

REGULAR COUNCIL MEETING
March 28, 2023

PRESIDING: Mayor Peter Wilson

PRESENT: Darcy, Cox, Donnalley, Hiner, Thomas, Beech

ABSENT:

The regular meeting on March 28, 2023, was called to order at 6:30 with Mayor Peter Wilson presiding.

Reverend Shuman Nazarene Church opened the meeting with prayer followed by the Pledge of Allegiance.

MINUTES REGULAR MEETING MARCH 14, 2023

Donnalley made the motion to approve the minutes from the 3/14/23 regular meeting.

Temple 2nd

All Ayes

Motion Passed

APPROVAL OF BILLS

Darcy made the motion to approve the bills in the amount of \$28,466.71

Temple 2nd

All Ayes

Motion Passed

Darcy made the motion to approve payroll for PPE 3/18/23 in the amount of \$55,627.07

Thomas 2nd

All Ayes

Motion Passed

GUEST (S)

Rachel Ketterman, Columbiana County Job and Family Services was present at the meeting. Ms. Ketterman reported to council the 2022 statistics with April being child Abuse Awareness Month. She is requesting permission to place pin wheels in the square during the month of April some time after April 5th County Commissioners meeting, thanking council for the participation in years past.

Thomas made the motion to allow the CCJFS to place pin wheels in the square during Child Abuse Awareness month.

Darcy 2nd

All Ayes

Motion Passed

Ms. Ketterman reminded those in attendance that April 12th is wear blue to work day.

There were several representatives of the Lisbon Little Blue Devils Football program at the meeting, Mayor Wilson stated that the request to use the field under new business he had put on the agenda because of comments made at the end of the season and only a routine matter. These comments were that the little blue devils did not intend to use the park in 2023 instead moving to a different location, he did not intend the firestorm that came about on social media. Anna Madison speaking on behalf of the program stated that board of directors very much wants to continue to have their practices at the park, this has been their "home" for many years. Council man Cox on behalf of the parks committee explained there are some housekeeping concerns the committee has that will be discussed at the parks committee meeting Thursday March 30th 5:30 pm, they are encouraged to attend. A cheer advisor and parent of children who played in the league while growing up spoke about how much it means to them, also apologizing for the actions of a few on social media who do not all participate in the league. It was decided that this request will be tabled for the next council meeting.

Chris McLaughlin, McLaughlin Martial Arts, was present at the meeting to thank council for their support once again this year for the tournament held on February 4th. This year's tournament saw 197 competitors, the biggest to date.

McLaughlin Martial Arts will be having a mock tournament on April 1st at his location to celebrate his 10th year anniversary in the village. The preparation has also begun for the 2024 tournament.

Before moving into old business Mayor Wilson took a moment to thank all those who were called out over the weekend for the wind storm that moved through the area. The fire department had 20 calls alone

OLD BUSINESS:

RE: STATE CAPITAL EXPENDITURE UPDATE

Mayor Wilson reported that he had received a message from the state representative's office earlier regarding the request submitted by the village for street department equipment. He will be calling them back regarding some questions they have. Council man Cox ask for verification that the request was also for attachments for any equipment purchased, Mayor Wilson stated the request did include attachments.

RE: GOVERNOR'S APPALACHIAN INITIATIVE UPDATE

Mayor Wilson reported the county had received \$175,000.00 from the state for the 1st stage of planning engineering, the state will make available several engineering companies to use. The three projects in the recreation component put forth are a feasibility study on extending the bike trail to the Ohio River. Extending the bike trail from Leetonia to Columbiana. Connecting the bridge from the bike trail to Willow Grove Park. The submission is due by the end of April, the county is hoping to know what if any awarded by end of December.

RE: CLASS ACTION LAWSUIT ZOOM CALL

Attorney Marc Dann was present at the meeting, with Tim Fox from Morgan and Morgan Law Firm calling in on zoom at 7:00 pm. Mr. Dann introduced himself going over the intent of the lawsuit is to make sure all interested municipal parties are protected after the train derailment in East Palestine on February 3rd. Morgan and Morgan, who has over 850 lawyers on staff is very experienced in representing municipalities, compared to his office which has 9 lawyers Morgan and Morgan brings a lot of resources to the table. Mr. Fox introduced himself and gave some background on his firm based in Montana. He indicated that he has been in contact with Ohio Attorney General David Yost since the derailment. He suggests that close contact be kept with Governor DeWine's legal team in addition to Mr. Yost team. Both Mr. Dann and Mr. Fox hit on the following bullet points:

- There could be future Bureau Worker's of Compensation claims from first responders
- There could be future damage to village equipment
- The only way either law firm would be paid fees and associated expenses if there is a successful lawsuit, the fee which is usually 30-40% they have reduced to a nominal 25%
- When asked by Council woman Temple how long the village had to decide on join the lawsuit, Mr. Fox replied the early bird gets the worm if he may. He does have a contract with him for Solicitor Beech to review before a decision is made by council, typically the shortest is 1 year from the date of accident
- If an award is made the money would come directly to the village of Lisbon, the envision is for a trust fund to be set up to offset any cost the village may have
- Mayor Wilson suggested if an award was made it could take 3-5 years, Mr. Dann replied he thought more like 2-3 years.

Mr. Fox discussed how the current lawsuits have been combined, Mr. Dann stated this is done to avoid judge shopping and repeat work. Since the first lawsuit was filed in Youngstown, all cases will be heard in Youngstown but not necessarily at the same time. This forces all parties involved to work together on discovery. Mayor Wilson stated that he is not litigation happy and even though Norfolk Southern paid the village within 2 weeks for the cost submitted his first concern is the first responders who were there. Mr. Dann mentioned that he does not believe it is a good idea to wait to join as some in the county government are encouraging municipalities to do, he feels this is

too risky. Council President Thomas ask if the trust fund is set up and in 10 years a first responder who was there develops cancer will they have to prove the cancer was from the derailment accident. It is known we live in an area where cancer is prevalent, what if they can't prove their eligibility. Mr. Dann replied that what happens in Ohio is the BWC presumes all firefighters in the state from their job will develop cancer. This is why the trust fund would be set up. This fund could be used to pay for periodic baseline test, but he has no way of determining this until the case is heard. Mr. Fox mentioned that it may not be necessary to prove the cause of the cancer. Mrs. Thomas asked if those first responders should have a class action of their own. Mr. Dann stated he has no idea what the final will look like, but it should include all parameters. Chief Hall questioned if this trust fund is established does the trust fund stop with the first responder or would it cover any children they may have after this derailment. Mr. Dann did not have an answer. Mayor Wilson asks what council wanted to do. Council asked that Alec review the contract tabling anything else until the April 25th meeting. Both Center and Elkrun Township representatives were given a copy of the contract also.

NEW BUSINESS:

RE: EMERGENCY PLANS

Mayor Wilson reported that he had met with Chief Hall, Chief Abraham in addition to all department heads. The current emergency plans in place will be revisited and updated if necessary. The mayor indicated that in these discussions he learned how much goes into the plans and how each accident is assessed on an individual basis in the plans.

RE: BED & BREAKFASTS/AIRBNB'S

Mayor Wilson stated it has come to his attention that there is an Airbnb in the village. He questioned if a council wanted to establish some type of regulations. It was suggested that if there are municipalities in the area who already have an ordinance, we gather those, with Council President Thomas suggesting these than go into a committee for further review.

RE: RIDE AND SHARE ALONG SR 154

Mayor Wilson reported that the Columbiana County Parks District would like to extend the parking lot of the ride and share, add benches, tables, and a kiosk. Mayor Wilson stated that ODOT had told him they are willing to pay \$52,000.00 for these improvements and the parks district said they are willing to maintain the ride and share. Currently, the ride and share is within the village limits along the state route the village maintains. Mayor Wilson will invite Eileen Dray Barden from the parks district if Council is interested, council agreed to invite her to the next meeting.

RE: LISBON AREA CHAMBER OF COMMERCE JOHNNY APPLESEED DATES

The chamber submitted a letter to council indicating the dates of this years JAF would be September 16 and 17. Council thanked them for the letter, even though this letter asks for permission to use the public roadways the chamber will still need to complete the necessary forms with the police chief, as per the village ordinance on use of a public road. There was discussion where the stages will be located, Mayor Wilson stated the main stage will be on S Market St at Lincoln Way.

RE: ORDINANCE NO. 2145-2023 AN ORDINANCE UPDATING SECTION 521.081 NOTICE TO HOMEOWNER TO REMOVE LITTER

Solicitor Beech explained this ordinance is to update the enforcement section of the current ordinance, during a current case there were issues found with the current language. Mayor Wilson questioned if this update would make the case straight forward, Solicitor Beech stated this is his goal.

Cox made the motion to approve the first reading of Ordinance No. 2145-2023
Hiner 2nd

All Ayes
Motion Passed

RE: RESOLUTION NO. 2146-2023 A RESOLUTION TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACT (018-24)

There was discussion on how much road salt to commit to and how much the village currently had. Street Supervisor said he has over 100 ton in the shed at the moment, when asked by Council President Thomas on how much he uses on a bad winter Mr. Oliver says it depends. The village per the resolution must purchase 90% of what they commit to in the resolution but can't go over what they commit to. It was decided to commit to 75 tons in the resolution.

Hiner made the motion to pass Resolution No. 2146-2023, the ODOT road salt contract (018-24).
Temple 2nd

All Ayes
Motion Passed

RE: BULLET PROOF GRANT

Chief Abraham submitted to Council in their packet's figures for the bullet proof vest grant through the state, this is a grant the village uses every few years for vest replacements. The department will need 12 vests for a total cost of \$14,218.89, the village portion of 25% is \$3,554.73.

Cox made the motion to approve the request for the bullet proof vest grant.
Thomas 2nd

All Ayes
Motion Passed

RE: HIRING OF POOL MANAGER AND LIFEGUARDS

Donnalley made the motion to hire Jayce Frank as pool manager and the following lifeguards Morgan Lively, Jade Crooms, Joseph Fredrick, Kyle Rohm, and Parker Henthorne.

Thomas 2nd

All Ayes with Cox abstaining
Motion Passed

Ms. Donnalley reported the parks committee has a few interviews remaining, the committee is looking to add 3 more lifeguards.

RE: REPAIRS TO CEILING IN FIRE STATION

Council woman Hiner reported the fire committee reviewed three quotes for repairs at the fire station. The committee met at the fire station to assess the ceiling, determining this is something that needs to be completed sooner rather than later. The quote the committee is presenting to council is Boak and Sons in the amount of \$29,030.00, it is the recommendation the village pay for the entire repair from levy budget appropriation.

Hiner made the above into a motion.
Temple 2nd

All Ayes with Thomas abstaining
Motion Passed

RE: STREET GARAGE ROOF REPAIRS

Council man Cox reported he was hoping to have the information for tonight's meeting; the contractor has not completed the quote.

FISCAL OFFICER'S REPORT

The following reports were submitted to council in their packets: March month end fund summary. All vouchers were presented prior to the meeting for review and signatures.

MAYOR'S FINANCIAL REPORT

The mayor's financial report was submitted to council in their packets.

STREET DEPARTMENT REPORT

The street department report was distributed to council in their packets for review. Council woman Temple questioned what was going to be used in Playtown for weed control because what was used last year did not work. There was discussion on trying to find what was used in the past or something new.

FIRE DEPARTMENT

Chief Hall reported the village has received their reimbursement check from Norfolk Southern, he thanked Ms. Wonner for her help in preparing the paperwork. He also wanted to thank both townships and road crews who were present at the meeting for their help over the weekend with storm damage. He warned to be prepared, the forecast is predicting another storm this weekend.

PARKS DEPARTMENT REPORT

Council woman Donnalley reported the committee will be meeting Thursday at 5:30 pm. The pool pass information has not been put on the website to date, Ms. Wonner will call Mr. Berg. Ms. Donnalley reported that Lynn Holshue would like to use the pavilion at the pool April 22nd 12:00 to 2:00 pm, she was not sure how to proceed since the pavilion was not open for rentals. There is no issue with her using the park. Water plant operator Chris Peterson said he will have his Saturday person unlock the restrooms, his intent is to have the water on the second week of April. Council President Thomas suggested the committee look into off season rental rates for 2024.

BPA REPORT

Chairman Hoover reported the second round of VOC testing will be this week, the testing is additional testing resulting from the train derailment in East Palestine. The department jetted the catch basin in front of the fairgrounds for the street department, all went well with that. The last of the old meters from the meter replacement project will be scrapped. There were some minor issues from the storm this past weekend, they have all been taken care of. All employees completed their practical's for the lab and passed, there were a few recommendations from the EPA.

ZONING REPORT

The most current approved zoning applications were distributed in their packets. Zoning Inspector Barkley reported he and Solicitor Beech are working on the revisions. The revisions will be sent to the Board of Zoning Appeals once they conclude their work.

CEMETERY

Council man Cox ask board member Mr. Cole how the new employee was working to which Mr. Cole said he is doing good. They are still looking to fill the clerk's position.

MISCELLANEOUS

Council President Thomas requested a street committee meeting be set up sometime around the end of April with the water department. She would like to see a plan established with the two departments on water projects and paving for next year.

With nothing further to come before council, Mayor Wilson adjourned the March 28, 2023, meeting at 8:09 pm.

Mayor Peter Wilson

ATTEST:

Tracey Wonner, Fiscal Officer