

Regular Council Meeting, February 7, 2023, Meeting Minutes

The Meeting called to order at 7:30pm by Mayor Arriola. The invocation given by Pastor Kyle Wardlaw, of the New Lebanon Brethren Church followed by the Pledge of Allegiance said by all.

Verbal Roll Call of Council Members Present for the Record

Christopher Sands	Present
Carol Macmann	Present
Gale B. Joy	Present
Lyndon Perkins	Present
Nicole Adkins	Present
Tammy Loch	Present
Raymond Arriola	Present

Others Present:

Manager Madden
Clerk of Council/CFO Philip Hinson
Chief of Police Hensley
Fire Chief Keyser
Law Director Keener

Mayor Arriola swore in the Police Chaplains, Laird Baldwin and Gil Morrow.

Police Chief Hensley presented Chaplain Laird Baldwin with the Police Person of the Year Award for 2022.

Mayor Arriola: Next on the agenda is the approval of the January 17th, 2023 regular council minutes. Are there any changes that need to be made? None heard. Mayor Arriola requests: All in favor of the minutes. Say "Aye". seven "Ayes" heard. Mayor Arriola requests, Opposed "No" None heard. Minutes approved.

Law Director Comments were presented as follows: Our meetings have become more involved, which is good. With the public, and that is one of the things that the council relies upon. My comments are basically based upon the fact that we have a requirement that we review the charter every year. And the charter hasn't really changed much over the years. So, we as a council, and I'm not on council, but the council members, review that. But because of everything that is proceeding, I felt that we should do a little bit of a charter review and particularly some suggestions that I have insofar as the actual conduct parts of our meeting. The Charter has been in effect since 1980. I don't know whether it's good or bad to say that I was on the original charter committee of 11 people in this community that wrote the charter, and it is what it is, and it's worked well for the community. But the

charter requires that we have a manager form of government. We have three different parts of that government. We have the council, and the council deals with legislative matters. We make laws and update things, matters of that nature. We have a manager. The manager is the general person who runs the village, basically taking care of personnel and the different departments as matters need to be addressed. The third one is the public. That's you folks out there. You become part of the whole program by your participation, which we encourage. One of the legislative procedures that has already been adopted because in the last few meetings it's been done this way and previously it was not. But anyway, referring to the fact that when the mayor, as the person in charge, of this meeting, the person in charge of whatever goes on here, and however it goes on, when he introduces a piece of legislation, whether it's an ordinance or a resolution. Ordinances have to be read three times unless there are emergency situations for it. When that is introduced, then the council has an opportunity, the seven members of council discuss that ordinance or that resolution, themselves. Obviously, as to what their feelings are about that resolution. After the council has an opportunity to, I am going to use the word debate, which is not really an accurate term. But after they have an opportunity to review the ordinance and talk about it, the public has an opportunity to come to the podium. It's very important that you state your name and address because that all has to be on our records, we have to keep all these records, and you have an opportunity for your 3 minutes to tell what your thoughts are on that ordinance, only on that ordinance. So, you can say whether you like it or you don't like it, whether you have recommendations to improve upon it in some fashion, you can voice your opinions. Then after the Public has an opportunity to do that. Then it comes back to the Council because the council members may have ideas that were brought about by something that a member of the public mentioned. So maybe they want to have another conversation about the ordinance, pro or con. After that on a resolution, there could be a motion by somebody on council to approve the resolution, or there can be a motion to table it for a specific time. There can be a motion to disregard it and withdraw it and then council can decide by vote on that motion what to do with it. Basically, the same thing happens on the ordinance. The only difference is that it has to be after the third reading of the ordinance. This procedure works well because it gives everybody an opportunity to put their input in. They can voice their opinions, and we can limit things in a way that everything is orderly and records kept. We have one person talking at a time. A person should be a person that is recognized by the mayor as the person in charge of the meeting. So that is something that other than the specifics of it, I think we've already started to do. But I would recommend that we continue to do that because I think that gives everybody an opportunity to get involved with it. One of the main things is that this is a council meeting. The council deals only with legislation. That's what the council deals with. So, when we get to the point of the general public comments, then that opens the door to make comments in general about any topic that you want to do. But essentially, you have to recognize that those topics are not necessarily something that is currently involved in legislation. The manager is the manager of the administrative part of the village. So anything dealing with administration is directed at the manager for the manager, to the manager. So, a lot of the comments that are made during the general

public comments of the meeting are questions, comments, and matters that are addressed to the managers. So, you have to recognize that. One thing that I want to say is that the realm here, there's kind of an area that is somewhere you should stay away from, because even though the manager is in charge of personnel, members of the personnel should not be involved in any public meetings of this nature, whether it's by name or by record, so they can be identified both in matters of privacy and talking about someone's performance of a job or something of that nature. It really can be slanderous, and you really want to stay away from that kind of thing. I mention one thing that kind of has been ignored over the years, many years. We have to recognize when we started out, and we had this charter, we were lucky to have one person show up as a member of the public. Now, we have people interested in coming forward and that's what we'd like to hear. What's more, we like to see. One thing about that is we have to proceed one person at a time. Sometimes things get carried away, and we have more people talking. So, everybody has to wait on the mayor to recognize them as the person to speak. The Charter is a provision for once a quarter, for the council and the members of the departments, the public, and the administration to have a meeting and we've never done that. I think we've never done that because those things have been addressed during the public part of our regular council meeting. So, I don't know. I don't expect that we will change the provision for that in the charter. Again, one of the parts that I wanted to emphasize is we have three different parts here, and we want you to keep what goes on with the council as dealing with legislation. The other items or items are to be addressed through the manager. I think that's all I had. I hope that brings us to date on what the charter provides for what we need to focus on.

Council Member Joy asks Law Director, So, if I understood you correctly and I'm not sure that I did. When do we have the option to table a reading or an ordinance? Or withdraw it?

Law Director Keener responded, I think you really have that option at any time that particular ordinance or piece of legislation is before the council. But particularly, I indicated that after it was ready to be voted on, either pass or fail. That's what I referred to, but I don't think it's limited to that, it is available at any time up until it is passed.

Council Member Joy, that was my impression as well. I just want to clarify that.

Mayor Arriola, any other questions for the Law Director? None heard.

Next, Mayor Arriola requests a Motion to go into an Executive Session pursuant to the Ohio Revised Code §121.22 (G)(1) and (G)(3) to discuss personnel matters and legal matters.

Motion to go into Executive Session made by Vice Mayor Loch. Seconded by Council Member Adkins.

Roll Call for Vote:

Carol Macmann	Yes
Gale B. Joy	Yes
Lyndon Perkins	Yes
Nicole Adkins	Yes
Tammy Loch	Yes
Raymond Arriola	Yes
Christopher Sands	Yes

7 yes and 0 no, motion carries to go into executive session.

Mayor Arriola stated, we will be returning to the meeting after executive session.

(Council leaves room for executive session at approximately 7:48pm)

(Council returns from executive session at 8:15pm)

Mayor Arriola asks for Motion to return from the Executive Session. Motion made by Vice Mayor Loch Seconded by Council Member Adkins.

Roll Call for Vote:

Gale B. Joy	Yes
Lyndon Perkins	Yes
Nicole Adkins	Yes
Tammy Loch	Yes
Raymond Arriola	Yes
Christopher Sands	Yes
Carol Macmann	Yes

7 yes and 0 no, motion carries to return from executive session.

Mayor Arriola begins, second reading of Ordinance 2023-01. An Ordinance adding §137.12 to Chapter 137: Weapons Control in the Code of Ordinances of the Municipality of New Lebanon.

Mayor Arriola requests, questions from council?

Council Member Joy asks, did we ever determine how we distinguish a firearm?

Police Chief Hensley answers, So, here's the thing. There's no 100% way to tell a toy from a real firearm. It's not possible, not with 100% certainty.

Council Member Joy replies, so in my estimation, I don't see any reason for this work. If we can't codify what a toy is and what a real weapon looks like. I'm not sure that it matters that we create a criminal where one currently does not exist. I mean, if we are allowed as

law abiding citizens to have a real firearm in the park or whatever. And then we pulled it out it, it's called brandishing. Right? That's an offense. So, if there is a weapon that is present, I think that a police officer should be under the impression that they are brandishing a weapon regardless of whether or not. What I see is if this passes, we will become the laughing stock of the state for making toys illegal.

Mayor Arriola asks Chief Hensley, anything else?

Police Chief Hensley replies, No, I don't appreciate your comments.

Mayor Arriola, anyone else on council?

Vice Mayor Loch claims, From the conversation last time, Chief, you just state that the reason was the safety of the children, but you though there would be exceptions, is that true? Depending on the circumstances whether anything would happen to the child.

Police Chief Hensley replies, so, our goal here is not to arrest children. Our goal here is for children to know that you cannot carry something into our park that looks like a real firearm. It's so the parents of that child know that you cannot carry something that looks like a real firearm into any of our municipal properties. It does protect children. It does protect families, but it also has the benefit of protecting the village.

Council Member Sands asks, you know of any other, Municipality in Ohio that has a similar ordinance on the books?

Police Chief Hensley replies, I have not investigated that or looked at that.

Council Member Sands asks, do you know if the state has anything?

Inaudible, and Audience noises

Mayor Arriola tells audience, Can I please ask you to refrain from talking?

Audience responds, will keep it down.

Police Chief Hensley adds when recognized by the Mayor, there is currently a law here in the state of Ohio. You are not permitted to take an item indistinguishable from being a firearm into a school zone.

Council Member Adkins asks, did you ever look into the idea that what I was talking about being educating the kids, going into the schools and teaching them about the gun safety of the toy if they became with one of you guys and if all for anything that? They should not have a toy in the park. Just to be able to give them the education because I still, I'm kind of with Gale. Even if we pass this, the kids are not going to know it unless it's educational. I mean this is something that you're going to put a kid at risk, and they might repeat it if the parents don't know a kid is a kid, they're going to keep on doing it. And if they don't get any guidance at home. And they don't know this ordinance even exists. I mean, and everybody don't read the little thing on the water bill, believe me, I don't either. And we haven't had a newsletter that's been mailed out to the houses for a long time now. So it's just different things that if we do more education, I think we can nip this without even

putting this in the ordinance, we could just nip it by giving them more training and educational classes. I mean, when I was in school the cops came in they did, even with the kindergartens and they did it with different grade levels. They did it just like how they do an assembly, and they do an educational training. They teach them about it. They tell them how to do it. They do it once a year. I mean, it's something that, it gives the kids a good, positive outcome of felt enforcement. It gives them, you know, the education and they know you're there to protect them. So you know, if you was in a park and you said drop it, they know to drop it and you know, even if it is a toy they still know to drop it and just stand there and don't run. Because even if you did say, a kid still might run with that and be scared because they never had any interaction with their police officer and they're like, oh wait. Cops are always bad or something, and because they could have heard that from their parents that the cops bad and not a good cop, you know they're not there for their safety. So, I really think if we could get them, you guys, into the schools and do more education. It might be a better benefit for the kids. Plus, it gives them the presence to be able to say hey. The community the cops is good. They really do care for us and they need to support us. I know there's Northridge, for example, has been doing Donuts with the cops in the morning. The sheriff comes in to Northridge and just does doughnuts and then they sit down and they've been doing pizzas too with the cops, so. They do some gun safety over there because, you know, I know it's a totally different thing, but they got the housing projects that's over there that has a lot of shootings, and we see that on the news, there is a lot of shootings over there. But they teach the kids there how to go about and if there's something going on, how? To do it. And it's actually working with the kids that they don't have any major incidents with them, it's all over there. So it's just something that I thought, you know, I didn't know if you gave it any thought when I talked about it last time?

Police Chief Hensley adds, I have given it some thought. I'd be happy to speak with Doctor Williams to see if he would entertain something like that. We're more than happy to provide education for people on any topic that we would be qualified to do it on.

Council Member Sands questions, They do something for bus safety over in the Elementary school. I know they did it several years ago, I don't know if they've done it this year or not?

Police Chief Hensley responds, They do in the Elementary and in the middle school. I'm not certain about the high school though.

Council Member Sands adds, in addition to bus safety maybe that is something you can add.

Parts inaudible, audience noise

Police Chief Hensley responds, if the school would be open, that is certainly something the police department would be happy to provide.

audience noise

Mayor Arriola addresses, Mr. Farley, please we are recording this, and it makes it tough sometimes. . .

Audience noise

Mr. Farley apologizes, I am sorry.

Mayor Arriola states, thank you.

Law Director Keener expounds, I think one thing we have to realize too is we're talking about an underage person. That deals with juvenile court. And so there's actually another buffer there, between the discretion of the officer and what happens on the scene as to what happens when it gets to juvenile court. My experience, first time told don't do it and that's about it. So, it's not a matter of making a criminal.

Council Member Joy, I mean my comment to that is that if they're taken into the juvenile system, into the in the court system, they now have a record. Just leads to, OK, this is a first offense, but second offense might be even less, but now you have somebody that is in the system and now they're a repeat offender even if it's a lesser charge and I just keep going back to the fact that we're creating a criminal where one never existed previously and I just can't abide by it.

Law Director Keener continues, I understand that Gale and I appreciate that, and you know I have no vote in this. I'm just saying that criminal matters for juveniles are sealed and doesn't become an offense. . .

Audience outburst of noise, Mayor holds hand up to audience.

Law Director Keener continues, so, as far as the police, it takes a lot to unseal that.

Council Member Joy asks, so, a police officer can't see that previous arrest?

Law Director Keener answers, I am not sure.

Audience shouts out, directed at Mayor Arriola

Mayor Arriola explains, we are making sure council members. . . inaudible

Shouting heard from audience

Mayor Arriola calls, state your name and address for the record and you have three minutes.

Shannon Bemis, 130 Bronwood Street. I'm really going with Gale on this one. I see what the chief is saying. The thing is that once you're in the juvenile system, even for those good kids that maybe don't, it's just, I think you're setting them up for failure, if a kid were to be brought to a juvenile court, they're thinking what's wrong with me? What did I do? You know, this is bad. If my kid is late to school and would get a lunch detention, which he never has because he's afraid to get lunch detention. Then it's like, oh, my God, I'm one of those kids. Like, we're setting them up for failure. I don't think it's appropriate to throw some kid in front of juvenile judge for something that, and I did look up that gun that you showed it. It's like a psychedelic looking gun. They have psychedelics, and I can send you guys pictures if you want, but they look like psychedelic squirt guns so it would be hard for me to decipher if I have your gun, and you have my squirt gun. What was real and what wasn't. So, I mean, if you're saying it's at the discretion of the officer, I feel like it shouldn't be something that's put into legislature because I feel like that's just so black and white. But then maybe the officer can have the discretion to say, OK, was this that severe a case? Were the kids chasing people where? It could be like using panic charges or disorderly conduct or something like that. We have these, then it's something else discretionary based on the situation versus just putting this blanket. I don't know this doesn't sit right with me and I'm all about safety and this. I see this doing more harm to good kids than actually really kind of having any benefit for anything else, so I, as you know a resident, am against this ordinance. So, thank you.

Mayor Arriola asks, anyone else from the audience?

My name is, Glenn Hughes, 285 Northwood Dr. Just from what I've listened about this ordinance, I know the police have a difficult job. When I was a kid, we used to shoot BB guns at each other and we turned out OK. Think a little common sense needs to be in this somewhere. I realize that guns are sometimes hard to tell if they are real or fake, but you got 6 or 7 year old chances of them having a regular gun is slim. Just way smaller than. What do you think? I believe that as a society, we just need to step up and be men and be women and say, hey, let's think about this, what we're doing. They're children, you know, we used to play Cowboys and Indians and shoot each other with our cap guns, and they look pretty real, I mean especially from a distance. Yeah. I just think that this is bad legislation.

Mayor Arriola, thank you.

Joshua Farley, 136 Brownwood St., You guys met me last time, but under different circumstances. I think it's Gale and Nicole here who have a pretty good grasp of what's going on with this ordinance. I think that if Hensley needs to run this down here like there should be a little more protection. I think maybe look to Gale [points at Council Member

Adkins] and see, if Gale could write something up. Gale seems so passionate about it when she's talking about it and it seems like she would come up with some common sense legislation. Like what my guy here was just talking about. It could probably work for the whole community, but I think like Gale said it's kind of already covered in our other ordinances or disorderly conduct, inciting panic, things like that. I did have one follow up question, is there any way that we can find out in the village, what the meeting was about?

Mayor Arriola, no.

Joshua Farley, It's a private meeting?

Mayor Arriola, it was an executive session.

Joshua Farley, one more time, executive session, thank you very much.

Mr. Farley continues to speak as he returns to audience

Mayor Arriola, next is the second reading of Ordinance 2023-02. an ordinance amending §132.10(b) by adding §132.10 (b)(6) of the code of ordinances of the municipality of New Lebanon.

Mayor Arriola, asks council any questions on this ordinance?

Manager Madden requests, after the discussion last time, the staff has actually requested this ordinance be returned for a full review of the ordinance. So, we would need a motion to return it to staff for further review.

Audience noise is heard.

Council Member Macmann motions to return it to staff for further review. Motion seconded by Council Member Joy.

Roll Call for Vote:

Carol Macmann	Yes
Gale B. Joy	Yes
Lyndon Perkins	Yes
Nicole Adkins	Yes
Tammy Loch	Yes
Raymond Arriola	Yes
Christopher Sands	Yes

7 yes and 0 no, motion carries

Interruption noise by audience

Mayor Arriola, there is nothing to discuss.

Interruption noise by audience

Law Director explains, there is no ordinance before council, it is being sent back. . .

Interruption noise by audience

Mayor Arriola, it is gone now, you can ask when you come up.

noise by audience

Mayor Arriola, Alright, second reading of ordinance 2023-03, an ordinance rezoning a parcel from B1 neighborhood business district to B2 Community Business District and amending the official zoning map of the Municipality of New Lebanon for Parcels L52 00101 0003, 0128, 0129, 0130, 0187, 0221, and 0225 on the Montgomery County Auditor's Tax Records also known as 35 W. Main Street, New Lebanon, Ohio 45345 and accepting the approval of the Planning Board (PC CASE 22-04).

Mayor Arriola asks council, Any questions?

Mayor Arriola asks, any questions from the audience?

Noise heard from audience

Joshua Farley, 136 Bronwood St. Am I allowed to speak about the last ordinance?

Mayor Arriola answers, no.

Joshua Farley, I am not allowed to ask why it was rescinded?

Mayor Arriola, no. On this topic.

Joshua Farley, do you know that you are under oath as mayor?

Mayor Arriola, yes. You need to talk on this topic.

Joshua Farley, inaudible on this topic, what is this, this zoning topic?

Mayor Arriola, yes.

Joshua Farley, You guys are in violation of constitutional law, all of you. Your oaths are being broken, right now and you're holding a meeting contempt of this village. You know that, right, Ray? Thank you, Ray.

Glenn Hughes 285 Yorkwood Dr. What is the difference between neighborhood business and community business district?

Manager Madden answers, one allows restaurants. They want to put a restaurant in there and it needs to be changed so they can put a restaurant in there.

Shannon Bemis 130 Bronwood St. asks, what's the name of the restaurant?

Manager Madden, we have no idea.

Mayor Arriola answers, Mexican restaurant.

Shannon Bemis, The applicant hasn't given a name, or anything?

Mayor Arriola answers, I talked to him afterwards. Planning board meeting. He has several different names he uses.

Shannon Bemis, so, it's not like a chain restaurant, it's a smaller.

Mayor Arriola, like a mom and pop, he has some in Richmond. It's going to take time.

Manager Madden, once it passes Shannon, it sits for twenty days. I think that time is when they will do all the closing. Hopefully, it will pass at the next meeting and then sit for twenty days.

Mayor Arriola, public comments or questions. Joshua Farley, 136 Bronwood St.

Audience noise

Mayor Arriola, remember on the document you signed you have 3 minutes.

Joshua Farley, yeah that's fine, Ray. As long as you guys don't cut me off we won't have any problems here. My name is Joshua Farley 136 Bronwood St. So, I do have a couple of things to talk about this evening with you guys. Couple of them were about the ordinance that you rescinded, I guess my suggestion now would be go ahead and rescind the entire noise ordinance and go ahead and make a motion to do that because the whole thing is against the Constitution of the United States. It's against the Constitution of the state of Ohio and it's against your own charter that Ronald Keener, here helped write. So, you guys suggested you should look into those things my religious rights are protected in all three.

That is a direct violation of my religious rights we can look into it or talk about, but any attorney would be on my side. And then moving forward from there the way and the fashion in which you guys hold these city meetings is absolutely set up for you to be approached like this. You set up these meetings in this fashion, so you can get people not to attend. So you can rush ordinances, so you can get people not to want to be part of it the solution because you make it so frustrating. Absolutely. You know what you're doing? 100% I have no doubt. Do not need to explain myself, my guy, Gale knows exactly what I'm talking about. Gale, I didn't mean to point you out last time when we were talking about my religious rights. It's something I'm super passionate about I just wanted to say to you Romans 13. Check it out sometime, man. It's God's laws, man's law. That's my law. That's all. I didn't have anything against you I wanted to know that there was no ill will even on that day flowing towards Gale or several other members, I have no issues with several of them. You have issues with yourselves. As far as the stuff, man. There's just so much. I need to know that 3 minutes is enough time to go over it. You guys in your own charter, you violate the Constitution in so many ways. Section 1.4. The powers of the municipality. You guys need to really look into that and then you need to check your state Constitution and your federal constitution against that because that is a breach of all of them. Man, I just can go on and on. It's so crazy what you guys do. Every ordinance that's written there's no clear definition of what the law being broken is. So, it's up to the officers discretion on every single charge in this municipality. There is no if it is past this time or if it is 45 decibels. Or if you have gone and thrown 47 trash cans. It is just if we think you're being crazy. You're being crazy. But there is no definition of what crazy is. That is not law. It is written in our Constitution and all laws, all ordinances that I am to follow are to be written in plain language, so I can read them, not legal jargon and everything in your ordinance from the beginning to the very end is legal jargon. I think that I've concluded what I have to say today, thank you very much for the non-interruption, I appreciate it.

Shannon Bemis 130 Bronwood St. couple of quick questions. When will the court be out?

Manager Madden, I am not sure exactly when they will be out. I know they have an opening scheduled for the new building on March. 10th, but at this point they've told me through June.

Shannon Bemis, so their lease is good through June.

Manager Madden, that is what we have.

Shannon Bemis, And then is there a way to look into a basketball. Even a half court basketball. I don't know if you plan on taking walls down in the Court Community Center. I don't know what you guys are planning yet as far as remodeling goes. Even looking into like a 1/2 court.

Manager Madden, we are looking into everything.

Shannon Bemis, OK, because I know that the kids like at the high school like would love to have like I think for the community these kids that have nothing to do, an indoor basketball court would just go over more than anything you could put in this town.

Mayor Arriola, we want to make sure we utilize the space the best we can.

Shannon Bemis, my public access request?

Manager Madden, I am working on it. I should have it, hopefully, the end of the week.

Shannon Bemis, okay, just for the record it was the 17th, so it's been a few weeks. And then, Mr. Keener, what you said earlier, I'm not really sure where your words came from, because I've never had to really speak or address and make comments like that. I understand how government works, I understand the branches of government. I understand that this is a manager run government. But still, I just want to make sure I'm a taxpayer and these Council members are elected by people like me. So whether I want to talk to them about something or relating to an employee or an ordinance or accounting, I feel like I have that right to do that. Are you agreeing with that statement?

Law Director Keener, I agree with that statement. It is a matter of when and where. The manager's door is always open. You may talk to her about anything, It is just not appropriate for some of that to be at an open meeting.

Shannon Bemis, Okay. It's a public meeting and anything can be said.

Law Director Keener, There are certain things, especially in the way of employment, where there is damage that can be done to a person who is employed.

Shannon Bemis, have names been given?

Law Director Keener, yes, they have.

Shannon Bemis, at this podium, have they been given?

Law Director Keener, I don't know about at that podium.

Shannon Bemis, I come to all the meetings, or if not I read all the minutes and from this podium, I have never heard a name given by a public citizen given an employee name. As a taxpayer this is my right to come here. I have to come here because I do have concerns and I want to have input on these things like these ordinances that go through because ultimately, I mean, you guys are. I went through the charter and it was saying that you guys need to post in of a general circulating newspaper, which we don't have any more or five conspicuous areas. So where are the five conspicuous areas?

Law Director Keener, there's a problem. The problem has been answered by being able to post on the internet.

Audible audience noise

Mayor Arriola hold hand to audience to quiet

Manager Madden, originally, we had some places and then some places closed.

Shannon Bemis, where is the meeting agenda posted?

Manager Madden, it is posted on our website.

Council Macmann, it can be posted at the library.

Shannon Bemis, we have the library and then need three other places just to go by the charter.

Manager Madden, post office, grocery store, library, village...

Audience noise

Shannon Bemis, we are still short a place. Someone brought up the last newsletter June of 22 and it wasn't posted on there. Anything about a meeting so.

Manager Madden, it is in there.

Shannon Bemis, I looked. I didn't see it unless, I mean, I went over it twice. And I had my cheaters on. So, unless I missed it. But it was just suggested that in the newsletter put on there the first I mean and I know it says first and third Tuesday 7:30 there was meeting. But you know I see that.

Manager Madden, it is on there.

Mayor Arriola, your time is up.

Shannon Bemis, just a couple quick questions. This is old business that I have been coming here for five years, I mean it will be quick. It comes to old business. I should have that right. I shouldn't have to come here every, I mean I've stuff to do. I have ant in my bathroom right now I can't get rid of, I've got a book I need to read for book club. I have stuff I need to do. Work orders. Where are we at? On work orders.

Mayor Arriola, that is something we will have to get back to you.

Shannon Bemis, it's been since 2018.

Mayor Arriola, she wasn't the manager.

Shannon Bemis, it's been since she has been the manager. It's been three years.

Mayor Arriola, we'll get back to you.

Shannon Bemis, time cards.

Mayor Arriola, we'll get back to you.

Shannon Bemis, council emails?

Mayor Arriola, we have it.

Shannon Bemis, you have it? How do I email all of you?

Shannon Bemis, so, how do I email all of you?

Manager Madden, go out online on the website and click on their names.

Shannon Bemis, each picture, each name? It used to say email nlcouncil, and that's gone. So, it shows no email addresses. All it shows are pictures. I was just on there an hour ago, so now it will show email addresses?

Manager Madden, refresh your page then.

Shannon Bemis, I will leave it at that, but I am asking council, work orders and time cards time clocks if you can please, get the municipal manager to have a date to look at that, I'm asking Council for that, please. The elected officials. Most of you will renew this year. OK. That's all asking as a taxpayer.

Mayor Arriola, Dave Nickerson (audience noise) 559 Benbow Circle

Dave Nickerson, thanks everybody. I am Dave Nickerson, 559 Benbow Circle. I got a question under ordinance. Put my eyes on here, so I can see. First off, I've had a water main break in my house on Christmas night. Three quarter inch water pipe broke in my ceiling and within two minutes my bathroom ceiling collapsed, and my entire kitchen ceiling collapsed. OK, I made the call to emergency 911 or the non-emergency number for dispatcher. I needed help immediately. It took 40 minutes for a city official to get there and turn my water off, but I'm going to back up. I turned my water off at my meter within 3 minutes to avoid any further damage to my home. I got almost \$30,000 in damage that I

have to take care of at my house. I've been living in a hotel and we're going to be there until April probably. The Fire Chief came immediately and checked on us and we were all safe. Nobody was injured. But I have some severe damage in my home. Here's my point. Here's my question. I was charged \$150.00 tampering fee for turning off my own water meter. Why was I charged then? That's my question. Who authorized whoever does it makes the decision to charge me a \$150.00 tampering fee. So, I would like to know why my next recent water bill I got had \$150.00 tamper fee plus a \$75 fee that the water service person, Glenn, came out and turned my water meter back on for an additional \$75. Now, I don't mind paying the 75 bucks, OK, however, how I see tampering is that the city comes out and turns the water off because you don't make a payment, you go out, turn your water back on that tampering. I turned my water off to save my home. To caused further damage. And it would have been hundreds of thousands of dollars in damage to my house if I didn't do it within two minutes. How do I know that? Because the estimator told me that. So, I would like to know who authorized it? Who made the phone call to whoever authorized it? And how do I get \$150.00 back because it was not a tampering. Ordinance 51-40 on consumption of water service does not say anything in that ordinance about tampering. It says \$150.00 if you turn the water off and somebody from the municipality comes back out, then turns the water back on. So why was I charged a \$150.00 fee for an emergency? The Fire Chief was there. He was in my home. He looked at it. He seen the damage. He came to my house. Because I called the 911/ dispatcher non-emergency, and he was here within 10 minutes. He was busy working a car crash in town. And he came through my front door unannounced, making sure we were safe. And I appreciate him for it. I've been in this town for 17 years. I've served for him on the fire department for 17 years and I'm just wondering why I got charged \$150?

Mayor Arriola, that is something we will have to look at.

Dave Nickerson, There is nothing in the ordinance I've reviewed it for weeks. There's nothing in the ordinance that says that \$150.00 is tampering. I didn't tamper with it. Now I will tell you I have a ball valve I've replaced three times in the last 17 years because water is so hard in this town, scale builds up. I can't trust it. So what do I do? I went out, turned off my water meter in front of my house that I've never been late paying a bill in 17 years.

Mayor Arriola, that's something we need to look into and find out and get back with you.

Dave Nickerson, fair enough.

Audience noise, people speaking out

audible noise, continued interrupting Mayor

Mayor Arriola states, you have already spoke, enough

Mr. Farley continuing to speak out, gaveled by Mayor

Police Chief Hensley, you are under arrest

Audience noise speaking out

Heard from Audience member, you all will be hearing from my attorney

Audience speaking, noise

Police Chief Hensley, he is under arrest, disturbing a public meeting. The mayor declared him out of order, he had been warned, the law director said everything at the beginning.

Audience noise

Department Comments:

Audience noise

Police Chief Hensley, no, none

Fire Chief Keyser, nothing

Zoning Compliance Officer, nothing tonight

Chief Financial Officer, nothing tonight

Service Department Superintendent, nothing this evening

Council Member Sands, Yale and Bronwood looks great.

Manager Madden, I'll pass that along.

Mayor Arriola, Municipal Manager comments

Manager Madden, I have a couple. The doggy waste stations have been ordered. The total cost was \$719.97 and I got three of them. The cost included the outdoor Pet waste station, 600 dog poop bags 50 dog waste can liners. The glow in the dark dog sign and the trash can for the waste. The placement of the cans, I'm going to bring that to the Park Board for a discussion at their first meeting and then the Park board chair can bring that report back to council. And that's all.

Mayor Arriola, does anyone have anything for the Manager?

Council Member Adkins, I do. Do we have? Are we going to plan on doing another newsletter soon? Do you have a date?

Manager Madden, it will probably be March.

Council Member Adkins, Is the sign? I should have asked, but there was a lot of people talking, so I just kind of got the sign. Is that going to be able to.

Manager Madden, I think I sent you an email about that, letting you know. There's a couple of pieces that need fixed and repaired on it, but I think they were out there in the dark, earlier fixing it.

Police Chief Hensley, So the batteries are good. That's good news. The officer took four of them over to O'Reilly's and had them checked. They are rather expensive batteries, so that's good news. The only problem is that we had two of the mounts. The support mounts that were rusted. This came from Florida, so the salt air was really rough on it. We have taken those mounts off, one is currently done having a new base welded to it. I expect Thursday that the other ones should be done once those are reinstalled. Batteries are good. We'll be able to deploy again. So I expect it will be ready well in advance of the next council meeting.

Council Member Adkins, And then that would be a good thing that we could have that for one of the total locations, so they could see it too.

Council Member Joy, did we ever do anything with reporting?

Manager Madden, yes. We are working on it. You get your reports at the second meeting of the month.

Council Member Joy, you are getting daily or weekly activity reports?

Manager Madden, We started doing that weekly.

Council Member Comments:

Council Member Joy, Thanks everyone for coming and you know I feel for you and I realize it's out of my jurisdiction probably, but I do hope that you will go lenient on citation, verbally warn him (inaudible)

Council Member Macmann, I have no comments.

Council Member Perkins, the last meeting was really good but this one was a whole lot better.

Council Member Adkins, I just want to thank everybody for coming out tonight and again, you know, I do not hear a warning (inaudible). So, I felt bad for Mr. Farley, too. But, thank you everybody for coming out and If you could maybe give him a warning or go lenient and figure out how we can work with them and figure out what their problems are.

Council Member Sands, nothing

Vice Mayor Loch, I have nothing else.

Mayor Arriola, do I have a motion to adjourn?

Motion to adjourn made by Vice Mayor Loch 2nd by Council Member Joy.

Roll Call for Vote:

Lyndon Perkins	Yes
Nicole Adkins	Yes
Tammy Loch	Yes
Raymond Arriola	Yes
Christopher Sands	Yes
Carol Macmann	Yes
Gale B. Joy	Yes

Count 7 YES 0 NO Motion carries.

Meeting adjourned at 8:59pm By Mayor Arriola

Approved:

Raymond Arriola

Mayor

Date

Philip E. H.

CFO/Clerk of Council

2/21/2023

Date