

Regular Council

October 14,

24

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, Aaron Hoptry, Wynn Kearns, Kim Little, and Jeff O'Brien.

Other officials present: Attorney John Studenmund, Administrator Peter Them, Assistant Finance Director Rachel Fagan, and Chief Troy Weaver.

Residents and other guests: Charles Comstock of Essex Road; Tyler Getz of 400 Highridge Road; Jacob Carter of 200 Castor Road; Nick Robles of 167 Kimberwick, Dave Gibson of 187 Kimberwick, and Jeff Carter of 180 Castor Road.

Motion by LITTLE to excuse
Councilman Wise.

Seconded by KEARNS.

Roll call. Yeas: 5; Nays: 0; Abstains: 0.

Motion carried.

RESIGNATION

Mayor Jarvis read Council President/Pro Tempore Adam Gongwer's resignation letter.

Motion by LITTLE to accept
Councilman Gongwer's resignation.

Seconded by BACIN.

Roll call. Yeas: 5; Nays: 0; Abstains: 0.

Motion carried.

LITTLE nominated Councilman Wynn Kearns
For Council President/Pro Tempore; closing nominations
and casting a unanimous ballot.

Seconded by HOPTRY.

Roll call. Yeas: 5; Nays: 0; Abstains: 0.

Motion carried.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Motion by KEARNS to approve the minutes
of September 16, 2024 Regular Council Meeting.

Seconded by BACIN.

Roll call. Yea: 4; Nays: 0; Abstain: 1 (O'Brien).

Motion carried.

FIXING TIME OF ADJOURNMENT

Motion by KEARNS to set the time of adjournment
for 8:40 p.m. Seconded by BACIN
Roll call. Yeas: 5; 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.

Jeff Carter of 180 Castor Road noted the Village has a No Engine Retarder (“Jake Brake”) Ordinance and it is not being applied as intended. Mr. Carter also requested the posting of directional signage for semi drivers seeking CNG’s entrance. The Village may need to revisit “No Left Turns” for Castor Road.

Charles Comstock of Essex Road thanked Council members for attending to the dead trees located on Lexington-Ontario Road. Mr. Comstock expressed concern regarding high number of accidents at the intersection of Castor Road and East Main. Chief Weaver explained that the number of accidents has reduced of late, and the intersection is no longer on the County’s priority list.

COMMITTEE REPORTS

RULES AND PERSONNEL: No report.

FINANCE: Bills approved for September 2024.

SAFETY SERVICE: No report.

PUBLIC UTILITIES: No report.

STREETS & SIDEWALKS: No report.

BUILDINGS & GROUNDS: We will be scheduling Park Board meeting before end of year.

FINANCE REPORT

No report.

ADMINISTRATIVE DIRECTOR’S REPORT

As reported by Peter Them:

Halloween Walk Saturday October 19th on the bike trail from noon till 5:00 p.m.
200 West Main Street culvert program is approximately 50% completed. We are replacing damaged concrete tile and extending the length to 200 feet.

Mayor's report

As reported by Mayor Bob Jarvis:

Following up with Halloween Walk. Many vendors will be there handing out candy.

Rite Aid has been purchased by a group who have purchased many of the closed Rite Aid buildings.

Kimmy's Cucina has purchased Rite Aid's liquor license. Discussion was made about whether the permit was for wine only. This change will be presented to Council at a later date.

POLICE CHIEF'S REPORT

As reported by Chief Weaver:

National drug take back day is October 26th. We will be receiving out of the back parking lot. No liquids, no syringes.

Councilman Bacin congratulated Chief Weaver regarding the News Journal article and the Village of Lexington's low crime rate.

PARLIMENATARIAN REPORT

As reported by Councilman Keith Bacin:

The last day to register to vote has expired. Early voting has started. Tonight, we have one Ordinance and one Resolution.

ORDINANCES AND RESOLUTIONS

Resolution No. 24-39 by Mr. Wise

A RESOLUTION AUTHORIZING PARTICIPATION IN THE RICHLAND COUNTY ROAD SALT CONTRACTS AWARDED IN 2024, AND DECLARING AN EMERGENCY.

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

Seconded by O'BRIEN.

Roll call. All yeas: 5-0.

Motion carried.

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

Seconded by O'BRIEN.

Roll call. All yeas: 5-0.

Motion carried.

Motion by LITTLE to adopt.
Seconded by O'BRIEN.

DISCUSSION: Standard operation. Less than \$52.00 a ton. No minimum is required.

Roll call. Yeas: 5; Nays: 0; Abstains: 0
Motion carried.

Ordinance No. 24-40 by Mr. Little
AN ORDINANCE TO REPLACE THE EMPLOYEE OFFICIAL FIDUCIARY
BONDS WITH GOVERNMENTAL CRIME POLICY COVERAGE.

Held to First Reading

OLD BUSINESS

No comments were made.

NEW BUSINESS

Council President Kearns made a motion to authorize the Law Director to file a complaint in Richland Common Pleas Court requesting a declaratory judgement as to whether Councilman Hoptry is in violation of the Village Charter due to his employment with the Troy Township Fire Department.

Motion by KEARNS to file complaint
With Richland County Common Pleas Court
For judgement of employment conflict between
Councilman Hoptry and Troy Township Fire Department.
Seconded by LITTLE.

Discussion: See Chapter 3.02(C) Village Charter. Councilman Hoptry asked for second opinion, who declared a firefighter is not a public official. Attorney Studenmund stated he had reviewed the second opinion authored by Attorney Gilman and Councilman Hoptry's reading of the statement was taken out of context. It was noted no conflict exists if volunteer work (without money); Mr. Hoptry is considered an employee and has verified this employment. Councilman Hoptry asked why this was not reviewed prior to the beginning of his term. Discussion continued until noted it will be left to the Courts to decide if conflict exists. Council Members hold no legal background to discuss/decided lawful issues. Councilman Bacin remarked all extra researching will costs the taxpayers more money; Attorney Studenmund agree because if necessitates a hearing; new costs – including recorder for the hearing – will become necessary.

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Roll call. Yeas: 3; Nays: 2; Abstains: 0.
Motion carried.

Motion by LITTLE to adjourn to
Executive Session to discuss purchase or sale of real property.
Seconded by O'BRIEN.

Roll call. Yeas: 5; Nays: 0; Abstains: 0.
Motion carried.

Mayor Jarvis requested Attorney Studenmund, Finance Assistant Fagan, Chief Weaver, and Administrator Them to attend the Executive Session.

Council adjourned to Executive Session at 8:01 p.m.

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

Seconded by LITTLE.

Roll call. Yeas: 5; Nays: 0; Abstains: 0.
Motion carried.

Council reconvened to Regular Session at 8:37 p.m.

MISCELLANEOUS

Councilman Hoptry read his resignation statement effective immediately.

Motion by KEARNS
To extend the time of adjournment
To 8:45 p.m.

Seconded by BACIN.

Roll call. Yeas: 5; Nays: 0; Abstains: 0.
Motion carried.

Motion by KEARNS
To accept Councilman Hoptry's resignation.
Seconded by LITTLE

Roll call. Yeas: 4; Nays: 1; Abstains: 0.
Motion carried.

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Motion by BACIN to adjourn
before the appointed hour.

Seconded by KEARNS.

Roll call. Yeas: 4; Nays: 0; Abstains: 0

HOPTRY did not vote.

Motion carried.

Meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Brenda Barton
Clerk of Council

Bob Jarvis
Mayor