

Minutes for the July 31, 2023 Council Meeting

1 Roll Call

McKelvey - Here Yarnall- Here Tickhill - Here Johnson - Here Hill - Here McCort -Here

2 Minutes

a. Mr. Tickhill moved, seconded by Mr. Yarnall to approve the minutes from Council Meeting on July 17, 2023.

McKelvey - Aye Yarnall - Aye Tickhill - Aye Johnson - Aye Hill - Aye McCort- Aye

Motion carried 6-0

3 Finance-Contract-Ordinance

a. Mr. McCort moved, seconded by Mr. Tickhill to approve the payment listing in the amount of \$109,369.16.

McKelvey - Aye Yarnall - Aye Tickhill - Aye Johnson - Aye Hill - Aye McCort- Aye

Motion carried 6-0

b. Jeannie Hannahs Fiscal Officer asked Council to approve Ordinance #3940-Amend annual appropriation Ordinance #3926 for the transfer of \$20,000 from the Fire Levy Fund to the General Fund to pay down payment on ladder truck, with suspension.

Mr. Yarnall moved, seconded by Mr. Hill to approve Ordinance #3940, with suspension.

McKelvey - Aye Yarnall - Aye Tickhill - Aye Johnson - Aye Hill - Aye McCort- Aye

Motion carried 6-0

McKelvey - Aye Yarnall - Aye Tickhill - Aye Johnson - Aye Hill - Aye McCort- Aye

Motion carried 6-0

c. Ms. Hannahs asked Council to approve Ordinance #3941-Amend annual appropriation Ordinance #3926 to increase the EMS Fund appropriations by \$50,000 for grant proceeds and operating expenses.

Mr. McCort moved, seconded by Mr. Hill to approve Ordinance #3941, with suspension.

McKelvey - Aye Yarnall - Aye Tickhill - Aye Johnson - Aye Hill - Aye McCort- Aye

Motion carried 6-0

McKelvey - Aye Yarnall - Aye Tickhill - Aye Johnson - Aye Hill - Aye McCort- Aye

Motion carried 6-0

4 Street-Alley-Sidewalk

a. Councilman Brian Yarnall expressed his concern with the time AT&T has had to move their lines for Adam Ackerman's alley. Adam Myser Village Solicitor stated to forward him the information and he would send them a letter.

b. Councilman Tim McKelvey asked about paving and chip sealing. He asked if the Street and Alley Committee would have any input. He suggested to consider double chip and seal on some of the streets to save a ton of money.

5 Safety

a. Chief Hall presented Council with the Fire and EMS Departments Report Summary for July 2023.

b. Chief Sirianni "Thanked" Everyone involved with the 4th Annual K-9 Golf Scramble.

c. Chief Sirianni stated before we move ahead to vote on the Levy, He would like to express that as a legislative authority that Council is in no way voting to increase peoples taxes. You are voting to put it on the ballot and let the people decide.

Mr. Myser explained Resolution #3942-A Resolution declaring it necessary that a tax be levied in excess of the ten-mill limitation for the purpose of the Police Department at a rate of 1.5 mill. Mr. Myser stated it was sent to the County Auditor and was certified, and this Resolution is to put it on the ballot. Councilman Tony Johnson stated he didn't want to go to the taxpayers. He supports the Police Department and wants to make it work internally. He feels the Levy is not going to address attracting new people. Councilman Steven Hill stated he fully supports the Police Department and the department has received \$4 in wage increases within the past three years. He spoke with several surrounding agencies and they have the same problem and our wages were competitive. He suggested further discussion to help the Police Department. Chief Sirianni stated he is two Officers down and wants to keep the Officers he has now. And the lack of people going to the Academy is one of the problems. Sirianni also stated he doesn't support a sign on bonus because it's not fair to his Officers he has now. Council also made mention that if a candidate with experience were to apply they would consider a higher starting wage. A lengthy discussion was held. Council's consensus was that other solutions could address the situations in place of the Levy. Council suggesting the Levy was not the long term fix. Councilman Terry McCort stated he was torn and doesn't think the Levy will solve the problem but he seconded Mr. McKelvey's motion.

Mr. McKelvey made a motion to put it on the ballot, further seconded by Mr. McCort to approve Resolution #3942-Police Levy.

McKelvey - Aye Yarnall - No Tickhill - No Johnson - No Hill - No McCort- Aye

Motion failed 2-4

d. Pam Campbell owner of Home Pizza addressed Council with her concerns of electric and flooding with the demos on North Chestnut Street. She just asked for the plan with the demos. Mr. Johnson stated whether they are torn down or they fall down there is going to be a flooding issue. These are things we have talked about and just don't have all the answers at this time. Council stated there is no planned power outages, unless by accident, the Contractor will have to decide this once they get in there. Council agreed to set up a meeting with the Contractor, AEP Representative, and the Business Owners prior to the demos.

6 Parks and Recreation

a. Richie Wells Park Supervisor expressed his condolences to the Family and the Community in the passing of Billy Crawford.

7 Cemetery

8 Water and Sewer

a. Mr. Deal gave Council an update and a current schedule of completion on the Slope Creek Waterline Project.

9 Land & Buildings

a. Jefferis R/E - 224 Bethesda Street - New Storage Units

b. Leah McClurg Barrel House - 137 East Main Street - Indoor/Outdoor Seating Area

c. Paul Baker - 174 Pine Lane - New Deck

d. Jake Hershberger JLH Revocable Trust - 443 East Main Street - Demo Garage

Mr. McCort moved, seconded by Mr. Johnson to approve the building permits.

McKelvey - Aye Yarnall - Aye Tickhill - Aye Johnson - Aye Hill - Aye McCort - Aye

Motion carried 6-0

10 Old Business

a. Greg Wehr from LifeWise Academy asked Mr. Myser if the Village can legally make a contribution to the Organization as discussed and tabled from the last Council Meeting. Mr. Myser stated the Attorney General's opinion is that Council can determine by resolution if it serves proper public purpose to use general funds to donate to the non-profit organization. That is the standard and it is a gray area. However, there is nothing prohibiting any personal contribution.

b. Mr. Myser updated Council on the petition the Village filed with the Ohio Department of Taxation in July of 2020 to have 30 parcels become tax exempt. The Tax Commission ruled that 24 of the parcels will be tax exempt and the 6 parcels affiliated with oil and gas wells we withdrew. Mr. Myser stated we will receive a refund for taxes paid in 2020, 2021, and 2022 on these parcels.

11 New Business

a. Mr. Scott Wolfe addressed Council with an Ordinance issue for a ticket he received for a dog at large. He stated it was a conflict of interest. Chief Sirianni intervened and stated that this case has been turned over to Western Division Court.

b. Mr. Fred Fowler addressed Council with concerns of the Village's recent acquired property for new ballfields on Pultney Avenue. Mr. Fowler expressed concerns with the volume of traffic that will arise on this narrow, quiet Street. Warren Township Trustee Jimmy Gear stated they can look into widening the road. Council agreed to monitor it once the fields are in use.

c. Mr. Hill asked Mr. Myser about the Village being sued by the Ohio Government Advocates. Mr. Myser stated that there was a lawsuit filed in the Belmont County Common Pleas Court from State ex rel Open Government Advocates c/o Brian Ames with an address from Mogadore, Ohio. It appears to be a legal entity. This Brian Ames and folks like Mr. Ames have been identified as public meeting bounty hunters. It stated that we have violated the Ohio Open Meeting Act in regards to executive sessions. Mr. Myser stated he will file an answer on behalf of the Village and proceed with litigation. Mr. Myser also added if Council wants to address this further, we can go into executive session on pending litigation.

12 Executive Session

a. Executive Session for possible sale or other disposition of unneeded, obsolete, or unfit-for-use property pursuant to Section 121.22 (G) 2.

Mr. McKelvey moved, seconded by Mr. Tickhill to enter Executive Session at 8:17 pm.

McKelvey - Aye Yarnall - Aye Tickhill - Aye Johnson - Aye Hill - Aye McCort - Aye

Motion carried 6-0

b. Mayor Dale Bunting returned Council to Regular Session at 8:26 pm.

McKelvey - Aye Yarnall - Aye Tickhill - Aye Johnson - Aye Hill - Aye McCort - Aye


Motion carried 6-0

13 Adjournment

a. Mr. McCort made a motion to Adjourn the meeting, seconded by Mr. Hill at 8:27 pm.

McKelvey - Aye Yarnall - Aye Tickhill - Aye Johnson - Aye Hill - Aye McCort - Aye

Motion carried 6-0


Jeannie Hannahs, Fiscal Officer


Dale Bunting, Mayor