

Regular Council

November 1,

21

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, Katie Getz, Adam Gongwer, Wynn Kearns, Kim Little, Darrell Starr-Jude and Todd Wise.

Other officials present: Attorney John Studenmund, Chief Brett Pauley, and Administrator Andy Smallstey.

Others: Michael Mitchell of 410 Fox Road, Ben Mutti of 38 Avon, and Keith Bacin of 419 Cedarwood Drive.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Motion by GETZ to approve the minutes of October 18, 2021 Regular Council Meeting.

Seconded by LITTLE.

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

Motion carried.

FIXING TIME OF ADJOURNMENT

Motion by JARVIS to set the time of adjournment

For 8:15 p.m. Seconded by KEARNS.

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

Motion carried.

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:

Ben Mutti of 38 Avon request a Menorah to be displayed on the Village square for the first two weeks in December. Mr. Mutti stressed this is a privately sponsored display and quoted several state opinions regarding displaying of religious icon on government property. Mr. Mutti reminded the Village that a nativity scene has been on display for many years at State Farm building on the square. Councilman Kearns asked why Mr. Mutti was comparing this event, a display on public property, to a display on private property. Mr. Mutti agreed those events do not directly compare and referred to nativity displays in Mansfield. Councilman Gongwer suggested he contact Meade Company to display the Menorah on this property where the nativity scene was displayed in previous years. Mr. Mutti replied that he did not consider any location or contact anyone except for the Village. Attorney Studenmund told Council Members that if the Menorah is allowed on the square this may open the door where the Village may be asked to all a display for any and all other types of sponsors. Attorney Studenmund emphasized this could create a situation where it is all or none on Village property no matter how offensive or racist the content. Attorney Studenmund will do further research and return to Council with updated information.

COMMITTEE REPORTS

RULES AND PERSONNEL: Ordinance tonight.

FINANCE: Bills are approved through October 4th.

SAFETY SERVICE: No report.

PUBLIC UTILITIES: Minutes from October 25, 2021 meeting are approved. Committee is reviewing water and sewer rates. Hope to have a three-year plan ready for January 1, 2022. This

increase will include usage per 1,000 gallons and readiness to serve charge.

STREETS & SIDEWALKS: We have a Resolution and an Ordinance tonight.

BUILDINGS & GROUNDS: No report.

FINANCE REPORT

No report.

ADMINISTRATIVE DIRECTOR'S REPORT

As reported by Administrator Andrew Smallstey:

We had water main break at Sherwood and Otterbein last Saturday.

The filter/media replacement project at the Water Treatment Plant is completed.

Tonight's legislation is ODOT updated roadway maintenance agreement.

We had one issue with the installation company for Zayo Fiber Optic project on Delaware Street. I was able to get resolved with project manager.

Councilman Little asked about the camper parked at the old Mexican Restaurant on East Main Street. Mr. Smallstey replied it is a short stay agreement only; eventually the camper will be stored at Pleasant Hill Campground. Mr. Little requested Mr. Smallstey to review shed on Highridge if there was building permit, etc.

Councilman Gongwer asked if a shipping container is being used as storage on Frederick Street. Mr. Smallstey was not aware of shipping container on Frederick Street.

Councilwoman Getz asked if there is an update on flower brackets. Mr. Smallstey replied negatively.

MAYOR'S REPORT

As reported by Mayor Brian White:

Two good citizens passed last week. Volunteer Bert (Bertha) Dent at the Lexington Senior Depot and past Water/Sewer Superintendent Harold Swank.

Crosswalk has been requested by Nickel & Bean on Main and Mill Street intersection. The owners of Nickel & Bean have purchased the old Premier Bank and have plans to convert the building into business offices and use the parking lot for Nickel & Bean employees and customers. A traffic study will be necessary to justify a crosswalk and Poggemeyer Design group has proposed a study at cost of \$5,000.00. Councilman Wise said the proposal can be taken to Streets & Sidewalks committee for review and discussion. Included in the discussion will be the feasibility to use Englefield's traffic study, when it is submitted. Councilman Little noted the new owners need to mow the property of the old bank.

Our second annual Halloween Bike Trail Walk was a success as was the trick or treat Sunday afternoon on the 31st.

POLICE CHIEF'S REPORT

As reported by Police Chief Brett Pauley: No report.

PARLIAMENTARIAN'S REPORT

As reported by Councilman Adam Gongwer:

Vote tomorrow. 6:30 a.m. till 7:00 p.m.

ORDINANCES AND RESOLUTIONS

Ordinance No. 21-30 by Mr. Starr-Jude

AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES.

Motion by STARR-JUDE to waive rules of Council
requiring that an Ordinance comes from a

standing committee.

Seconded by LITTLE.

Roll call. All yeas: 7 – 0.

Motion carried.

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

Seconded by LITTLE.

Roll call. All yeas: 7 – 0.

Motion carried.

Motion by STARR-JUDE to adopt.

Seconded by LITTLE.

DISCUSSION: NO DISCUSSION

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

Motion carried.

Resolution No. 21-31 by Mr. Wise

**A RESOLUTION AUTHORIZING THE MAYOR OR VILLAGE
ADMINISTRATOR TO EXECUTE ALL NECESSARY DOCUMENTS TO
GRANT A 13-FOOT WIDE EASEMENT ALONG SR 97 BETWEEN LEX LANES
AND OAK WOOD APARTMENTS TO AMERICAN ELECTRIC POWER (AEP).**

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

Seconded by GONGWER.

Roll call. All yeas: 7 – 0.

Motion carried.

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

Seconded by GONGWER.

Roll call. All yeas: 7 – 0.

Motion carried.

Motion by WISE to adopt.

Seconded by GONGWER.

DISCUSSION: Mr. Smallstey told Council the swampy marshland property is Village owned and they are replacing existing poles.

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

Motion carried.

Ordinance No. 21-32 by Mr. Wise

**AN ORDINANCE APPROVING AND GRANTING CONSENT TO THE
DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION
AUTHORITY TO APPLY, MAINTAIN, AND REPAIR STANDARD
LONGITUDINAL PAVEMENTS MARKINGS AND ERECT REGULATORY
AND WARNING SIGNS ON STATE HIGHWAYS INSIDE VILLAGE
CORPORATION LIMITS, AND
GIVING CONSENT TO THE VILLAGE FOR THE OHIO DEPARTMENT OF
TRANSPORTATION TO REMOVE SNOW AND ICE AND USE SNOW AND
ICE CONTROL MATERIAL ON STATE HIGHWAYS INSIDE THE VILLAGE
CORPORATE LIMITS, AND
GIVING CONSENT TO THE VILLAGE FOR THE OHIO DEPARTMENT OF
TRANSPORTATION TO PERFORM MAINTENANCE AND/OR REPAIR ON
STATE HIGHWAYS INSIDE THE VILLAGE CORPORATION.**

Regular Council

November 1,

21

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

Seconded by KEARNS.

Roll call. All yeas: 7 – 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. All yeas: 7 – 0.

Motion carried.

Motion by WISE to adopt.

Seconded by KEARNS.

DISCUSSION: NO DISCUSSION

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

Motion carried.

OLD BUSINESS

No report.

NEW BUSINESS

No report.

MISCELLANEOUS

Mayor White told Council Members Kiwanis send their thanks for a good candidate's night.

Motion by GONGWER to adjourn before the appointed hour.

Seconded by GETZ.

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

Motion carried.

Meeting was adjourned at 8:11 p.m.

Respectfully submitted,

Brenda J. Wilson
Clerk of Council

Brian White
Mayor