

**Council Meeting
Minutes
November 6th, 2023**

Present: Mayor Ellwanger, MPT Krieger, CP Bratton, CP Williamson, CP Spitler, Clerk Elisa Rowe, Attorney Joe Reitman

Citizens: Shirley & Leah Davis, Michael Caw, Libby Bratton, Susan Oliveto
Newton County Deputies Smith and Cox

I. CALL TO ORDER: The Mayor called the meeting to order at 7:05pm

II. INVOCATION:

III. PLEDGE OF ALLEGIANCE: Led by Mayor Ellwanger

IV. APPROVAL OF MINUTES:

October 2nd Council Meeting: CP Spitler made a motion to approve the October 2nd council meeting.

Motion: CP Spitler

Second: CP Bratton

Approved: 5-0-0

2024 Proposed Budget: Mayor & Council to review and discuss:

Advertisement ran in the newspaper for the Public Hearing to be held tonight:

PUBLIC HEARING:

A hearing, for the benefit of public review and comments, in regards to the proposed 2024 budget

Clerk Elisa Rowe stated that the 2024 budget is less then the 2023 budget by \$9591.05. Reviewing the current budget, some line items were budgeted higher then amounts received, so it was adjusted for the 2024 budget. Clerk Elisa Rowe added that the budget notice was advertised in the October 21st/22nd edition of the Covington News and the budget is available in Town hall for the public to review. There were no public comments or questions. The 2024 budget will be approved at the December 4th council meeting.

V. OLD BUSINESS:

A. Davis Property: Lien

Mayor Ellwanger stated that Joe Davis had left a note at his home along with the tax bill that showed that the lien had been added to the current tax bill. Mayor Ellwanger added that the threats that Joe Davis made to an employee cannot and will not be tolerated and if it happens again the police will be called. Attorney Joe Reitman stated that following the standard protocol he contacted the Newton County Tax Commissioner per state law and the Order, providing the amount of the Lien. Attorney Reitman reiterated the serious concerns about the threats Joe Davis made, that the threats were not okay, and that was why the Deputies were present, and if it ever happened again Mr. Davis would likely go to jail.

Mayor Ellwanger added that the property is clean now and encouraged Ms. Davis to make sure Joe (Davis) does not bring anything else onto the property; and Ms. Davis stated that it would be kept clean. The Lien did originally state that it shall bear interest and penalties. The proposed Motion was: Due to discussions the Mayor has had with the Davis family, there will be no collection action on this Lien until such time as Mrs. Shirley Davis passes (and a six month hold after the date of passing pursuant to state law), or until the property is sold (lien proceeds to be collected out of closing), or a loan is made against the property (lien to be paid out of the Loan proceeds), and that there would not be any penalties nor interest that would accrue on this Lien; It will continue to be the principal amount only. MPT Krieger made a motion to approve that Proposed Motion as suggested, and it was unanimously approved.

Attorney Joe Reitman stated that he would contact the Newton County Tax Commissioner tomorrow and advise him of the changes that need to be made regarding the lien, and copy Leah Davis on that email.

Motion: MPT Krieger

Second: CP Bratton

Approved: 5-0-0

VI. NEW BUSINESS:

A. Shon Frazier 126 Spring Street: Home owner would like to split property-currently zoned RE-1. Mr. Frazier was not present. This item will be moved to the December agenda.

B. Denise Spitler would like to request a zoning change from AR to RE-1. Decreasing property to 9.087. Attorney Joe Reitman stated that due to this being a zoning request from a sitting Council member, she must recuse herself (move back away from the meeting table). Mayor Ellwanger stated that the request is to decrease Denise Spitler's property to 9.087. Attorney Joe Reitman read the advertisement from the newspaper advertised at least 15 days prior to the meeting, and mentioned the sign had been placed on the property. Mayor Ellwanger stated that all requirements have been met. Attorney Joe Reitman Opened the Public Hearing, stating the legal requirements of 10 minutes per side, and asked if Denise or any citizens had any questions or comments. Denise stated that since it is currently zoned AR, it needs to be changed to RE-1 since it will no longer be ten acres. There were no comments or question from the citizens, no opposition. Attorney Joe Reitman Closed the Public Hearing. A motion was made by CP Williamson to approve the zoning change from AR to RE-1.

Motion: CP Williamson

Second: MPT Krieger

Approved: 4-0-1 (CP Spitler abstained)

C. Invoice for Lambert, Reitman & Abney in the amount of \$2509.16 (2 month bill):

CP Bratton made a motion to approve the invoice in the amount of \$2509.16.

Motion: CP Bratton

Second: CP Spitler

Approved: 5-0-0

VII. PUBLIC COMMENTS:

Susan Oliveto: Questioned why the polling place in Newborn was moved to the Community Center in Mansfield. Mayor Ellwanger stated that the County more then likely would like to consolidate since between Newborn and Mansfield, for example, maybe only 150 people voted between the two polling places and it would make more sense to combine the two into one place. Mayor Ellwanger added that Newborn did not have anything to do with the change.

VIII. ADJOURNMENT: The meeting was adjourned at 7:45pm

Motion: MPT Krieger

Second: CP Williamson

Approved: 5-0-0