

November 20,

2018

The Council of the Municipality of New Lebanon, Ohio, met in regular session on Tuesday, November 20, 2018 at 7:30 p.m. with Vice Mayor Madden presiding. Present were Municipal Manager/Fire Chief George Markus, 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. Chief Financial Officer Brenda Etter was absent.

### **ROLL CALL**

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

### **INVOCATION**

The invocation was not given.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **APPROVAL OF MINUTES**

Vice Mayor Madden stated next is the approval of the August 21, 2018 regular meeting minutes. Are there any corrections or changes that need to be made to these minutes? Nothing was heard.

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

### **OLD BUSINESS**

Vice Mayor Madden stated there is nothing under old business. Does anyone have any old business?

Council Member Thompson stated I would like to ask a question about the current status of the Fire Department. I would like to make a motion to run a 5 mill levy for the Fire Department which would allow us to shift those monies to hourly wages and recruitman for part-time employees

### **NEW BUSINESS**

Vice Mayor Madden stated under new business we have **FIRST READING OF ORDINANCE 2018-05. AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEW LEBANON, STATE OF OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019.**

Vice Mayor Madden stated any questions. Nothing was heard.

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Vice Mayor Madden 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 stated I don't really want to be here tonight but at the last meeting if you recall the question came up about the cases that have been sent to court. I made a request for information of all the cases I forget what date in 2014 that has been sent to the court. I obtained copies last week of two that occurred in 2014, if this information is correct there have been no cases sent to the court since 2014 as far as code violations.

Mr. Bundy stated Mr. Keener I have a question for you. If we don't follow proper procedures as the ordinances read for instance send the property owner a letter to tell them what the infraction is and then follow up and execute whatever. Nothing can be done with the court until we have done our job, correct.

Law Director Keener stated generally speaking yes. It goes to the court building from our offices so we take every step possible along the way in order to get a resident to comply and then when they don't comply then it is filed with the court. I would disagree with your first statement even though I am not completely involved our other Law Director is the prosecutor. He and I have had discussions about cases that have been sent to the court since the date you have mentioned.

Mr. Bundy stated I have given you copies of letters that were sent to Archie Jones and Darlene Roberts who lives next door at 200 Laredo. The oldest one I have is May 13, 2015 where they were given 7 days to comply and there was no compliance and the next one is March 30, 2013 they were given 5 days to comply and there was no compliance and no follow up. Another one date April 17, 2016 which they were given 5 days to comply and they did not; another one 10-15-2016 they were given 10 days to comply and there was no compliance. There is one more dated November 2, 2016 they were given 7 days and there was no compliance and nothing was done about it. The only thing that has ever been followed up on next door is when they were sent a letter telling the resident they need to get rid of the privacy fence on both sides of the back patio. They did take those down but we still have the high weeds. The last time they cut their grass next door was September 11<sup>th</sup> one week ago today. Prior to that 31 days their grass was cut on August 19<sup>th</sup> and prior to that it was 28 days and prior to that it was cut July 22<sup>nd</sup> so if you do the math it 3 times in 59 days. That is not very much. There is tall grass and weeds all in the yard. Something has got to be done about the situation. Any questions?

Vice Mayor Madden asked where are we on this Dave?

Zoning Compliance Officer David Lunsford stated it is in the process. The next step will be send him to court.

Mr. Bundy asked should I really even be here tonight? No it should have been fixed a long time ago.

Vice Mayor Madden asked are we sending to the owner of the property?

Zoning Compliance Officer David Lunsford stated some went to both and some went to the property owner.

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Vice Mayor Madden asked can we get an update at the next meeting about the progress on this property?

Tony Horn, 86 North Johnsville Road stated I don't know if I should be talking about my case after listening to this case. They know about it and they have done nothing about it. I have been fighting the people over there for a year now and now I have had a stroke because I had an argument with them next door. I told them I was going to whip their ass, the dog, and everybody over there. I called the police and they came out there and came over and gave me a disorderly conduct citation. I had to appear in court. These people ain't doing their job. He comes out there and says to me I have sent letters. It don't do no good. They have a yard sale that has been going on for 5 weeks in the front yard of that property and nobody is supposed to be living there. They have put an evict notice on them, they have moved out of the house and have moved into the travel trailer. My wife called last week to ask if he could do anything about it. He told her it is in the court system now and as far as Mr. Keener goes the prosecutor told me there is nothing that can be done. There is nothing they can do. Why do we have ordinances if we can't do nothing?

Vice Mayor Madden stated I agree.

Mr. Horn stated let's turn it over to the Sheriff's office because we ain't getting any service out of the New Lebanon Police Department. I am going to turn this over to my wife because I have trouble speaking. I will let her take over.

Rachel Horn, 76 North Johnsville Road stated I have this newsletter that we got from the Village that is talking about junk cars. They have a motor home that they are living in that was set on fire last summer or the summer before and after I talked to Lunsford and he said I will see what I can do. I told him they had about 3 cars parked out there they moved another car out there. It has no window in the back of it. It is a piece of trash. Evidently they got a letter from him about the motor home now it is sitting in the front along with the junk car. They are not doing anything with it. You go to their back yard and you can see their junk over the privacy fence. The other day they had a red car over there. I think they painted it and moved it across the street and then they moved a silver car in the front. In this newsletter it says that in accordance to the ordinance they cannot keep junk cars unless they have them housed. Those cars sit right out there in the open. They have a boat in the yard and the only time it was moved in 10 years was when they moved it from one spot to another spot.

Vice Mayor Madden asked what is the address of the property Mrs. Horn?

Mrs. Horn replied I think it is 92 North Johnsville Road. I bet if you checked the motor home you would find it has not had tags in 5 years. They parked it there and nothing was ever said. Nobody every checks and says this does not have current plates. We have been fighting all summer about all the junk next door and I think it is about time something was done about it. They have 2 vicious dogs over there. They know about it but nothing has been done. Those dogs are still in that yard even after he went to court and paid a fine. The other day we were taking the trash out one of the dogs was barking so loud and was so aggressive I went into the house and got a gun. Why can't you people do something about that? Do we have to go to Montgomery County to get something done about the trash over there? That is all I have to say.

Vice Mayor Madden asked what are we doing over there?

(Comments from the audience not audible)

Vice Mayor Madden stated Dave what are they doing over there.

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Zoning Compliance Officer Lunsford stated I am going to correct Mr. Horn. We have gone to court this year and you stated we had not.

Vice Mayor Madden asked what did the court do?

Zoning Compliance Officer Lunsford stated I have no clue.

Law Director Keener stated without looking at the file I would not know. The judge could have found him guilty and fined him but did not follow up with any jail time. They probably dismissed it and he just paid court cost.

Vice Mayor Madden asked is there anything more we can do over there?

Law Director Keener stated without looking at the file the judge could have found him guilty with a fine and then suspended everything but court costs on the condition he clean up the mess.

Vice Mayor Madden asked Dave can we get some information by the next meeting on this property?

Zoning Compliance Officer Lunsford stated sure.

Mr. Horn stated Ron the prosecutor evicted them but nobody ever left. They stuck the eviction notice on the window.

Vice Mayor Madden asked what about the cars? Can the police go out to see if they are registered vehicles.

Police Chief Daulton stated without probable cause I can't go out there and start checking license plates.

Council Member Macmann stated to be in the driveway the vehicles are to be properly licensed with up to date license plates.

Vice Mayor Madden stated they back the car in the driveway, you can't see the plate to see if it is properly licensed with up to date stickers. You cannot go onto the property to see if the plate is current. I have one next door to me that has not moved for a few years but she has backed it into the driveway so you can't see it.

Vice Mayor Madden stated if they are in the grass we could at least go over and tell them the vehicles have to be moved.

Police Chief Daulton stated they have been cited multiple times for the dogs. The judge did tell them he was going to send them to jail but when it came time there was a visiting judge who issued a fine and done.

Vice Mayor Madden stated is there anything that can be done to help these people.

Law Director Keener stated you just have to be persistent and stay on these people.

Vice Mayor Madden stated we need to make a nuisance of ourselves and keep sending them over to court.

Council Member Macmann stated we just have to keep sending them back over and over again.

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Vice Mayor Madden stated go ahead Mr. Bundy.

Mr. Bundy stated I have been holding back. I am not dealing with rational people that live next door to me. About a year ago after they got the September letter the guy David Meyer and Darlene Roberts at 206 Laredo came out in the backyard and started yelling over the fence trying to start a fight with me over the letter that was sent. I don't fight ignorance with ignorance. My wife had to call the police to get them to calm down. I have pictures on thumb drives from years ago, you would not believe the pictures I have, for instance the people next door had an old Ford Taurus that had a 30 day tag on it, when the 30 days were up they put a piece of white tape over it with a different date on it. They did that for 6 solid months to where the rain would wash the tape off exposing the original date and nothing was ever done about it.

Vice Mayor Madden asked was the car parked on the street?

Mr. Bundy replied yes it was parked on the street. I want tell you who it is. Ladies and gentlemen I have been told by one police officer in this town that if he were me he would not cut his grass without carrying a pistol. Now I carry ever once in a while when I cut my grass, when I see certain conditions exist. Is that right? Should a police officer have to warn me to carry a pistol when I cut my grass and to look both ways when I go out my front door. I am not going to let them scare me but the thing is it should not be that way. Six weeks ago a conversation came up I believe with you Mr. Arriola about nuisance abatement. I guarantee you are never going to get a nuisance abatement with the court system on anybody unless we follow proper procedures to make people clean things up and act like decent citizens. These are not decent citizens. Darlene Roberts has custody of her older daughter Cricket's two kids because of drugs and Cricket lives there and gives a false address. She has been there for over 2 years. The kids get out there and run around and about every sentence the F word comes out with it and other profanities with the little boys telling little girls to do things to them. These are the kind of people we are dealing with. I have been dealing with this for 21 years now because they were a nuisance when we moved in. Jerry Roberts who died from an overdose a year ago January 31st about 5 years ago I was in my back yard he came out and gave me the understanding he was a convicted felon. He came out his back door and had a Mossberg Model 88 Maverick shotgun, looked like it was brand new and asked if I wanted to buy it for \$100.00. Well I am not stupid and then he discharged it in his backyard. There was no sense in calling the police because by the time they got there he would have had it hidden and lied his way out of it. You could not trust a thing they said. The other people next door the husband would go around bumming money from people, especially the elderly people in the neighborhood. I took it upon myself to make sure that these people had my number and the police number to call if he ever knocked on their door to borrow money from them.

Dawn Leonard, 13070 Dechant Road, Farmersville, Ohio and we are here on behalf of the Brethren Church in New Lebanon. I am pastor Kyle Wardlaw 11079 Old Dayton Road, New Lebanon, Ohio. We are here to talk with you about the property located on the corner of Church Street and Main Street called Park for a Little While. Ms. Leonard stated we would like to have that for a decent price of course. To take care of that lot, Kyle has probably mowed that over a year. We would like to some things to beautify that corner but we don't want to put a lot of money into something that is not really ours. I know we currently use it for the Christmas in the Village and we would still want to do that but if owned that we could really take care of it. We know that the Village paid about \$35,000 for that in 2002 but at that time it had a dwelling on it that they tore down to make Church Street wider or something to that road. I don't think it is worth the \$35,000 that was paid for it many years ago because part of that lot is now

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gone. We would like to have a good price on that and we wanted you to know that we have an interest here. We are sure you don't want to give it away but we certainly would accept any discount you would be willing to give us.

Pastor Wardlaw stated a member of the church made a drawing showing what we would like to do so I would like to show you guys what we would like to do. It is not just for our church. We would like to use it as a community shelter. The way we have it designed there will be less chance for graffiti. We would use it for Christmas in the Village and we would have a fire place in the shelter so we could come there and have a fire going. I think it would just beautify that corner more than what it is right now. The trees are a great asset on the corner but I think there is so much more you can do with that and we did not want to start doing anything until we know we have this property because we don't want it to be taken away from us. We thought about asking if we could do a land contract but it did not make sense to us so we decided to come to you and ask for a reasonable price. We are going to apply for a grant. We found a family that will provide grants to churches in the area who offer services that are beneficial to the community. It is not going to happen tomorrow but at least we have a number we can present to this family to see if we can receive this grant or not.

Vice Mayor Madden stated did I hear you say something about graffiti.

Pastor Wardlaw stated if you look at all the other shelters they are all painted out now.

Vice Mayor Madden stated Alex since you have taken over the parks have we had problems with graffiti?

***Remarks from Parks & Rec were not audible about graffiti.***

Pastor Wardlaw stated George did give us a price.

Pastor Wardlaw asked do you have that Dawn?

Ms. Leonard stated he gave me a round-about price of \$20,000. I did not think that it was a fair price because the lot now is much smaller and I am not even sure if it is large enough to build on. We own the lot that is adjacent to it. This lot is much smaller because Church Street is much wider and it is probably not worth a whole lot to anybody else but us.

Council Member Thompson stated I feel like I am on American Pickers (laughter). What are you suggesting on price?

Ms. Leonard stated what is a fair price.

Pastor Wardlaw stated I would be happy with \$8,000. It is less than a half acre. It is approximately .258 acres. It is a very small lot so we are looking around that price. Granted it is a lot less than what you paid but the property is used for what it is meant for. I think anything we would give would be beneficial off the top.

Vice Mayor Madden stated thank you.

#### **ADMINISTRATIVE STAFF COMMENTS**

Vice Mayor Madden stated we will go to administrative staff comments.

Vice Mayor Madden stated Police Chief Daulton.

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Police Chief Daulton stated I have one quick one. I am sure that everybody is aware of the homicide in Miami Township. Officer's Goad and Wortman took into custody the homicide suspect. It went well. We received a tip that he was in the area. They found the car and were able to take custody of the suspect in an apartment on Gloria Avenue.

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

Vice Mayor Madden stated do we have anything from the Fire Chief.

Police Chief Daulton stated he has nothing tonight sir.

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

Vice Mayor Madden stated Zoning Compliance Officer David.

Zoning Compliance Officer David Lunsford stated I have a few. The Village was contacted by a contractor who plans to build 21 new homes this year in Tarragon Estates but it is in early stages. O'Reilly's should open by the end of the month or first of October. Randy Brewer from Head's Up located in the Industrial Park will be starting his process with the Planning Board.

Vice Mayor Madden stated any other questions for David.

Council Member Thompson stated what have you found out about the property on Heeter and Alta. I noticed things are still as they were.

Zoning Compliance Officer Lunsford stated I just got the contact information on the new owner and will be making contact about the property.

Vice Mayor Madden stated we still have the situation at the property at 2002 Columbus Hines Way.

Zoning Compliance Officer Lunsford stated we are taking care of that. It is in the court process.

Council Member Sands stated in other words it is going to go through the same circle as these other people.

Council Member Thompson asked is it possible to have at the next council meeting a list of all the properties that we have had 5 or more complaints on per council meeting. These people are here tonight because they want something done. I know you are doing your best and I am not trying to be critical. It is to try to find strategies to fix this, that's all.

Zoning Compliance Officer Lunsford stated I will see what I can do.

Vice Mayor Madden asked do you think you can get any information from Prosecutor Ryan Brunk about what the judges are doing?

Vice Mayor Madden stated final judgments or determinations on these cases specifically.

Council Member Thompson stated maybe we should start listing the top one hundred offenders in the Newsletter. This would need approval from the Law Director.

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Law Director Keener stated no because of slander.

Council Member Thompson stated even the officials get their hands tied when they attempt to fix something. They list delinquent property taxes. Could somebody research around the country to find out what they are doing besides fees and fines.

Vice Mayor Madden stated we can list the ones we serve. You can't just list the properties that people complain on but we can list the ones that are served.

Council Member Thompson asked is the list that we served in the past two years too large?

Vice Mayor Madden stated it would have to be current.

Council Member Thompson stated within 90 days.

Vice Mayor Madden stated I would say within the newsletter printing.

Council Member Thompson stated thank you that helps.

Vice Mayor Madden stated any other questions.

Council Member Macmann stated I do have a question. Through this process we send a letter, it goes to the court and perhaps they do something or perhaps they do nothing then we start the process over again.

Law Director Keener stated once it gets to court the judge basically says you do this or that and he gives them so many days to do it and then they are supposed to come back to court. They either do something or they don't do anything and then he comes back to court and then he gets lost in the court process because the judge does not want to follow up on it. I can't speak for the current judge or the current magistrate because I don't know them but I know we have had a change over at the court. In most of these jurisdictions that occurs. The only way to get anything through the courts is persistence. Then the court gets mad at you because you have filed too many. Zoning violations exist every day and so you can file each and every day as a new offense. When a judge sees 30 or 40 charges that are nothing more than day after day after day the judge gets mad and they get mad at us for filing all these charges. It ends up that they plead guilty to one and they dismiss all the others so we have to be persistent; we have to continue to give them the notices. At the last meeting Dave gave me some additional information on the ordinances that we are complementing that is a nuisance ordinance. I think it will happen and it is going to happen. It just takes time to put it together so it is going to stand up and not be questioned and thrown out. We want to get that together and start utilizing it where we can impose civil fines against these people and take it out of the courts hands and bring it into our Board of Enforcement hands. I am working on it, but it doesn't happen overnight. I think before it comes before council it will end up is some kind of work session or executive session for all of us to put our input into it. We want to make it right. Persistence and the charges can continue to go on.

Council Member Macmann stated so if I am driving down North Johnsville Road I can call Dave and say this is occurring and I think you need to do something about it.

Vice Mayor Madden stated what I have done in the past is to take pictures and forward them to George.



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Council Member Macmann stated thank you. I am trying to understand the process.

Zoning Compliance Officer Lunsford stated a council member called Sandy about two weeks ago on a zoning violation. One of them was already in the system and the other one the letter had been mailed on a Friday.

Council Member Macmann stated you sent me an email stating that.

Law Director Keener stated I think what we have here are a couple of residents who don't have any intentions of doing anything about what they are doing and they are just riding it out. You need to push it.

Mrs. Horn stated on Main Street there is a house there that is blue and yellow and no paint at all. It has been like that for years. What is that doing to beautify Main Street? I remember years ago we lived on Main Street right past the school and we had a 68 Nova sitting in the backyard and it wasn't covered. The only way they could see it was through the side street or walk back in our yard because the house blocked it. We got a letter telling us to cover that car or move it. One person got a letter telling them they had to put a new roof on. What happened to that? New Lebanon is starting to look like Drexel. There is grass growing in cracks on Dorothy Lane in the plat. You send letters to people to cut their grass but the Village does not have to do anything about the grass growing in the cracks at Rowe Feed. All the work that has been done to Main Street has not beautified it because of all the trash in this town. It hurts the looks of it and if I did not live here I would not move here. This Village don't look good when you drive down Main Street and then when you turn off Main Street it is sad. It is a sad situation. In Centerville you got to have one car sitting in the driveway and you can't have 10 cars sitting up in the grass. They have strict rules. The property value in the Village of New Lebanon is going down fast.

Vice Mayor Madden stated thank you Mrs. Horn.

Vice Mayor Madden stated under Chief Financial Officer do I have a Motion to accept the August 2018 Financial Report.

Motion by Council Member Sands, second by Council Member Thompson to accept the August 2018 Financial Report.

ROLL CALL ON ABOVE MOTION. Council Member Macmann, yes; Council Member Madden, yes; Council Member McClusky, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Arriola, yes; Council Member Joy, yes 7 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Vice Mayor Madden stated Service Department Superintendent Scott.

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

Vice Mayor Madden stated any questions for Scott.

Council Member Macmann stated I have had people complain to me about the potholes on Marilyn Avenue and Sunset Street. I even drove down them.

Service Department Superintendent Scott Brock stated there is no street left on Sunset.

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Council Member Macmann stated I know it has to go on the list because you have a lot ahead of it. I am not being critical.

Service Department Superintendent Scott Brock asked did you say Marilyn or Marilee?

Council Member Macmann stated Marilyn Avenue.

Vice Mayor Madden stated anything else for Scott. Nothing was heard.

Vice Mayor Madden stated Parks and Rec.

Alex stated I have not talked to you in a long time. It has been full swing season but it is wrapping up. As you see I typed up everything. As far as our events we moved Friday Night Out to be in conjunction with Homecoming. We will have Food trucks, vendors, Hot Air Balloon Glow, free face painting and a DJ. It is free and it is also Homecoming for you that Dixie Alumni. Halloween in the Village we are planning for that. It will be our third year and it has been a really successful event with over a thousand people attending. We are accepting trunk or treat applications so if you come and decorate your car you can pass out candy just as a service to the community or if you want to promote business or group. We have found our caterer for our Veteran's Candlelight Dinner. We are going to use Good Golly Miss Molly who used to have a café now she has a food bus. It will be free to Veterans but for anyone else the ticket is \$20.00. We are hoping to keep our cost down that way. She is giving us a great deal and wants to support our event. Noah Back will be playing live. It will be here at the Municipal Building in this room. We are still planning our Christmas Tree Lighting Event in conjunction with the Brethren Church at the Little Park for A Little While. 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. For September the garden has given over 100 lbs of vegetables but the total for all the months is over 1200 lbs. I think that is pretty huge. She is also doing winter crop workshops now on Sunday from 3:00 to 4:30. We have a new yoga teacher who has been teaching class. She is averaging about 8 people per class and the class is still free.

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

Vice Mayor Madden stated Municipal Manager comments.

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

Municipal Manager/Fire Chief Markus absent tonight due to surgery.

#### **COUNCIL MEMBER COMMENTS**

Vice Mayor Madden stated Chris.

Council Member Sands stated I have nothing more tonight.

Vice Mayor Madden stated Hillary.

Council Member McClusky stated thank you for coming. Keep coming to voice your concerns.

Vice Mayor Madden stated Carol.

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Council Member Macmann stated thank you for coming. Keep coming and let us know.

Vice Mayor Madden stated Doug.

Council Member Thompson stated I echo what others have said. Also would like to thank the Police and Fire for their service to the community.

Vice Mayor Madden stated Gale.

Council Member Joy stated I appreciate all of you coming tonight to voice your concerns.

**VICE MAYOR’S COMMENTS**

Vice Mayor Madden stated I agree with everyone. Thank you for coming

**MAYOR’S COMMENTS**

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

**ADJOURNMENT**

Vice Mayor Madden stated do I have a motion to adjourn.

Motion by Council Member Madden, second by Council Member McClusky 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; Council Member Macmann, yes; 7 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Meeting was adjourned at 8:45 p.m.

Approved:

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

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