

Minutes for the December 29, 2025 Council Meeting

1 Roll Call

Mrs. Misner - Here Mr. Tickhill - Here Mr. Johnson - Here Mr. Hudson - Here Mr. McCort - Here Mr. McKelvey - Here

Mayor Hershberger addressed the public to assure meeting order, he would like to ask that Council talk on any topic first, and if anyone would like to comment, please raise your hand. At the end of the meeting, public questions and comments are welcomed.

Mayor Hershberger also stated the agenda adjustments; Annexation Agreement Legislation and Title Insurance for Property.

Mayor Hershberger also "Thanked" the four Council Members as this is their last meeting this evening, for the passion and heart that they have put into serving our Community.

2 Minutes

Mr. Tickhill moved, seconded by Mrs. Misner to approve the minutes from Council Meeting on December 15, 2025.

McCort - Aye McKelvey - Aye Misner - Aye Tickhill - Aye Johnson - Aye Hudson - 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 \$50,596.94.

McKelvey - Aye Misner - Aye Tickhill - Aye Johnson - Aye Hudson - Aye McCort - Aye

Motion carried 6-0

b. Richard Myser Village Solicitor read and explained Resolution #4036-A Resolution Supporting the Ohio Commission for the U.S. Semi-quintennial (American 250-OH).

Mr. Myser provided the 2nd Reading of Resolution #4036.

c. Mr. Myser read and explained Resolution #4037-Providing for the Employment of Legal Counsel for the Village of Barnesville and declaring an Emergency.

Mr. Myser asked Mayor Hershberger if this Resolution is in accordance with his appointment of Mr. Myser as the Village Solicitor for the Village.

Mayor Hershberger replied no.

Mr. Myser addressed Council and explained to them that he has been laboring under the misinterpretation of Ordinance 705.75 of the Ohio Revised Code which has two sections, A & B, and He has been applying section B to this Ordinance.

Under Section A, the Village Council itself under its own initiative can commence an Ordinance to hire a Village Solicitor. The Council is responsible for voting, approving, and hiring the Village Solicitor, setting the terms and salary for the contract.

Village Council had asked Mr. Myser to investigate this further and with confirmation from the Ohio Municipal League, Council can if they so desire, initiate hiring the Village Solicitor themselves.

Mayor Hershberger commented that he doesn't feel this is an emergency and the position is advertised, and he explained Section 733.48 of the Ohio Revised Code.

Mr. Myser Read and explained Resolution #4037-Providing for the Employment of Legal Counsel for the Village and Declaring an Emergency.

Mr. McCort made a motion, seconded by Mrs. Misner to approve Resolution #4037-Providing for the Employment of Legal Counsel for the Village, that Richard Myser be hired as the Village Solicitor for the period of two years, with suspension.

Johnson - Aye Hudson - Aye McCort - Aye McKelvey - Aye Misner - Aye Tickhill - Aye

Motion carried 6-0

Councilman Terry McCort commented that we are in the middle of several major projects that Mr. Myser is involved in. Mr. McCort stated he didn't think it would be wise to replace the Village Solicitor with all of this going on and four new Council Members coming in.

Mr. McCort made a motion, seconded by Mrs. Misner to approve Resolution #4037-Providing for the Employment of Legal Counsel for the Village, that Richard Myser be hired as the Village Solicitor for the period of two years, motion for passage.

Johnson - Aye Hudson - Aye McCort - Aye McKelvey - Aye Misner - Aye Tickhill - Aye

Motion carried 6-0

d. Mr. Myser read and explained Resolution #4038-Authorizing the Mayor to enter into an Annexation Agreement with the Warren Township Trustees to annex 9.443 Acres into the Village.

The property of Jefferis Real Estate in the general location on State Route 147 across from Emerald Point Nursing Home.

Mr. Myser discussed the multiple steps for annexation of property into the Village.

Mr. Myser provided the 1st Reading of Resolution #4038.

e. Mr. Myser recommended to the Mayor and Council that the Village purchase title insurance for the purchase of the Capstone Property for the premium cost of \$5,559 since the purchase price is 1.7 million dollars.

Mr. Myser stated the title has been examined and is in good shape, however Mr. Myser's liability insurance is one million dollars, and the purchase is in excess of this. Title insurance would be required if the purchase was being financed.

Mr. Myser asked Council to pass a motion authorizing him to proceed to finalize the transaction and purchase title insurance.

Mr. Myser also provided a background on the purchase agreement, earnest money, property survey with sketch map and description,

and the final steps needed to complete the purchase.

Mr. McCort stated he wanted to make the public aware that this is a revenue generating purchase with the water sales we will get from it. Several public comments were made referencing the need for it, cost of connecting it to the water treatment plant, and the reason we are considering the purchase when it was previously voted down.

Council Members shared their take on it and the importance of it being a future investment for the Village, the profit from water sales, and the importance of it being a back-up water source.

Mr. Hudson made a motion, seconded by Mr. McCort to approve the purchase of title insurance for the Capstone Property.

McCort -Aye McKelvey - Aye Misner - Aye Tickhill - Aye Johnson - Aye Hudson -Aye

Motion carried 6-0

4 Street-Alley-Sidewalk

a. Roger Deal Village Administrator stated that the Street Department will pickup Christmas trees left at curbside until January 9, 2025. No certain schedule will be followed.

b. Mr. Deal stated we had a great paving year in 2025 with 13 streets being paved and a few of those being major routes.

c. Mr. Deal informed Council that the Village passed through the district with enough points to be funded for our paving project in 2026. This will provide funding to pave at least a portion of 8 streets. Mr. Deal provided Council with a list of street in consideration.

Mr. Deal stated attention will be to a couple parking lots also.

Mr. Hudson commented that the houses on Railroad Street for the first time since they recently paved, there is no water laying. They did a good job and a big improvement.

Mr. Deal suggested that Amish buggy traffic be prohibited from the tunnel and that they use only the traffic lanes on Railroad Street.

5 Safety

a. Chief Sirianni "Thanked" the outgoing Council for everything, stating during his time here they have been great to work with, not only for his Department but for the whole Village.

6 Parks and Recreation

7 Cemetery

8 Water and Sewer

9 Land & Buildings

a. Michelle Palmer - 347 West South Street - Solar Panels

b. Adam Ackerman - 310 West South Street - Demo House

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

Tickhill - Aye Johnson - Aye Hudson -Aye McCort - Aye McKelvey - Aye Misner - Aye

Motion carried 6-0

10 Old Business

11 New Business

a. Mr. Deal provided Council with the winter newsletter. Everyone "Thanked" Derek Deal for doing a great job.

b. Councilman Mr. McKelvey "Thanked" the people of Barnesville for allowing him to serve on Council and wished the new Council Members the very best. Councilman Mr. Hudson wished the new Council all the success in the world and good luck.

c. Mark Lucas "Thanked" all the current Council Members and Mr. Deal for all their help with making the Village what it is today.

d. Mr. Hill asked for the status on the tunnel. Mr. Deal stated a knee wall collapsed and completion of the project will not be done until better weather. Mr. Deal reminded the Public it's open and ready to use.

e. Ms. Wood asked what the criteria was on having an alley chipped. Mr. Deal stated some may be done next year, whether chipped or paved.

f. Mr. McCort stated he has been here awhile, and this is the best Council he has ever worked with. He "Thanked" the four outgoing Council Members. He hopes they are proud of their accomplishments.

g. Mark Lucas asked for an update on the Tobacco and Vape Shop signage. Mayor Hershberger stated they are in the process of getting a letter out to the property owner.

h. Mark Lucas asked for an update on the Muffet Property with the storm sewer line. Mayor Hershberger replied Mr. Myser is still working on it.

12 Executive Session

13 Adjournment

a. Mr. McCort made a motion to Adjourn the meeting, seconded by Mr. McKelvey at 7:49 pm.

McCort -Aye McKelvey - Aye Misner - Aye Tickhill - Aye Johnson - Aye Hudson -Aye

Motion carried 6-0



Jeannie Hannahs, Fiscal Officer



Jake Hershberger, Mayor