

March 16,

2021

Meeting Disclaimer: Meeting Disclaimer: During this pandemic, and in an effort to maintain social distancing, comply with the Stay-at-home-Advisory, keeping our gatherings to less than 10 people while continuing to meet the requirements of an open meeting, we will meet by Zoom. Additionally, Zoom allows the public to join and participate in our open meeting during the public comment portion of the meeting.

The regular meeting of the Municipality of New Lebanon, Ohio was called to order on Tuesday, March 16, 2021 at 7:30 p.m. with Mayor Arriola presiding. Connected were Municipal Manager Madden, Law Director Ronald Keener, Captain James Chambers and Fire Chief J.C. Keyser, Clerk of Council Sandy Wright, and Code Enforcement Administrator Melody Davis. Chief Financial Officer Brenda Etter and Service Department Superintendent Scott Brock were absent.

INVOCATION/PLEDGE OF ALLEGIANCE

The invocation and Pledge of Allegiance was given by Mayor Arriola.

ROLL CALL

A verbal roll call of Council Members present on the conference meeting for the record. The following members connected at the Roll Call were Raymond Arriola, Gale Joy, Carol Macmann, Susan Nickerson, Lyndon Perkins, Christopher Sands and Douglas Thompson

APPROVAL OF MINUTES

Mayor Arriola stated next is the approval of the March 2, 2021 regular meeting minutes.

Mayor Arriola asked are there any corrections or changes that need to be made to these minutes? None voiced.

Mayor Arriola stated all in favor of these minutes please signify by saying aye, all opposed same sign.

VOICE VOTE. ALL IN FAVOR. MOTION CARRIED.

OLD BUSINESS

Mayor Arriola stated next under old business is the **THIRD READING ORDINANCE 2021-02.** **AN ORDINANCE REPEALING CHAPTER 152 SECTION SIGNS AND BILLBOARD REGULATIONS AND ADOPTING §152.205 THROUGH §152.221 AND §152.999 OF THE MUNICIPAL CODE OF ORDINANCES OF THE VILLAGE OF NEW LEBANON, OHIO.**

Mayor Arriola stated this is the third reading. Anybody have any additional questions? Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Ordinance 2021-02.

Motion by Council Member Macmann, second by Council Member Thompson to adopt Ordinance 2021-02.

March 16,

2021

ROLL CALL ON ABOVE MOTION: Council Member Joy, yes; Council Member Macmann, yes; Council Member Nickerson, yes; Council Member Perkins, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Arriola, yes; 7 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

NEW BUSINESS

Mayor Arriola stated next under new business is **RESOLUTION 2021-03. A RESOLUTION AUTHORIZING THE TEMPORARY FEE WAIVER FOR APRIL 22, 23, 24, AND 25, 2021 OF GARAGE SALE PERMIT FEES IN ORDER TO FACILITATE A SPRING SPRUCE UP PROGRAM IN THE MUNICIPALITY OF NEW LEBANON, OHIO.**

Mayor Arriola stated any questions. Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Resolution 2021-03.

Motion by Council Member Sands, second by Council Member Nickerson to adopt Resolution 2021-03.

ROLL CALL ON ABOVE MOTION: Council Member Macmann, yes; Council Member Nickerson, yes; Council Member Perkins, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Joy, yes; Council Member Arriola, yes; 7 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated next is **RESOLUTION 2021-04. A RESOLUTION AWARDDING THE BID TO MILLER PIPELINE LLC, 8850 CRAWFORDSVILLE ROAD, INDIANAPOLIS, IN 46234 FOR THE SANITARY SEWER REHABILITATION PROJECT PHASE 17, OPWC ISSUE 2 GRANT/LOAN PROJECT NUMBER CD08X IN THE AMOUNT OF \$124,180.50 AND AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT.**

Mayor Arriola stated any questions. Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Resolution 2021-04.

Motion by Council Member Thompson, second by Council Member Sands to adopt Resolution 2021-04.

ROLL CALL ON ABOVE MOTION: Council Member Nickerson, yes; Council Member Perkins, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Joy, yes; Council Member Macmann, yes; Council Member Arriola, yes; 7 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated any public comments or questions. Did anyone sign up?

March 16,

2021

PUBLIC COMMENTS OR QUESTIONS

Municipal Manager Madden stated I have one and that is Amanda Isaacs, 400 S. Clayton Road. Ms. Isaacs stated my concern is with the new ordinance and the resolution that was already passed. My biggest problem is that the resolution, first none of minutes from any of these meetings in 2021 were posted until yesterday. So no one was able to know what was going on at these meetings unless they were at the meeting. I was not aware that there was any big changes like this going on or I would have made it a point to be at the meeting as I have done today. I obviously make signs for lots of people here in town and I always tell them they have to get the \$10.00 sign permit. I understand that there has apparently been some research done to compare what our prices are to what other towns charge, however when I did my own research today it is extremely different from what your resolution shows; like Farmersville your resolution shows it charges \$250.00 for a large and \$150.00 for a small. That is incorrect. They only charge \$25.00 for a sign permit. Same with Germantown where you have it listed as \$150.00 and \$75.00 they only charge \$15.00. So for New Lebanon to jump to \$150.00 and \$200.00 and say they are comparable to other towns when it is nowhere near comparable. Even Brookville that is stated as \$150.00; there has never been a \$150.00 permit fee charged in Brookville, it is \$75.00. That is a big discrepancy. That was voted on and put in to place apparently pretty quickly as the lady who just opened that thrift store had been told multiple times her permit was going to be \$10.00. She was figuring out what kind of sign she was going to get and it jumped to \$200.00 on her. That is not only a good way to do people but that is a very high cost for a sign. That cost more than most people's signs cost. I understand we have a new Taco Bell coming to New Lebanon and their sign shouldn't be \$10.00 for the permit but however a small business trying to put their tax dollars into New Lebanon can't afford to pay more for a permit than they do for a sign. And like I said if it is based on comparables of other towns, this is not because other towns do not charge as much as what we are now charging. This information on this resolution of what the other towns charge is highly incorrect. That to me is a very big problem. People were not given any notification that this was being done.

Municipal Manager Madden stated I am looking at Farmersville sign fee right now and it says \$250.00; \$300.00 if it is electrical; small signs are \$150.00; \$200.00 if electrical. I am looking at the Farmersville code right now on their website.

Ms. Isaacs stated I was in Farmersville today. I spoke with her. I spoke with Jim in Brookville today. I spoke with a lady named Melanny in Farmersville who specifically told me it is \$25.00. They don't have any difference between residential and commercial. It is up to the resident if they want to allow someone to put that sign on their fence and it is a \$25.00 permit. That is what Melanny said. Jim in Brookville today specifically told me it is \$75.00. I said really because my information says it is \$150.00 and he said it has never been \$150.00 for a sign permit. Kelli Novak in Germantown told me hers is only \$15.00. It is listed on your resolution as \$150.00 and \$75.00 in Germantown. She specifically told me it is \$15.00. I have actually polled some other towns; Dayton \$141.95 starting at; Eaton \$60.00 per year; Lewisburg \$.75 per square foot. None of them are \$200.00. Ginny is who I spoke with in Carlisle. That is listed as \$38.50 plus a \$1.64 square foot; technically it is \$39.25 plus a \$1.64 a square foot. Clay Township theirs is a \$100.00. A temporary sign is \$40.00 and we are at \$75.00. We are not comparable to any other town. That to me is a problem. It is not only bad business for the citizens of New Lebanon, that is not encouraging growth, that is not encouraging people to come into our town and I am not sure where these statistics came from but they are not right. If we are basing this off of comparables of other towns we are not comparable in that price and we are also not comparable in what the citizens get living in New Lebanon as opposed as to what they get comparable to Brookville or comparable to Germantown. We don't have the growth

March 16,

2021

that they do. We are not comparable to other towns especially with the pricing. They are nowhere near comparable. I mean \$250.00 is not what Farmersville charges, it is \$25.00. We raised ours from \$10.00 to \$200.00. I understand this has not been done in fifteen years for some reason when they apparently should have been, however it is not an acceptable answer to turn around and try to make that money up for the last fifteen (15) years for each little business that may try to come into this town. I understand that Taco Bell of some of the bigger corporations that may come may not be in that \$10.00 spot even a \$25.00 or \$30.00 spot to pay for a permit, however, to me there should be a tier; if it is a small business with 10 or less employees there should be a price. For corporations should maybe be a different price but to say that these prices are comparable to other towns is incorrect, because it is not comparable in the pricing to other towns. And that is very disappointing. I had tried to get the ordinance to review before this meeting tonight. I asked Melody for that yesterday. I asked Glenna for it last night and I asked again at the noon meeting today. I was just sent those at 5:32 today and I was working at that time so I have not been able to see what the new ordinance is. It was not read and again none of this has been posted on the website for any of the citizens of New Lebanon to be able to review. There is a Sunshine Law that says that meetings of public officials have to be posted at least seven (7) days before the meeting. This meeting was only posted yesterday and I was advised it is always posted the day before with the agenda. That is against the Sunshine Law. People should be to have notification of what is going on in this town. They should not have to go to every meeting in order to do that. We should know something ahead of time especially with some big change that hasn't been done in fifteen (15) years. There should be some kind of communication let alone these meeting being posted a little bit more ahead of time.

Mayor Arriola stated Amanda the meetings are the first and third Tuesday of every month.

Ms. Isaacs stated but the agenda is only posted the day before. The Sunshine Law states it should be posted seven (7) days ahead of time to give the citizens the knowledge to be able to know what is going on if that meeting pertains to them and they have an interest in going. That is not done. The agenda is posted the day before.

Not audible (*to many people talking at the same time*)

Mayor Arriola stated the fact that we are having a meeting is what has to be posted.

Ms. Isaacs stated the agenda does not so someone can know what is coming up.

Mayor Arriola stated the agenda does not have to be posted.

Not audible (*to many people talking at the same time*)

Ms. Isaacs stated not every citizen can come to every meeting but if there is something going on (*to many talking at the same time*)

Council Member Macmann stated I would like to redirect. I just looked at what is on the Farmersville website. It is the information that we have and that is all that we could go on. I am willing to say that we need to go back to some of these communities and call them to ask. We were going by what they have listed on their websites. We did not just throw these amounts up in the air to try to make some money. We were trying to do better for our community. I have no problem we going back to look at it and try to get a handle on why there is a discrepancy for what they have posted and what they are saying verbally when someone calls them. I don't know how others feel.

March 16,

2021

Mayor Arriola stated that is very reasonable to me. To say one thing over the phone and post another on the website should be looked at.

Council Member Macmann stated instead of going on and on about this perhaps we need to go back and take a look. We can sit here and argue about what is on the website and what is not on their website and what you were told when you called. We could do that for hours. We need to go back, make some phone calls and take another look at it. I am not talking just about Farmersville. We just need to go back and find out why the discrepancy and what the reality is and then deal with it with no finger pointing. This isn't about assigning blame or whatever. We just have to find a solution. Glenna has to have time to do that.

Municipal Manager Madden stated Melody did the research originally.

Code Enforcement Administrator Melody Davis stated I did the research and compiled the information from their websites. I can follow up with a phone call.

Mayor Arriola stated there is nothing we can do right now. The resolution was passed at the March 2, 2021 meeting which is totally different than what we did today.

Municipal Manager Madden stated once everything is researched we can go back if needed and do a revised resolution with the different amounts.

Mayor Arriola stated we can't do anything about it tonight.

Council Member Macmann stated we need to go back and do our homework. We would expect they would have correct information on their websites. We could sit here and do this all night but we have to substantiate the information.

Ms. Isaacs asked what about the thrift store lady?

Council Member Macmann stated it does not go into effect until April 5th, right.

Municipal Manager Madden stated the resolution went into effect immediately. At this point it is \$200.00 for a permanent sign. If she wants to wait and see what happens after we do more research and if Council wants to change that then she can wait and see what happens after that.

Mayor Arriola stated anyone else like to make a comment. Nothing was heard.

Mayor Arriola stated anything else Amanda.

Ms. Isaacs stated no it want do any good. Thank you.

Mayor Arriola stated you are welcome.

Council Member Thompson stated Mr. Mayor I have a question. Is it possible we may need a legal opinion that we could keep the old rates until we get a decision? Does the Manager have the authority to override?

Municipal Manager Madden stated that resolution has already been passed.

Council Member Sands asked can we do a motion to delay that for thirty (30) days before it goes into effect?

Municipal Manager Madden stated once it is approved and passed I don't think it

March 16,

2021

can be repealed without..

Council Member Sands stated we don't have to repeal it we could just postpone it thirty (30) days before it goes into effect.

Municipal Manager Madden stated it is in effect as of the date it was voted on.

Mayor Arriola stated that was two (2) weeks ago.

Council Member Thompson stated I was just asking for a legal opinion. Maybe Ron could take a look at it. I would hate to see persons in town to have to delay something. That's all. Thank you.

Mayor Arriola stated anyone else. Nothing was heard.

ADMINISTRATIVE STAFF COMMENTS

Mayor Arriola stated Police Captain Chambers.

Police Captain Chambers stated I have nothing this evening.

Mayor Arriola stated any questions for Captain Chambers. Nothing was heard.

Mayor Arriola stated Fire Chief Keyser.

Fire Chief Keyser stated I have nothing this evening.

Mayor Arriola stated any questions for Fire Chief Keyser. Nothing was heard.

Mayor Arriola stated Code Enforcement Administrator Melody Davis.

Code Enforcement Administrator stated I do not have anything this evening.

Mayor Arriola stated anybody have anything for Melody. Nothing was heard.

Mayor Arriola stated Chief Financial Officer Brenda.

Municipal Manager Madden stated she doesn't have anything tonight.

Mayor Arriola stated do I have a motion to adopt February 2021 Financial Report.

Motion by Council Member Thompson, second by Council Member Sands to adopt February 2021 Financial Report.

ROLL CALL ON ABOVE MOTION: Council Member Perkins, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Joy, yes; Council Member Macmann, yes; Council Member Nickerson, yes; Council Member Arriola, yes; 7 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated Service Department Superintendent Scott Brock. Does he have anything for us?

Municipal Manager Madden stated he has nothing tonight.

March 16,

2021

Mayor Arriola asked do we have any status on Church Street?

Municipal Manager Madden stated we have a meeting on Tuesday with Prograde.

Mayor Arriola asked have we heard when the asphalt companies are going to open?

Municipal Manager Madden stated I have not heard when the asphalt companies are opening.

Mayor Arriola stated Municipal Managers comments.

MANAGER'S COMMENTS

Municipal Manager Madden stated the pole at Clayton Road and Main has been moved and the pavers will be replaced.

We are working on plans for the garden; Halloween in the Village; and we have suspended the Sunflower Festival because we are still not sure what will be going on with large gatherings.

Although we have been open by appointment only for a while now, we are opening the lobby on Monday. We have had some Covid-19 issues so it was pushed back to Monday. We ask that residents continue to make appointments especially with Kelly for taxes that way we will not have lots of people waiting. We are asking that residents continue to use the drop box for money order and check payments and Twin Valley Bank for cash payments.

Mayor Arriola stated any questions for the Manager. Nothing was heard.

COUNCIL MEMBER COMMENTS

Mayor Arriola stated Carol.

Council Member Macmann stated I have nothing.

Mayor Arriola stated Doug.

Council Member Thompson stated I have no comments thank you.

Mayor Arriola stated Gale.

Council Member Joy stated I have nothing.

Mayor Arriola stated Chris.

Council Member Sands stated I have nothing this evening.

Mayor Arriola stated Lyndon.

Council Member Perkins stated I would like to make a comment to the Village Manager. Thank you for the removal of the shrubs and the trees at the municipal building. It looks a whole lot better as far as I am concerned. Have you got a total of how many remote water meters have been installed?

Municipal Manager Madden stated I don't have it off hand but I can have information for the next meeting.

March 16,

2021

Council Member Perkins asked how many houses are involved, 3,000 or 4,000.

Municipal Manager Madden stated how many houses do we have in the village.

Council Member Perkins stated that is how many water meters you have to change, right.

Municipal Manager Madden stated you want to know how many we have done and how many we have left to do.

Council Member Perkins stated yes please.

Municipal Manager Madden stated I will get that.

Council Member Perkins asked do you want me to call you in a couple of days for the answer.

Municipal Manager Madden replied sure.

Council Member Perkins stated thank you. Have a good evening.

Mayor Arriola stated Vice Mayor Nickerson.

VICE MAYOR'S COMMENTS

Vice Mayor Nickerson stated back in the spring last year you had lots of people asking about a time clock and also a work order system. I know you were on hold because you did not have time to research it then. Have we gotten anywhere with that because I have people asking me.

Municipal Manager Madden stated it is still on my board but honestly I have not with the COVID-19 stuff. That and the alert system are the two (2) things I am looking at right now and solar panels. It has not left my board.

Vice Mayor Nickerson asked can we put a deadline of some sorts on it.

Municipal Manager Madden stated I can.

Mayor Arriola asked when would you like the information Susan?

Vice Mayor Nickerson stated some sort of answer within sixty (60) days? It has been almost a year. Is that feasible?

Mayor Arriola asked does that sound good Glenna?

Municipal Manager Madden stated sure.

Vice Mayor Nickerson stated that is all I have.

Mayor Arriola stated thank you.

MAYOR'S COMMENTS

Mayor Arriola stated I don't have anything further.

March 16,

2021

ADJOURNMENT

Mayor Arriola stated do I have a motion to adjourn the meeting.

Motion by Council Member Sands, second by Council Member Nickerson to adjourn the meeting.

ROLL CALL OF ABOVE MOTION: Council Member Sands, yes; Council Member Thompson, yes; Council Member Joy, yes; Council Member Macmann, yes; Council Member Nickerson, yes; Council Member Perkins, yes; Council Member Arriola, yes; 7 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Meeting was adjourned at 8:03p.m.

Approved:

Ray Arriola *April 6, 2021*
Mayor Date

Abraham J. Wright *April 6, 2021*
Clerk of Council Date