

**New Lebanon Regular Council Meeting, April 18, 2023, Meeting Minutes**

The Meeting was called to order at 7:30pm by Mayor Arriola. The invocation given followed by the Pledge of Allegiance.

Verbal Roll Call of Council Members:

**Council Members:**

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

**Others Present:**

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

Presentation by Joshua Farley.

Joshua Farley, 136 Bronwood Street, thank you very much for having me today. I wanted to start off with the cleanup on Main Street and behind my house. Bringing attention to it apparently seemed to get the job done. I don't know if it was actually the city that came out behind my house or if it was actually the farmer that came and removed all the tires but there was like 26 tires or something that I counted as they were carrying them out. Tons and tons of wire. It was crazy. However, all the trash that was there is still remaining there on the property. I don't know if it wasn't the city if we could reach back out to the farmer and see if he could come back out and get the trash off of the property too. Tons of oil-filled containers. It's kind of crazy. If it was the city, in fact, that did it, I'm not sure I understand why they left that in the first place. Did the city do it or was it the farmer that responded to that?

Manager Madden, that would be the owner.

Joshua Farley, I had another couple questions before I actually get started. Is there a Director of Personnel in the city?

Manager Madden, you mean like HR?

Joshua Farley, a Director of Personnel. So there has to be a director over every department. Is there a Director of Personnel in the city of New Lebanon?

Manager Madden, some of the departments overlap. Phil would be our HR.

Joshua Farley, so you do payroll and all that?

Manager Madden, we have a payroll person.

Joshua Farley, who does that?

Chief Financial Officer, Beth.

Joshua Farley, that is what I needed to know there. And that covers that I think. So we're onto Home Rule Laws. So, me and Ronald Keener have talked about Home Rule Law a couple times and I think that he is trying to broadly scope me, saying that Home Rule Law does not supersede state law. And I think he knows that that's not what I mean.

Law Director, that's not what I said.

Joshua Farley, sir I am speaking right now.

Law Director, I know you're speaking but you're telling something that's not true. I just want you to know that's not true.

Joshua Farley, what's not true?

Law Director, that I said that.

Joshua Farley, then you are indicating it. What it is it's by a case-by-case situation. If something happens and what you are doing goes against the general law – you know general law, obviously Mr. Keener does. He tries to manipulate and bend it every chance that he gets. So according to our statute or a law goes against general law – well then it doesn't exist. So, at some times, I agree. Home Rule law does hold. I'm not saying that overall Home Rule law is not something to stand on because it absolutely is; it's the foundation of what we build our laws and our foundations on here as a community. If we don't have that, we have nothing to build on. However, we cannot misconstrue that there are rules and regulations and limitations set in place by the Ohio State Constitution that state we are kind of in a box. We can do, but not without impunity. Understand? Moving on from there, Christopher Sands being on the – what is it called right now?

Mayor Arriola, the Charter Review Board.

Joshua Farley, the Charter review board. It wouldn't be a big deal, except that it is absolutely a conflict of interest. Because Chris is going to be trying to determine the verbiage or to allow somebody to be able to run against Chris. Now, that wouldn't be a big deal either, except that it's known knowledge that a couple of people that have already announced that they're going to run are behind on taxes. So now we're trying to let it die. It's in charge of making those rules, that's kind of weird. Yeah? So not that there's an Ohio State revised code against it, but there actually is an ethics board – the Board of Elections. We're going to go ahead and file a petition and see what they have to say about it – about Christopher Sands being on that board. Now moving on from there the Ohio candidate requirement guide of 2023 does not have a tax requirement in its code, so without it being an Ohio Revised Code or a statute existing, it is outside of general law. Thereby, it doesn't exist. I don't know how else plainly to say that. We try to keep – I get the eye on you guys, and the biggest surprise here is the more people are watching, I expected to see everybody kind of straighten up and I see, like, much more corruption. I'll go on in my explanation. I was arrested on February the 7<sup>th</sup>. On February the 8<sup>th</sup>, there was a police report by the City of New Lebanon and the Police Department here. And it's kind of insane, see, we live in a

country and a state that assumes my innocence until proven guilty. Yet this document proclaims my guiltiness multiple times. It is just insane to look at really if you read it out loud. Not only does it admit that there was conspiracy to arrest me prior to me coming to the meeting on February 7th, but it also calls me out as guilty before my day in court, thereby influencing the public and the public's view. Therefore, disrupting my ability to have the right to a fair trial, which is again my 6th Amendment right that I'm being denied. I'll move forward again. What does free speech mean in the United States? See, there is a supremacy clause in the United States Constitution that states, and I will quote it, because I do not want anybody to be misunderstanding of what I'm saying. "This Constitution, and its Laws of the United States which shall be made in Pursuance thereof; all Treaties made, or shall be made under the Authority of the United States, shall be the supreme Law of the Land; and the Judges of the land in the State shall be bound thereby, anything in the Constitution or Laws of any State that is contrary is notwithstanding." Now these are constitutional laws. They are upheld by many Supreme Court battles. One of those Supreme Court battles being Mulberry versus Madison 137. We can go on to what my freedom of speech covers. Under my freedom of speech, I am covered not to speak, specifically the right to salute a flag or my right to protest, and this is covered by the Board of Education versus Barnett, 319 US 624. I am allowed to wear black armband or protest in any fashion that I see fit on school or public property. Students do not shed or citizens do not shed their constitutional rights at the schoolhouse gate or at the courthouse door. This is Tinker versus Des Moines 393 US 503. Over and over again, I can cite US terms where my right to protest is protected. In the minutes prior to being arrested on February 7<sup>th</sup>, I was not shouting out obscenities to this room. I was not in disruption. What I was shouting out as protest to Ray Arriola refusing to give out documentation which under Ohio law that he does not have the right to refuse. Now the words that came out of my mouth were "transparency Ray," "the Sunshine Law Ray" and "Freedom of Information." And then you had me arrested. Now I would like to point out, the laws in the United States code that you broke by doing this. Under United States section Code 242, under Title 18, the deprivation of rights under color of law. You guys can look into it. I'm not going to read the whole thing here to you out loud. It broadly states that people that go into pretending that there is a law to take away one of my rights, which is a right to protest, that is against the law and it's under this one. Do you want to look it up? You should. It's Title 18, Section 242. You might want to also broaden your scope and look into this one as well – 241. 241 is the conspiracy against my rights. Now this is when any more than one person talked about arresting him prior to stopping me or. You know, stripping away or limiting any of my rights. I'm going to inform Council, give you guys an opportunity to come forward, and anyone that does I will not hold responsible for the conspiracy against me. I know that a conspiracy was held against me to suppress my rights. And then the police office decided that they were going to go ahead and guilty me until proven innocent. Anybody questions, comments, concerns? Nobody?

Mayor Arriola, this is an ongoing case. We can't discuss.

Joshua Farley, you're right, it is an ongoing case. And it's going to be ongoing after that, Mister Arriola. It does not stop at the court case that's happening. So as soon as this court case is done, there is another court case to occur. Mister Keener already knows what I'm talking about. I know you do, sir. Anything? Not the satisfaction there? You're staring like you want to say it.

Approval of the April 4, 2023 regular meeting minutes. Any corrections or changes?

None heard

All in favor of accepting the minutes, say "I." All opposed?

6 I's and zero no, minute approved.

Law Directors comments, none at this time.

Old Business.

Third Reading of Ordinance 2023-04, Rezoning parcels from split zoning of Community Business District B-2 and Industrial District I-1 to B-2, community business district and amending the official zoning map of the Municipality of New Lebanon for parcels L52 00322 0007, 0008 and L52 00322 0014 on the Montgomery County Auditor's tax records also known as 501-519 E. Main Street, New Lebanon, Ohio 45345 and accepting the approval of the planning board (PC case 23-02).

Motion to adopt Ordinance 2023-04 by Vice Mayor Loch, seconded by Council Member Joy.

Roll Call:

Council Member Perkins	yes
Council Member Adkins	yes
Vice-Mayor Loch	yes
Council Member Sands	yes
Council Member Joy	yes
Mayor Arriola	yes

6 yes 0 no motion carries.

New Business, none.

Public Comments, none.

Administrative staff comments

Police Chief, nothing tonight.

Fire Chief, nothing.

Comments for Fire Chief.

Council Member Adkins, I don't know if you've seen this on Facebook, but on Waite Ave there is a fire hydrant that has been knocked down. They said over two and a half years. I got papers on it. And I was just wondering if we're gonna get it fixed or get it covered or something so it's not a liability – somebody can fall in it.

Fire Chief, I can only answer to the fire department side. There's another hydrant in front of 501 Homeway. And it's 650 foot from that hydrant to the corner of Waite and South Clayton, so there's plenty of supply while that hydrant is down. It was struck by a vehicle. But maintenance of and replacement of hydrants does not fall under the fire department.

Manager Madden, we're looking into it. I didn't realize it had been hit.

Zoning and Compliance Officer, nothing tonight.

Chief Financial Officer, just the report.

Motion to adopt in March 2023 financial report, by Council Member Sands, seconded by Vice Mayor Loch

Roll Call:

Council Member Perkins	yes
Council Member Adkins	yes
Vice-Mayor Loch	yes
Council Member Sands	yes
Council Member Joy	yes
Mayor Arriola	yes

6 yes 0 no motion carries.

Service department Superintendent, nothing.

Comments for Service.

Council Member Adkins, On Holderman, I got another flyer for you guys. There's a hole in the street that needs to be fixed. It looks like it's probably a drain hole. If somebody's walking down the street, it's a liability again. And then we have another one on Bronwood and Yale. There's another picture of it. And then this is Waite Ave. The sign that is on Waite is actually missing.

Council Member Sands, I've noticed several street signs missing.

Council Member Adkins, and then this is just what I've been talking about on Main Street since last year. I took pictures finally, and I think this is something that we should address sooner than waiting to spring. It's about the sewers and the trees that's growing in it. The trees that's in it that's growing right now is a honeysuckle. So if we wait by summer, we're going to have big trees. And each person gets two papers because there's two different ones right by my house.

Municipal Managers comments.

Manager Madden, I do want to do a follow up to Mr. Farley's comment about Public Access Requests. Currently, I have one Public Access Request that is outstanding, and it was filed on the 17<sup>th</sup>. So it was just given to me. Every Public Access Request had been fulfilled to date, short of that one. So I don't know what he's referring to that people aren't getting.

Council Member comments:

Council Member Perkins, did we get that new machine to take care of the trash or sludge or whatever it is.

Manager Madden, the sludge press? We have a quote on it, but no, we don't have it yet. We've rented one and got rid of all the sludge though.

Mayor Arriola, I just have one thing. I wanted to make sure the public was aware. The night that the Perry Township Chief Police was here and the media was here this occurred. Well, the individual from Dollar General was here. Because we had something on. It was this ordinance. He really didn't need to be here, but he thought that he had to. But he was here and he wrote back to Melody and said "just hope you're doing OK. I thought all the citizens and media came to the meeting because of the tax increase. No one said a word when they discussed this item. They sure had a lot to say about everything else. I thought they were disrespectful to the Mayor, City Manager and Council. I'm glad I'm not coming back." And I hope – he's a business – I hope this doesn't affect the Dollar General – the second store being put in. Right now, we haven't heard anything yet. But you know, sometimes actions have consequences and hopefully it doesn't hurt – that he doesn't talk to other people and gets this kind of information of what he saw here in New Lebanon and keeps us from having more business come here. But I just want the public to be aware of what happened that night and what he saw and what he thought of it.

Motion to go into an executive session, pursuant to the Ohio Revised Code §121.22 (G) (1), (2), (3), (5) to discuss personnel matters and legal matters, by Vice Mayor Loch, seconded by Council Member Adkins.

Roll Call:

Council Member Joy	yes
Mayor Arriola	yes
Council Member Adkins	yes
Vice Mayor Loch	yes
Council Member Sands	yes
Council Member Perkins	yes

6 yes 0 no motion carries.

Reminder given by Mayor; no additional business will take place when we return from executive session.

Motion to return from executive session by Council Member Sands seconded by Vice Mayor Loch.

Roll Call:

Vice Mayor Loch	yes
Council Member Sands	yes
Council Member Joy	yes
Mayor Arriola	yes
Council Member Perkins	yes
Council Member Adkins	yes

6 yes 0 no motion carries.

Motion to adjourn by Vice Mayor Loch. Seconded by Council Member Adkins.

Roll Call:

Council Member Sands	yes
Council Member Joy	yes
Mayor Arriola	yes
Council Member Perkins	yes
Council Member Adkins	yes
Vice Mayor Loch	yes


6 yes 0 no motion carries.

Meeting adjourned at 8:12pm by Mayor Arriola.

Approved:

  
\_\_\_\_\_  
Mayor

2 May 2023  
Date

  
\_\_\_\_\_  
CFO/Clerk of Council

May 2, 2023  
Date