Gongwer asked if there is a deadline to the contract and was told no.

Roll call. Yeas: 6; Nays: 0; Abstains: 0.  
Motion carried.

**OLD BUSINESS**

Councilman Kearns announced that Elizabeth Michalski has been appointed as Troy Twp Fiscal Officer, and has also been elected as Lexington – Troy Twp. Union Cemetery Board Treasurer. She is a Delaware Street resident with an excellent financial background and has already started in her new role.

**NEW BUSINESS**

No comments were heard.

Motion by KEARNS to adjourn to  
Executive Session to discuss purchase or sale of property.  
Seconded by LITTLE.

Roll call. Yeas: 6; Nays: 0; Abstains: 0.  
Motion carried.

Mayor Jarvis requested Attorney Studenmund and Administrator Them to attend the Executive Session.

**Council adjourned to Executive Session at 8:15 p.m.**

Motion by O'BRIEN to reconvene  
to Regular Council Session.  
Seconded by LITTLE.

Roll call. Yeas: 6; Nays: 0; Abstains: 0.

Regular Council

February 19,

2024

Motion carried.

**Council reconvened to Regular Session at 8:26 p.m.**

**MISCELLANEOUS**

Councilman Bacin has heard too often that “sheds” or barn” are loosely termed and in reality it is an Air BNB. Attorney Studenmund noted that there are other words that are being applied to Air BNB. Mayor Jarvis added that Planning Commission will be meeting next week to review our zoning code and that Gene Parkison will be meeting with Attorney John Burton to update our zoning laws. Mr. Bacin said being concerned about its arrival is no longer valid; they are here. Councilman Kearns commended the analogy especially with race weekend traffic.

Motion by BACIN to adjourn  
before the appointed hour.

Seconded by KEARNS.

Roll call. Yeas: 6; Nays: 0; Abstains: 0

Motion carried.

**Meeting was adjourned at 8:29 p.m.**

Respectfully submitted,

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Brenda J. Wilson  
Clerk of Council

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Bob Jarvis  
Mayor