

October 2,

2018

The Council of the Municipality of New Lebanon, Ohio, met in regular session on Tuesday, October 2, 2018 at 7:30 p.m. with Mayor Arriola presiding. Present were Service Department Superintendent Scott Brock, Law Director Ronald D. Keener, Police Chief Rick Daulton, Zoning Compliance Officer David Lunsford, Clerk of Council Sandy Wright and several visitors. Municipal Manager/Fire Chief George Markus and Chief Financial Officer Brenda Etter were absent.

### **ROLL CALL**

The following members were present at the Call to Order: Raymond Arriola, Gale Joy, Glenna Madden, Hillary McClusky, Christopher Sands, and Douglas Thompson. Carol Macmann was absent.

### **INVOCATION**

Pastor Mark Kirschhofer from the New Lebanon Assembly of God gave the invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **APPROVAL OF MINUTES**

Mayor Arriola stated next is the approval of the June 19, 2018 regular meeting minutes. Are there any corrections or changes that need to be made to these minutes? Nothing was heard.

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

Mayor Arriola stated next is the approval of the July 3, 2018 regular meeting minutes. Are there any corrections or changes that need to be made to these minutes? Nothing was heard.

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

### **OLD BUSINESS**

Mayor Arriola stated we have the **SECOND READING OF ORDINANCE 2018-04. AN ORDINANCE AMENDING §35.602 (F) OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.**

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

### **NEW BUSINESS**

Mayor Arriola stated under new business we have **RESOLUTION 2018-27. A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, OHIO (hereinafter referred to as "County").**

Mayor Arriola stated any questions. Nothing was heard.

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Mayor Arriola stated do I have a motion to adopt Resolution 2018-27.

Motion by Council Member Thompson, second by Council Member Madden to adopt Resolution 2018-27.

ROLL CALL ON ABOVE MOTION: Council Member Arriola, yes; Council Member Joy, yes; Council Member Madden, yes; Council Member McClusky, yes; Council Member Sands, yes; Council Member Thompson, yes; 6 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

**RESOLUTION 2018-28. A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

Mayor Arriola stated do I have a motion to adopt Resolution 2018-28.

Motion by Council Member Madden, second by Council Member Sands to adopt Resolution 2018-28.

ROLL CALL ON ABOVE MOTION. Council Member Joy, yes; Council Member Madden, yes; Council Member McClusky, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Arriola, yes; 6 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated next is the **FIRST READING OF ORDINANCE 2018-05. AN ORDINANCE AMENDING §98.05 OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.**

Mayor Arriola stated any questions.

Council Member Joy asked can someone explain this?

Municipal Manager/Fire Chief Markus stated there has been a change in some of the wireless technology. This Ordinance revises Ordinance 98-05 and allows the municipality to charge an annual registration renewal fee for each Wireless Telecommunication Facility (WTF). The registration renewal fee is being adjusted from \$25.00 per facility to \$250.00 per facility. This change is being made in response to the anticipated 5G technology that is beginning to come on line in our area.

Council Member Joy asked how many towers are you expecting?

Municipal Manager/Fire Chief Markus stated we do not really know. We received a bulletin from the Mayors and Managers Association stating they expect a run on the dishes and towers on the south end of town so this is more of a protective thing on our part to make them think about what do you want to do and how much do you want to do it.

Council Member Joy stated south side of this town.

Municipal Manager/Fire Chief Markus stated south side of Dayton.

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Council Member Joy asked can we get a copy of that so we can understand what they are talking about?

Municipal Manager/Fire Chief Markus stated sure.

Mayor Arriola stated any other comments. Nothing was heard.

Mayor Arriola stated next is public comments or questions. If anybody has any comments or questions please come forward to the podium and state your name and address for the record.

### **PUBLIC COMMENTS OR QUESTIONS**

Mark Bundy, 124 Laredo Avenue asked has there been any kind of solution concerning the discussions that has been made here at council meetings about possible remedies for holding property owner accountable for rental properties?

Law Director Ron Keener stated if that is directed at me; a conclusion no, progress yes; I am still trying to put together some language that I think will serve our needs. You mentioned rental properties but keep in my mind I am not referring to rental properties. It is in the works.

Mr. Bundy stated I did some research and I went into West Carrollton's plan they are proposing. Is anyone familiar with that?

Law Director Keener stated I don't think I have a copy of West Carrollton's. I have several.

Mr. Bundy asked would you like to have a copy?

Law Director Keener stated I would be happy to have one.

Mr. Bundy stated I went up to this couple's property here who live on Brookville-Johnsville Road. To be honest with the council I thought I had it bad but their problem is 10 times worse than mine. They are both big problems. Seriously it is really bad. I don't know if anyone has been up to look to see what it is really like. But that place is really a mess. I don't blame them for being upset. A couple of things I would like to bring up but I just want to remind Council that on September 4<sup>th</sup> the subject of a garage door located at 200 Laredo is in such poor condition. It is an old wooden door that has a hasp and padlock on it. Windows are broken out. Plywood is put up on the inside of the house etc. If you recall they were notified and given 30 days to put up a new garage door. We were told they had 5 days. The time was up September 9<sup>th</sup>. The door still has not been put up. They had a small girl out there painting the garage door and off white. It looks horrible. You can put lipstick on a pig but you still have a pig. I am just letting council know that there has been very little progress made over there. I am just giving you an update on where it stands. Thank you.

Mayor Arriola stated I am assuming we had letters go out to the residents and the owner again.

Zoning Compliance Officer David Lunsford stated letters were sent after the last council meeting.

Mayor Arriola stated thank you.

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**ADMINISTRATIVE STAFF COMMENTS**

Mayor Arriola stated we will go to administrative staff comments.

Mayor Arriola stated Police Chief Daulton.

Police Chief Daulton stated I have nothing.

Mayor Arriola stated anyone have anything for the Police Chief. Nothing was heard.

Mayor Arriola stated do we have anything from the Fire Chief.

Police Chief Daulton stated he has nothing tonight sir.

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

Mayor Arriola stated Zoning Compliance Officer David.

Zoning Compliance Officer David Lunsford stated I have a few. A letter was sent about replacing the garage door at 770 Heeter new owner is to put in new garage door. I received Planning Board Applications for the eight (8) Wade Journey Homes.

I have a question for Council Member Thompson. I give you specific stats on how many I have done every month.

Council Member Thompson stated I wasn't challenging you. I think I am getting a little frustrated as an elected official to have people coming up here complaining about things over and over. I realize we have things under way and Mr. Keener is working on it but I think the people are speaking loud and clear that they want change. I am trying to understand how large the problem is. They have pointed out the property on Main Street that has one side painted blue, one side yellow and one not painted at all. I brought up the one where the garage door for several weeks was removed so I wasn't trying to challenge you but trying to understand the scope of the problem. As I walked around the community there are many cases where the homeowner is not maintaining their property. I don't know how many times we have to have people come up here to talk about this but just like the pothole situation about 2 or 3 weeks ago. I just want to understand the scope. That problem has seemed to go away but when it comes to property maintenance, we were reminded at the last meeting about the house on Main Street painted blue, yellow, and no paint at all on one side reminded me that as an elected official I have to do my duty and to challenge the staff when things are not getting done. That can be a perception or we have actual citizens that are coming out every week to want to know what we are doing. I am asking how big is the problem? I had to walk my dog to see the house with no garage door, the car that was half stripped down, the back door wide open. That door has been replaced but we as Council Members do not know about these problems unless we go out ourselves or we have citizens that have concerns. I believe that when you have citizens who show up for 4 or 5 meetings and they are seeing progress as an elected official we better do something about that or we will not be here next election and that is all. I think the staff here at New Lebanon is superb, but I believe we have to listen to the people when they speak. So if we need to put together a list of what is wrong from homeowners not maintaining their property I don't see the big deal. I am not challenging you professionally, I would not want you to do that to me but I believe when people are sitting in this audience are saying over and over that there is a problem. Ron is working on a solution but I believe one house I brought to your attention a month ago, if I lived across the street from that I would be very disappointed with all the work we try to do to help the youth and help this community that we have a vacant house that

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people in this community already know about. I don't live in that neighborhood, but when I walk through it and a neighbor stops me and says look at that. That's all, I would never challenge any of you professionally but I think the people sitting out there in the audience have a right to ask what we are doing. Now I don't want to lecture but my approach at the last meeting was I want this to be resolved.

Vice Mayor Madden stated may I jump in here. I see what you are saying Dave. You are giving us this list but this list does not give us any detail. I think what he is asking for is some detail. If you are going tell us you received 28 phone calls what were they about. If you did 9 business permits what were they about? Junk vehicles, where were they. I think that is what Doug is asking for is just some detail. The one I see on here is miscellaneous, 36 miscellaneous that encompass anything and everything. Those need to be broken down in some other category.

Mayor Arriola stated I was curious about the 36 myself.

Vice Mayor Madden stated that is fine but I think maybe call it something else. If you went to the County 10 times or to post office 20 times. It is more of a detailed report. I wouldn't mind having 4 junk cars and the addresses.

Council Member Thompson stated when we have the citizens coming to this meeting and we don't know. I don't like not knowing. Again I respect you as a professional.

Zoning Compliance Officer Lunsford stated I was asking for more clarification as to what you want.

Council Member Thompson stated I will say this one more time. When the citizens are speaking we need to listen.

Mayor Arriola stated I see this report here Dave from the court about Strange. If I am looking at this right they were charged back in December 2017 and went all the way through the courts over and over and dismissed in May 2018. The courts did nothing.

Zoning Compliance Officer Lunsford stated correct.

Law Director Keener asked Dave what happened at the dismissal?

Zoning Compliance Officer Lunsford stated I was not present. That was when I was dealing with the demos.

Law Director Keener asked was there actually a trial.

Zoning Compliance Office Lunsford stated no.

Mr. Bundy stated I have been trying to get people to come to these meeting and the number one thing I here is it won't do any good. That is sad.

Vice Mayor Madden stated we do not know what the problem is if you don't come up here to talk with us. If they don't come here to tell us we can't help them.

Law Director Keener stated we have been asking people to come to these meetings since I came back to town in 1979. We can't get people to come or participate. I do appreciate it when you come in here and let us know what is going on and you should encourage people to attend. I appreciate it.

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Rachel Horn stated I live at 86 North Johnsville Road. Last time I was here I talked about the junk cars sitting out front. Well three (3) of them are gone, now there is a 4<sup>th</sup> one that was brought in on Friday that is sitting wrapped in plastic and is pushed clear up in the driveway that belongs to the church. The police was over there and they said the wheels were stolen off the car so now the car is on a trailer wrapped in plastic and pushed up the fence of the church driveway. Also last week I said something about the junk cars sitting in the yard and one of the ladies said oh no you can't park anything in the grass, the motor home that is sitting there is sitting in the grass. I don't understand how come they did not move the motor home with the junk cars.

Mayor Arriola stated I can't answer that.

Mrs. Horn stated I don't understand when they were doing the eviction papers, I think it was Chambers said everything would be gone when they are evicted so I don't understand why it is not gone. Evidently he is not doing his job because the junk is still in the backyard and the dogs are there and if no one is living there who is taking care of the dogs. Something needs to be done about the dogs and all the junk that is there. We have come down here and talked to the prosecuting attorney 3 times about the dogs. That dog attacked my son. I had to call 911. If my son would not have had his hood on the dog would have eat him up. Nothing is ever done. Who is going to stand up for us? Not the law, not the council. The County will not come in here. We need help out here. There is nobody out here working to get anything done. When you watch the police pointing a gun at a dog that is charging him but then will not shoot the dog. I think people should do their job.

Mayor Arriola stated does the Chief Financial Officer have anything.

Municipal Manager/Fire Chief Markus stated she has nothing tonight sir.

Mayor Arriola stated Service Department Superintendent Scott.

Service Department Superintendent Scott Brock stated I have nothing tonight sir.

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

Mayor Arriola stated Parks and Rec.

Alex stated Programs we are continuing we still have the Garden of Life going as long as we can. Margo will continue to do the deliveries throughout the year despite the garden not growing. We are focusing on our fall and winter goals as a department. Would like to see a Community Center as a place for the kids and pursuing grants.

*Video card malfunctioned and did not record rest of report. All we have is humming noise.*

Mayor Arriola stated Municipal Manager comments.

#### **MUNICIPAL MANAGER'S COMMENTS**

Municipal Manager/Fire Chief Markus stated I have nothing tonight sir.

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

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**COUNCIL MEMBER COMMENTS**

Mayor Arriola stated Gale.

Council Member Joy stated I have nothing tonight.

Mayor Arriola stated Doug.

Council Member Thompson stated thank you again for showing up. We are listening and we are frustrated as well. I look forward to the Go Forward Plan that Mr. Keener is working on.

Mayor Arriola stated Chris.

Council Member Sands stated I have nothing more tonight.

Mayor Arriola stated Hillary.

Council Member McClusky stated I have nothing tonight.

**VICE MAYOR’S COMMENTS**

Vice Mayor Madden stated I have nothing tonight.

**MAYOR’S COMMENTS**

Mayor Arriola stated thanks for coming. Keep coming to let us know your concerns.

**ADJOURNMENT**

Mayor Arriola stated do I have a motion to adjourn.

Motion by Council Member Thompson, second by Council Member Madden to adjourn the meeting.

ROLL CALL ON ABOVE MOTION: Council Member Madden, yes; Council Member McClusky, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Arriola, yes; Council Member Joy, yes; 6 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Meeting was adjourned at 8:02 p.m.

Approved:

\_\_\_\_\_  
Mayor Date

\_\_\_\_\_  
Clerk of Council Date