

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

ROLL CALL

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

Other officials present: Law Director John Studenmund, Lieutenant Brett Neuenschwander, Finance Director Jim Banks, and Village Administrator Andrew Smallstey.

Residents and others present: Michael Mitchell of 410 Fox Road, Keith Bacin of 419 Cedarwood Drive, Robert Heckathorn of 150 Sherwood Drive, John Harris of 3361 State Route 546, Kim & Mark Bowman of 4081 State Route 546, Jeff Carter of Kell Hardware/Castor Road, Tyler Getz of 400 Highridge Road, Mike Walker of 4084 State Route 42 South, and Joe Trolian of 2140 Willow Lane.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Motion by O'BRIEN to approve the minutes of August 1, 2022 Regular Council Meeting.

Seconded by KEARNS.

Roll call. Yea: 6; Nays: 0; Abstain: 0.

Motion carried.

FIXING TIME OF ADJOURNMENT

Motion by JARVIS to set the time of adjournment for 8:45 p.m. Seconded by GONGWER.

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

Motion carried.

PROCLAMATION: MHRS

Mayor White presented proclamation to Joe Trolian, Executive Director of Richland County Mental Health and Recovery Board, recognizing September as recovery month.

COMMUNICATIONS FROM CITIZENS

Mayor White 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.

Mike Walker, Walker Brothers Excavation, spoke on behalf of John Harris, residing at 3361 State Route 546, and the problems Mr. Harris has with his driveway. It is the belief of both parties that the driveway is being flooded due to rain, debris, and construction/new school being laid out in the Village above Mr. Harris' property. Mr. Walker stated since 2011 Mr. Harris has spent over \$30,000.00 on repairs to his driveway. Mr. Harris stated when heavy rainfall hits, he loses use of his drive and unable to leave his property. Mr. Harris stated the retention pond in the Gables area is worthless and not well maintained. The retention pond is within the village limits, Mr. Harris' property is not. Mayor White replied the Richland Soil and Water handles the Village for this problem. He will contact and set up a meeting with the county crew.

Mr. Heckathorn of Sherwood Drive noted Village Ordinance Charter states that it is possible for changes to be done by ordinance only.

Mr. Bacin of Cedarwood noted the beehives, located on property within the Village, is not permitted according to Lexington's ordinances. Bees are classified as invertebrate species and is protected by other village legislation. Mr. Bacin stated the biggest concern is for the safety of the residents. Also the size of the property and the number of hives needs to be taken into consideration. The hives are located at 429 Cedarwood Drive. Mr. Bacin expressed concern regarding the 'fly away zone' and the residents living within the area.

Mr. Carter, proprietor of Kell Hardware, requested the Village have the alley behind his establishment repaved. Mr. Carter told Council the roadway was recently paved by Sarver Paving Company, hired by the Village. Days following the completed work the store's backroom was flooded by rains that fell and has continued with every rainfall. Mr. Carter stated when it rains the road is currently higher than the foundation and the water spills over into his building and fills the dirt-floored room. When Mr. Carter previously complained to the Administrator, the street supervisor was sent in to repair. Nothing was resolved. The asphalt is compressed against the building's siding. Mr. Carter wants the road scraped back to the original brick and asphalted properly. Mr. Carter noted asphalt halts production October 31st and work must be completed before that date. Mr. Carter specifically stated not to send the street supervisor.

Mr. Randy Spencer of Cedarwood told Council of his ongoing problem with his neighbor and her bad fencing. Mr. Spencer noted the police have been called in twice due to the neighbor's poor property line maintenance. Mr. Spender request the Village to stand behind their fence ordinance and have the neighbor remove her fence that is currently erected on the property line. Mr. Spencer pointed out that in order to mow around his flower bed he is forced to go on the neighbor's property. The problem will be referred to Rules & Personnel Committee.

COMMITTEE REPORTS

RULES AND PERSONNEL: Committee met before tonight's Council session. We will schedule another meeting to address the fencing question on

Cedarwood.

FINANCE: Bills have been reviewed and approved for last two months. Ordinance 22-20 tonight.

SAFETY SERVICE: No report.

PUBLIC UTILITIES: No report. This is a water bill issue and I will be contacting the resident.

STREETS & SIDEWALKS: Committee meeting will be scheduled to discuss Carter's alley and the Ordinance Safety Study results.

BUILDINGS & GROUNDS: No report.

FINANCE REPORT

As reported by Finance Director Jim Banks:

July books are completed and report is before Council. August report will be done September 19th Council session.

Motion by LITTLE
to approve Finance report.
Seconded by WISE.
Roll call. Yeas: 6; Nays: 0; Abstain: 0.
Motion carried.

ADMINISTRATIVE DIRECTOR'S REPORT

As reported by Administrative Director Andrew Smallstey:

Village property and liability insurance is up for annual renewal with Hummel Group/Argonaut/Trident Insurance.

Motion by JARVIS to renew
property & liability insurance with
Hummel Group/Argonaut/Trident Insurance.
Seconded by LITTLE.
Roll call. Yeas: 6; Nays: 0; Abstains: 0.
Motion carried.

Request was made to AEP for street lighting for State Route 546 at the new school entrance and near the maintenance building. Work will be begin shortly.

The Blueberry Festival was a success. All expenses and maintenance hours have been sent to the festival committee.

Roger Kilgore and I have started reviewing 2023 street resurfacing project. We have included curb assessment for curbs that are needed only.

Tonight's legislation for income tax software will be awarded to Civica, as hoped. Net Point will finalize server replacement and install the new software. This will be completed before fall allowing Mrs. Fagan to become familiar with the software before next tax season.

Suez/Veolia was only bid received for meter replacement project. We will award the bid at next meeting and apply for funding through OWDA in October.

Work is scheduled to begin across the street at the former Decker's site on September 26th.

Councilman Little asked if letter has been sent regarding the trailer parked at old restaurant. Mr. Smallstey stated the trailer is permitted use in the Business District. Mr. Little asked what is happening with old bank purchased by Nickle & Bean. Mayor White noted they returned to working on the lot today.

MAYOR'S REPORT

As reported by Mayor Brian White:

Mayor White thanked Council President for stepping in last Council while he was sick.

Liquor License renewal request due to name change from Lex Lanes to Lex Luray Enterprises. No hearing was requested.

Mayor White thanked all those who worked the successful Blueberry Festival.

An appeal has been filed with the courts for our denial of the conditional use for the gas station.

Regional Planning, with satellite equipment, has surveyed our sidewalks. Stated they will have completed report September or October.

For the Comprehensive Plan Zoning, I requested the scope and cost estimate to audit for our zoning purposes.

I attended the ribbon cutting at the B & O bike pavilion and maintenance building.

Councilman Kearns stated he has received several compliments regarding the blue lights on street lights. Mr. Kearns asked if the color scheme will change with the holidays. Mr. Smallstey replied no but added the Village will work to compliment Light Up Lexington.

POLICE CHIEF'S REPORT

As reported by Lt. Brett Neuenschwander:

Thank you to Dispatcher Ally VanHouten for her dedicated six years to the Village. Ally will go to part-time.

We held practice for active shooter at the old junior high school.

Councilman O'Brien asked if the department has collected data for speed limit on Orchard Park Road. Lieutenant Neuenschwander will ask the Chief.

Mayor White noted the Police Department is currently short-handed but still managed to have officers familiarize themselves with the new school building.

PARLIMENATARIAN REPORT

As reported by Parliamentarian Councilman Gongwer: No report.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 22-20 by Mr. Little

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE DIRECTOR TO CONTRACT WITH CIVICA FOR UPDATING THE VILLAGE'S INCOME TAX SOFTWARE, AND DECLARING AN EMERGENCY.

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

Seconded by GONGWER.

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

Motion carried.

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

Seconded by GONGWER.

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

Motion carried.

Motion by LITTLE to adopt.

Seconded by GONGWER.

DISCUSSION: NO DISCUSSION

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

Motion carried.

ORDINANCE NO. 22-21 by Mr. Wise

AN ORDINANCE AUTHORIZING ADMINISTRATIVE DIRECTOR TO MAKE APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) ON BEHALF OF THE VILLAGE FOR 90/10 FUNDING FOR PLANNED SAFETY IMPROVEMENTS AT VARIOUS LOCATIONS OF THE VILLAGE AND ACCEPT GRANT FUNDING AWARDED PURSUANT TO THE APPLICATION THEREFOR.

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

Seconded by KEARNS.

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

Motion carried.

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

Seconded by KEARNS.

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

Motion carried.

Motion by WISE to adopt.

Seconded by KEARNS.

DISCUSSION: Councilman Little asked that the Fire Department be alerted of any changes that may serve as an obstacle for the larger equipment. Mayor White confirmed this is not regarding possible roundabout. Mr. Little expressed concern about roadway changes; particularly going from three lanes to four lanes and a bike lane. Also expressed concerns about the mid-block crossing that was proposed at earlier street committee meeting.

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

Motion carried.

ORDINANCE NO. 22-22 by Mr. Gongwer
AN ORDINANCE AMENDING ARTICLES TWENTY-TWO, SICK LEAVE;
TWENTY-EIGHT, VACATION; TWENTY-NINE, HOLIDAYS; THIRTY-EIGHT,
REIMBURSABLE EXPENSES; AND FIFTY-THREE, DISCIPLINARY PRACTICES,
OF THE VILLAGE PERSONNEL HANDBOOK, AND DECLARING AN
EMERGENCY.

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

Seconded by O'BRIEN.

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

Motion carried.

Motion by GONGWER to adopt.

Seconded by O'BRIEN.

DISCUSSION: All were from Council committees.

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

Motion carried.

OLD BUSINESS

No comments.

NEW BUSINESS

No comments.

Motion by JARVIS to adjourn to
Executive Session to discuss real estate purchase.

Seconded by GONGWER.

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

Motion carried.

Mayor White requested Attorney Studenmund and Administrator Smallstey to
also attend the Executive Session. No action will be taken.

Council adjourned to Executive Session at 8:24 p.m.

Motion by JARVIS to reconvene
to Regular Council Session.

Seconded by LITTLE.

Roll call. Yeas: 7; Nays: 0; Abstains: 0.

Motion carried.

Council reconvened to Regular Session at 8:39 p.m.

MISCELLANEOUS

Councilman O'Brien asked if flooding issues on Essex were resolved? Mr. Smallstey
stressed the waters may rise, but only twice have they actually infiltrated the houses in
the allotment. Waters recede quickly. Mayor White noted the Village has replaced all
the main laterals in that allotment but we do not have the right to enter onto personal
property.

Councilman Little asked to have the grass/weeds mowed where the trailer is parked at the
old Mexican restaurant. Mr. Little noted he will be absent the September 19th Council
meeting.

Motion by GONGWER to adjourn

Regular Council

September 6,

22

before the appointed hour.
Seconded by WISE.
Roll call. Yeas: 6; Nays: 0; Abstains: 0
Motion carried.

Meeting was adjourned at 8:42 p.m.

Respectfully submitted,

Brenda J. Wilson
Clerk of Council

Brian White
Mayor