

February 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, February 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, Chief Financial Officer Brenda Etter, Code Enforcement Administrator Melody Davis 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 February 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 there is no old business listed. Anyone have any old business? Nothing was heard.

NEW BUSINESS

Mayor Arriola stated next is the **FIRST 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 do we have any questions.

Council Member Sands asked how does this affect the people who put welcome signs in front of their houses?

February 16,

2021

Municipal Manager Madden stated they will be exempt. I can get you that code.

Council Member Sands stated that is fine.

Municipal Manager Madden stated they will have to be small; something like a 2 x 2 or whatever it is. They are entitled to those.

Council Member Joy stated Mr. Mayor I have a couple of questions; §152.210 Maintenance and Removal of Signs: states that signs which are no longer functional or abandoned, shall be removed or relocated in compliance with the provisions of this chapter within 30 days following such malfunction. If it is abandoned who is designated to remove those?

Municipal Manager Madden stated that falls under the ownership. The owner of the property, the renter of the property, or the owner of the building is responsible for all of that. *Under §152.215 (A) Sign Responsibility reads the building owner shall be held responsible for the removal and disposal of all abandoned signs including the complete blocking out of painted wall signs and (B) the owner of the sign shall be held responsible for the maintenance, repair, and upkeep of the sign.*

Council Member Joy stated in which case it falls under the provisions listed in the violations?

Municipal Manager Madden stated it would become a violation if they don't remove it and they would need to get it out of there.

Council Member Joy stated under §152.220 TEMPORARY SIGNS states in section (F) total of all temporary signs per property shall not be more than 50 square feet of signage. What or who designated that?

Municipal Manager Madden stated we were finding that in other sign codes and some of them were even smaller than that so we with a 10 by 5 which would be a big sign.

Council Member Joy stated we have already stated that only one (1) banner or non-exempted flag is allowed that may not exceed 24 square feet. Is that one sign or a total of all of the signs?

Municipal Manager Madden stated it would be a total of all signs.

Council Member Joy stated if I am not mistaken we also have it listed in there that a sign cannot be that large individually.

Municipal Manager Madden stated if I am not mistaken that is for a wall sign.

Council Member Joy stated I will read through it a little closer. And §152.999, the very last one, Section B, I wasn't sure why *Vandalism of water supply* was put in there. I do not understand why that was put in there.

Municipal Manager Madden stated I would love for that not to be there but that was already there and it references another section so we did not take it out until we go in and change the other section. As we are changing these sections we will have to modify that also.

Council Member Macmann asked do we know why that was put in there?

February 16,

2021

Municipal Manager Madden stated I am going to say in 1980 that is where they decided to put it.

Council Member Macmann stated I was just curious because when I read that I thought, well okay.

Municipal Manager Madden stated we thought that also. Vandalism of a water supply is a misdemeanor.

Council Member Macmann stated I don't know why we would need an ordinance. It just seems completely out of place.

Council Member Joy stated I believe that is all that I have.

Municipal Manager Madden stated if you have any other questions you can reach out to Susan Nickerson, Melody, or me. We all met for what seemed like hours going through these.

Mayor Arriola stated any other questions. None was heard.

Mayor Arriola stated we will move on to the **FIRST READING ORDINANCE 2021-03 . AN ORDINANCE REPEALING AND ADOPTING CHAPTER 152 SECTION FENCES, WALLS, AND HEDGE REGULATIONS AMENDING §152.182 OF THE MUNICIPAL CODE OF ORDINANCES OF THE VILLAGE OF NEW LEBANON, OHIO.**

Mayor Arriola stated any questions.

Council Member Joy stated I have a few here as well. Are fences allowed to be on the property line because it is not stated in here?

Municipal Manager Madden stated it cannot be in the right-of-way. I believe they would usually be on the property line. Under §152.182 General Provisions (G) Residential Side and Rear Yards (1) The side yard is considered the area from the front foundation of the house over to the side property line going towards the rear of the property then back over to the rear foundation of the house.

Council Member Macmann stated the fence can be on the property line!

Municipal Manager Madden stated usually you would put your fence on the property line.

Council Member Macmann stated every place is different. Where I lived before you had to have it with a certain amount but not on the property line. I'm sorry, I want;

Municipal Manager Madden stated I think it has always been on the property line because if you put a fence up and you had to stay a certain amount from the property line then you would have to go outside in order to mow.

Council Member Macmann stated seriously where I lived before you could not put it flat on the property line. That was another place.

Council Member Joy stated that is why I am asking this. If you put up a fence who is responsible for maintaining that fence; who is responsible for weeding that fence and who is responsible for the grounds care around that fence.

February 16,

2021

Municipal Manager Madden stated the person who puts it up.

Council Member Joy stated okay and if they put it on the property line how do they then come inside the property of the other person to care for it?

Municipal Manager Madden stated they should be building it so that they can get to it from underneath or at the ground level.

Council Member Joy stated that is not happening. That goes back to....

Municipal Manager Madden stated usually when you put a fence up the neighbor has to be told you are putting a fence up.

Council Member Joy stated no they don't have to be told. That is what I am getting at. This needs to be worked out. If we are going to change it then it needs to be changed to identify who maintains the fence and the weeds and debris.

Municipal Manager Madden stated on both sides of the fence.

Council Member Joy stated I would say so because if the fence is going up and one party doesn't want the fence then they should have to have it far enough back, three (3) feet at least so that they can maintain it.

Council Member Macmann stated maybe that is why you could not put it on the property line where I lived before. There was a specific amount of space where your fence was and then there was the property line. I am wondering if that is maybe why.

Council Member Joy stated a picket fence is not a big deal. A chain link fence goes all the way to the ground and honeysuckle weeds, and what knot are growing up through it so whoever puts up the fence is the one who should maintain it. My next question is what materials can actually be used? It states in the front yard what they can use but it does not state what can be used in the backyard. In a lot of cases I am seeing throughout the community they are using basic garden fence. That cuts back on the property value if chicken wire or whatever is used. And my next question is who is going to determine when these need to be replaced or maintained?

Municipal Manager Madden stated that would come under that falls under zoning and compliance.

Council Member Joy stated so whoever the zoning person is will have to be able to inspect all of these property lines.

Municipal Manager Madden stated she is doing that now with fences that are falling down. We are just trying to simplify it.

Council Member Joy stated I believe that is all I have.

Municipal Manager Madden stated anyone else.

Mayor Arriola stated anyone else. Nothing was heard.

Mayor Arriola stated we will move on to **RESOLUTION 2021-02. A RESOLUTION UPDATING AND MODIFYING THE PERMIT FEES AND FEE STRUCTURE FOR THE MUNICIPALITY OF NEW LEBANON, OHIO.**

Mayor Arriola stated any questions.

February 16,

2021

Council Member Joy stated Mr. Mayor if you don't mind I would like to put forth a motion to table Resolution 2021-02 simply because I have not had a chance to read through it all. I don't feel it is fair to the residents or the constituents for me to vote on something that I have not fully digested.

Mayor Arriola stated is there a second.

Council Member Perkins stated I will second the motion to table Resolution 2021-02.

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

ALL IN FAVOR. MOTION CARRIED.

RESOLUTION 2021-02 IS TABLED UNTIL NEXT MEETING.

Mayor Arriola stated any public comments or questions.

PUBLIC COMMENTS OR QUESTIONS

Municipal Manager Madden stated there are no public comments.

ADMINISTRATIVE STAFF COMMENTS

Mayor Arriola stated Police Chief Daulton retired.

Municipal Manager Madden stated we have Police Captain Chambers with us tonight.

Police Captain Chambers stated folks I have nothing tonight.

Mayor Arriola stated we are going to miss you to Chief.

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

Mayor Arriola stated Fire Chief Keyser.

Fire Chief Keyser stated the EMS Grant for 2021 has been submitted and the Fire Act Grant for 2021 has also been submitted. That is all I have.

Mayor Arriola stated thank you.

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

Mayor Arriola stated Code Enforcement Officer Melody.

Municipal Manager Madden stated she doesn't have anything this evening.

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

Mayor Arriola stated Chief Financial Officer Brenda. Anything from Brenda besides the financial report.

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

February 16,

2021

Motion by Council Member Sands, second by Council Member Nickerson to adopt the January 2021 Financial Report.

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

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated any questions for Brenda. Nothing was heard.

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

Municipal Manager Madden stated it has snowed a lot. They have been busy out plowing snow. Hopefully all of your streets are fairly clear until the next big snow.

Council Member Sands asked how is our salt supply?

Municipal Manager Madden stated out salt supply is getting low as is Montgomery County and everybody else. ODOT is hanging tough.

Mayor Arriola stated anything to pass on to Scott.

Mayor Arriola stated they did a good job.

Mayor Arriola stated Municipal Managers comments.

MANAGER'S COMMENTS

Municipal Manager Madden stated I do not have any comments tonight.

Mayor Arriola stated anybody have anything for the manager.

Council Member Perkins asked did we ever purchase the salt bin?

Municipal Manager Madden stated we have not purchased a salt bin. We are going to be building one but have not done that yet.

Council Member Perkins stated thank you.

Mayor Arriola stated anything else for the manager. Nothing was heard.

COUNCIL MEMBER COMMENTS

Mayor Arriola stated Chris.

Council Member Sands stated I have nothing else this evening.

Mayor Arriola stated Doug.

Council Member Thompson stated Mayor I have nothing else thank you.

Mayor Arriola stated Gale.

February 16,

2021

Council Member Joy stated I have nothing else. Thank you.

Mayor Arriola stated Carol.

Council Member Macmann stated I have nothing else.

Mayor Arriola stated Lyndon.

Council Member Perkins stated no comment. Thank you.

Mayor Arriola stated Vice Mayor Nickerson.

VICE MAYOR’S COMMENTS

Vice Mayor Nickerson stated I have nothing.

MAYOR’S COMMENTS

Mayor Arriola stated I have nothing further.

ADJOURNMENT

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

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

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

ALL IN FAVOR. MOTION CARRIED.

Meeting was adjourned at 7:55 p.m.

Approved:

 2/26/2021
Mayor Date

 March 2, 2021
Clerk of Council Date