

September 3,

2019

The Council of the Municipality of New Lebanon, Ohio, met in regular session on Tuesday, September 3, 2019 at 7:30 p.m. with Mayor Arriola presiding. Present were Municipal Manager Glenna A. Madden, Law Director Ronald D. Keener, Police Chief Rick Daulton, Fire Chief J.C. Keyser, Code Enforcement Administrator Melody Davis, Clerk of Council Sandy Wright and several visitors. Service Department Superintendent Scott Brock and Chief Financial Officer Brenda Etter were absent.

ROLL CALL

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

INVOCATION

Mayor Arriola gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Mayor Arriola stated next is the approval of the August 6, 2019 regular meeting minutes. Are there any changes or corrections to these minutes? Nothing was heard.

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

VOICE VOTE. ALL IN FAVOR.

OLD BUSINESS

Mayor Arriola stated there is nothing under old business. Does anyone have any old business? Nothing was heard.

NEW BUSINESS

Mayor Arriola stated under new business we have the **FIRST READING ORDINANCE 2019-03. AN ORDINANCE CERTIFYING THE 2020 STREET LIGHT ASSESSMENT TO MONTGOMERY COUNTY, OHIO IN THE AMOUNT OF \$67,725.00.**

Mayor Arriola asked are there any questions.

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

Mayor Arriola stated next is Susan Nickerson, 559 Benbow Circle.

Ms. Nickerson stated I have a question. Is New Lebanon a golf cart community?

Police Chief Daulton comments not audible. Could not be heard.

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Ms. Nickerson stated there are 3 golf carts in town that do not have headlights and license plates. One has pulled out of McDonald's right in front of traffic. One woman comes up through the plat flying up Shock Drive on the sidewalks and through the yards to pick up her kids at the school. They run around town with kids that should be in car seats; and going down 35. Someone is going to get killed. When the kids get out of school between 3:10 p.m. and 3:20 p.m. every afternoon it goes on at the school.

Chief Daulton stated she should call the police.

Ms. Nickerson stated next time I will call.

Mayor Arriola stated Tammy Foley, 118 Marilee Drive.

Ms. Foley stated I came to find out about the curb prices on Marilee. Several of us have called up here to find out if we get could get a contractor to bid the job. No one called us back. They kept saying someone from the Service Department would call me back. I would personally like to see the bid. No one is going to come out to give us a bid now because the job is done. The prices I received were \$35.00 a square feet and \$42.00 the guy said would be extremely high.

Municipal Manager Madden stated that is why the second letter was sent out.

Ms. Foley stated no one is going to come out when the work is already done.

Council Member Macmann stated you called after the work was done.

Ms. Foley stated yes.

Council Member Joy stated I appreciate you coming in. I have to say I am on your side. I am not blaming this on you Glenna. This may have needed to be done a longtime ago however giving an invoice on work you did not know that you needed to do is frankly wrong. I can't speak for anybody else but if I was to call somebody up and say will you come and give me a quote on work that I know you will not be able to do is deceitful. Plainly it is wrong. When you sent out the letter and said we think this is fair. Fair would be cutting it in half. That would be fair.

Ms. Foley stated amen. They only gave us a week and half to pay.

Municipal Manager Madden stated the date was changed to October 11th in the second letter.

Ms. Foley stated I think it should be cut down because it is a ridiculous price. A lot of us can't afford that.

Council Member Sands stated they charged me \$44.00 a linear feet.

Ms. Foley asked why am I paying \$55.00 a linear feet when you were charged \$44.00?

Council Member Sands stated it was a different contractor.

Mrs. Foley stated I called a couple of places and they said that \$35.00 is basically the going rate and \$42.00 would be extremely high.

Council Member Macmann stated so you called after the curbs and sidewalks were already done.

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Council Member Sands stated from what I understand there were no letters sent to anyone on Marilee; correct. That was a mistake that was made by New Lebanon but curbs and sidewalks are the responsibility of the homeowner. That is in the ordinances. You were not given the opportunity to get three (3) bids.

Ms. Foley replied I talked with three people I talked with two, one said \$35.00 was the going price and \$42.00 is extremely high. Why would they come all the way to New Lebanon for a job they are not going to a dime to do. If you can get them to put that in writing then we can change.

Municipal Manager Madden asked what companies did you contact?

Ms. Foley stated I have their names on paper at home.

Municipal Manager Madden stated give me the names and I will contact them to see what they say. Like I said if you get a statement from the company then I will honor it.

Ms. Foley stated well alright.

Municipal Manager Madden stated it was an oversight.

Council Member Thompson stated I just want to say that Council Member Joy's comments about looking for a resolution because you did not get notice. We should do something. If it is \$25.00 or \$30.00 I think it fair to do that.

Law Director Ronald D. Keener stated Ken Griffiths could probably give you the names of contractors who do this type of work. That would be additional information.

Mayor Arriola stated is there anything else. Nothing was heard.

Mayor Arriola stated Lyndon Perkins, 735 Greyhound Drive.

Mr. Perkins stated this concerning money. Has anybody looked at the bottom the water tower? Does it need to be painted or cleaned? It is on the budget or is on the list to be done?

Council Member Sands asked which water tower? The one by the school?

Mr. Perkins stated they usually paint them. Next time somebody is up there take a look at it. If it is not in the budget for this year, check the bottom of it.

Is the service department going to do the tile that is supposed to be put in for the bicycle walk track or is it going to be bid out?

Municipal Manager Madden replied it is going to be bid out.

Mr. Perkins stated have a good evening.

Mayor Arriola stated Melissa Sexton, 180 Parkview Drive.

Ms. Sexton asked who is responsible for the bridge to the park? It is the entry off Parkview.

Municipal Manager Madden stated we are.

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Ms. Sexton stated so you guys do the upkeep on that.

Ms. Sexton stated the cone in the yard where they have dugout the hole I am assuming for water. Are there any plans for repairing the drain there? The drain hole has filled by my driveway. The manhole or sewer was actually buried under the grass but it could possibly be a safety issue as it runs right beside the sidewalk and I imagine that is why the cone is there.

Municipal Manager Madden stated they are going to repair it. They have to let the earth settle first.

Ms. Sexton stated the patch in front of my driveway around the small drain where my tire was split from the sharp point needs repair. It is doing the same thing again.

Ms. Sexton stated my opinion on this curb has really bothered me to see this lady upset. I would imagine that her finances play a big part. We don't live in the wealthiest community. I think that you guys have gone about this curb business the wrong way. I have pictures on my curb where the snowplow has run snow up and busted up the curb so I don't feel that you guy went about this the right way with this curb issue. I think there were a lot of steps not taken that could have been and for the people to come with this kind of money that I am seeing and reading about is just absurd and then to give people the opportunity to come in with bids or try to get it done cheaper. It really bothers me a lot.

Mayor Arriola stated that is what Ms. Madden is trying to rectify.

Mayor Arriola stated Shannon Bemis, 130 Bronwood Street.

Ms. Bemis stated good evening. I have a few quick questions. Are the job postings for the village required to be made public?

Municipal Manager Madden replied no.

Ms. Bemis stated every day I look on the Village page for meeting minutes and for job postings. Recently there was a hire in the Service Department and I have not seen any job postings.

Municipal Manager Madden stated it was summer help that was posted out there.

Ms. Bemis asked where?

Municipal Manager Madden stated on the website.

Ms. Bemis stated I will post on my face book page about council positions, parks and Recreation Coordinator. It was a week ago or two weeks ago there was an employee that was fired and an employee that was hired.

Municipal Manager Madden stated he was hired a couple of weeks ago.

Ms. Bemis stated part-time employee in the service department.

Municipal Manager Madden stated we have two part-time seasonal employees.

Ms. Bemis stated speaking of the budget is the money for the play ground in the park still in the plan or is it on hold.

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Municipal Manager Madden stated it is on hold only because we are going to do the track and we doing work on the back prairie area.

Ms. Bemis stated what about the meeting minutes?

Municipal Manager Madden stated they are on the website as of today for the whole year.

Ms. Bemis stated the lift station bids that we paid \$5.00 a month for a year.

Municipal Manager Madden stated the bids will go in October.

Ms. Bemis stated my opinion on the curbs. I have a question first. Are you guys going around the entire village checking the curbs or is there just certain areas that you looking at?

Mayor Arriola stated if the levy passes we will be fixing more.

Vice Mayor Sands it is the roads that we plan to fix. It is roads that we use the road money for.

Municipal Manager Madden stated we are looking at the whole area to see which streets and curbs are the worse.

Ms. Bemis asked who will be marking the curbs? Will it be Scott?

Council Member Macmann stated the engineer will be looking at what areas to be repaired. They may or may not mark a curb depending on what shape it is in.

Law Director Ronald D. Keener stated the whole purpose of the curb is to provide support for the blacktop.

Municipal Manager Madden stated if were replacing asphalt where your house is we would replace the curb also because it would have to support the new road and new asphalt.

Ms. Bemis asked when you mark curbs is that something you advertise?

Municipal Manager Madden stated we could.

Ms. Bemis stated I don't understand why the gutter and curbs are ours but if I have a no trespassing against someone he can be on my property or sidewalk. Now in the village code is it true that you have to notify the residents with a certified letter or a personal summons, like you would a civil summons?

Law Director Ronald Keener stated a certified letter.

Ms. Bemis stated so they should receive a certified letter. If you send a certified letter and it cannot be delivered does it have to be posted in the local newspaper.

Law Director Ronald D. Keener replied if it comes back then we send it by ordinary mail. If the ordinary mail does not come back (comments not audible) (Not speaking into microphone)

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Recorder breaking up through rest of conversations.

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 Fire Chief J. C. Keyser.

Fire Chief Keyser stated I have nothing tonight sir.

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

Mayor Arriola stated Code Enforcement Administrator Melody Davis.

Code Enforcement Administrator Davis stated I have nothing tonight, sir.

Mayor Arriola stated Chief Financial Officer is not here. Does she have anything?

Municipal Manager Madden stated she doesn't have anything.

Mayor Arriola stated Service Department Superintendent Scott Brock is not with us tonight. Does he have anything?

Municipal Manager Madden stated he does not have anything this evening.

Mayor Arriola stated Parks and Rec.

Municipal Manager Madden stated they have nothing.

MANAGER'S COMMENTS

Municipal Manager Madden we have the income tax amnesty coming up. It will be From September 9th through September 20th. During that time if you owe any income Taxes please come and see Kelly. All of the penalty will be waived but you will still have to pay the interest.

We did hold the second Neighborhood Watch on the 29th with 10 or 11 people in attendance. That information including the manual is now on the Website. Once the packet is completed take it to the police department so a sign can be posted in your neighborhood.

I am requesting an executive session to discuss personnel, sale of property and legal Matters pursuant to the Ohio Revised Code § (G) (1), (2), (3).

COUNCIL MEMBER COMMENTS

Mayor Arriola stated Doug.

Council Member Thompson stated I have nothing.

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Mayor Arriola stated Gale.

Council Member Joy stated I do appreciate you guys coming. For many years no one came. Hopefully you have noticed some changes. There were a lot of things we did not know. I take personal responsibility for that as well. I would like to say it should not be us versus you because we are all one community. When we are talking about money we are talking about your money. Frankly there isn't a whole lot. This is an income constrained community. We have to stretch the money as far as we can. I have not lived here my whole life. I moved here in 2004. Since 2004 I can tell you that we have allowed it to decline to the point that it is now. We can only go forward from here.

Unidentified resident (not audible)

Municipal Manager Madden stated we actually have three (3) companies coming in. The old IGA has a small manufacturing company moving in and we have two (2) new businesses in the Industrial Park. I have also reached out to the Montgomery County Auditor because they have a search engine of businesses looking for places. We were not on there, but we are now. We are working on that and trying to get our name out there and hopefully can build on it. McDonald's does not have an agreement with the Village that they can be the only fast food in town.

Mayor Arriola stated years ago when I was a council member I checked with Pizza Hut, Taco Bell, and Wendy's. They need a 15,000 population before they would even look at it.

Municipal Manager Madden stated we did some studies and they actually wanted 15,000 cars coming through town in the morning and in the evening every day of the week. We cannot sustain that. We might have it on a Monday but we will not have it on a Sunday, so they just want come to town.

Mayor Arriola stated Hillary.

Council Member McClusky stated I want to thank you guys for coming out this evening.

Mayor Arriola stated Carol.

Council Member Macmann stated thank you for coming. I do understand your anger. If I were in your shoes I would feel the same way. I do get it. I want to try to move forward. I feel good that people are coming out. We have to figure out how we can all work together and move forward.

VICE MAYOR'S COMMENTS

Mayor Arriola stated Chris.

Vice Mayor Sands stated I want to apologize for my outburst. It has been a rough couple of years for everyone on council. I do appreciate everyone coming out and giving us their opinion.

MAYOR'S COMMENTS

Mayor Arriola stated we do appreciate you coming out and giving us your opinion. I brought it up with the council members about putting it on the ballot about raising

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taxes because that would solve some of our problems. We are one of the lowest at one percent. It is difficult to sustain what we need to fix with that kind of income tax.

Mayor Arriola then thanked everyone for coming to the meeting tonight. He then stated that Council had a request for an executive session to discuss personnel, sale of property and legal matters pursuant to the Ohio Revised Code § (G) (1), (2) and (3). There will be no action taken following the executive session.

EXECUTIVE SESSION

Mayor Arriola stated do I have a motion to adjourn to executive session to discuss personnel, sale of property and legal matters pursuant to the Ohio Revised Code § (G) (1), (2), (3).

Motion by Council Member Thompson, second by Council Member Sands to adjourn to executive session.

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

ALL IN FAVOR. MOTION CARRIED.

Council retired to executive session at 8:36 p.m.

Mayor Arriola stated do I have a motion to return to regular session.

Motion by Council Member Thompson, second by Council Member Sands to return to regular session.

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

ALL IN FAVOR. MOTIONCARRIED.

Council returned to regular session at 9:12 p.m.

ADJOURNMENT

Mayor Arriola stated do I have a motion to adjourn.

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

All in favor please signify by saying yes, all opposed same sign.

VOICE VOTE. ALL IN FAVOR..

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Meeting was adjourned at 9:13 p.m.

Approved:

Mayor Date

Clerk of Council Date