

November 16,

2021

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

INVOCATION/PLEDGE OF ALLEGIANCE

The Invocation and Pledge of Allegiance was lead by Mayor Arriola.

ROLL CALL

A verbal roll call of Council Members present at meeting for the record. The following members present were Ray Arriola, Gale Joy, Susan Nickerson, Lyndon Perkins, Christopher Sands, and Douglas Thompson. Carol Macmann was absent.

APPROVAL OF MINUTES

Mayor Arriola stated next is the approval of the November 2, 2021 Public Hearing 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

Mayor Arriola stated next is the approval of the November 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 under new business we have the **SECOND READING ORDINANCE 2021-07. AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEW LEBANON, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022.**

Mayor Arriola stated any questions. None voiced.

Mayor Arriola stated next is the **SECOND READING ORDINANCE 2021-08. AN ORDINANCE AMENDING §70.01 OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.**

Mayor Arriola stated any questions. None voiced.

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Mayor Arriola stated next is the **SECOND READING ORDINANCE 2021-09. AN ORDINANCE AMENDING §70.27 OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.**

Mayor Arriola stated any questions. None voiced.

Mayor Arriola stated next is the **SECOND READING ORDINANCE 2021-10. AN ORDINANCE AMENDING §70-28 OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.**

Mayor Arriola stated any questions. None voiced.

Mayor Arriola stated next is the **SECOND READING ORDINANCE 2021-11. AN ORDINANCE AMENDING §71.01 OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.**

Mayor Arriola stated any questions. None voiced.

Mayor Nickerson stated next is the **SECOND READING ORDINANCE 2021-12. AN ORDINANCE AMENDING §73.03 OF CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.**

Mayor Arriola stated any questions. None voiced.

Mayor Arriola stated next is the **SECOND READING ORDINANCE 2021-13. AN ORDINANCE AMENDING §73.13 OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.**

Mayor Arriola stated any questions. None voiced.

Mayor Arriola stated next is the **SECOND READING ORDINANCE 2021-14. AN ORDINANCE ADDING §73.14 TO CHAPTER 73: PARKING IN THE CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.**

Mayor Arriola stated any questions. None voiced.

Mayor Arriola stated next is **SECOND READING ORDINANCE 2021-15. AN ORDINANCE REZONING A PARCEL FROM OR1, OFFICE/RESIDENTIAL TO B2, COMMUNITY BUSINESS DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP OF THE MUNICIPALITY OF NEW LEBANON FOR PARCEL F24 00209 0021 ON THE MONTGOMERY COUNTY AUDITOR'S TAX RECORDS ALSO KNOWN AS 278 E. MAIN STREET, NEW LEBANON, OHIO 45345 AND ACCEPTING THE APPROVAL OF THE PLANNING BOARD (PC CASE 21-04).**

Mayor Arriola stated any questions. None voiced

New Business

Mayor Arriola stated next we have **RESOLUTION 2021-14. A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH THE OFFICE OF THE PUBLIC DEFENDER, MONTGOMERY COUNTY, OHIO, 117 SOUTH MAIN STREET, FOURTH FLOOR, DAYTON, OHIO 45422 TO PROVIDE LEGAL SERVICES IN 2022 TO**

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INDIGENT MUNICIPAL RESIDENTS CHARGED BY VILLAGE OFFICIALS WITH VIOLATIONS OF VILLAGE AND/OR STATE OF OHIO LAWS.

Mayor Arriola stated any questions.

Council Member Joy asked how many did we pay for last year?

Chief Financial Officer Etter replied one (1).

Council Member Joy asked is that typical?

Chief Financial Officer Etter stated she has called and was successful in getting some of the charges removed last year and the year before.

Mayor Arriola stated do I have motion to adopt Resolution 2021-14.

Motion by Council Member Joy, second by Council Member Nickerson to adopt Resolution 2021-14.

ROLL CALL ON ABOVE MOTION: Council Member Joy, yes; Council Member Nickerson, yes; Council Member Perkins, yes; Council Member Sands, yes; Council Member Thompson, Abstain; Council Member Arriola, yes; 5 yes 1 abstention

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated next is **RESOLUTION 2021-15. A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO EXECUTE A LEASE WITH FRANK J. HORA SR., TUKENS LLC., PRESIDENT TO FARM APPROXIMATELY FORTY-SIX (46) ACRES, MORE OR LESS, FOR A PERIOD OF THREE (3) YEARS COMMENCING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2024, IN THE AMOUNT OF \$306.00 AN ACRE, FOR A TOTAL OF \$14,076.00 PER YEAR.**

Mayor Arriola stated any questions. None voiced.

Mayor Arriola stated do I have a motion to adopt Resolution 2021-15.

Motion by Council Member Joy, second by Council Member Nickerson to adopt Resolution 2021-15.

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 Arriola, yes; 6 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated next is **RESOLUTION 2021-16. A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED FOR THE YEAR 2021 (Collection year 2022).**

Mayor Arriola stated any questions. None voiced.

Mayor Arriola stated do I have a motion to adopt Resolution 2021-16.

Motion by Council Member Sands, second by Council Member Joy to adopt Resolution 2021-16.

ROLL CALL ON ABOVE MOTION: Council Member Perkins, yes; Council Member Sands, yes; Council Member Thompson, abstain; Council Member Joy, yes; Council Member Nickerson, yes; Council Member Arriola, yes; 5 yes 1 abstention

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ALL IN FAVOR. MOTION CARRIED.

RESOLUTION 2021-17. A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT WITH SHARED RESOURCE CENTER (SRC), 6450 POE AVENUE, SUITE 110, DAYTON, OHIO 45414 FOR FINANCIAL SERVICES PERFORMED IN PUBLIC FINANCE.

Mayor Arriola stated any questions.

Council Member Joy asked what is this for?

Municipal Manager Madden stated Brenda's job.

Council Member Joy asked what is the time limit of this contract?

Municipal Manager Madden stated the contract is for one (1) year and we can extend the contract if needed.

Council Member Joy stated simply because you could not find anybody.

Municipal Manager Madden stated correct. I am going to leave the job posted.

Council Member Joy asked how is this going to work? Is the person who is doing this going to be here?

Municipal Manager Madden stated this is an agency who supply workers to different government entities to do this type of work because they have experience in government accounting.

Mayor Arriola stated do I have a motion to adopt Resolution 2021-17.

Motion by Council Member Thompson, second by Council Member Sands to adopt Resolution 2021-17.

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

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated next is **RESOLUTION 2021-18. A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO NEGOTIATE AND ENTER INTO A TWO YEAR CONTRACT WITH CURTIS O. HENSLY FOR THE POSITION OF POLICE CHIEF FOR THE MUNICIPALITY OF NEW LEBANON.**

Mayor Arriola stated any questions. Nothing voiced.

Mayor Arriola stated do I have a motion to adopt Resolution 2021-17.

Motion by Council Member Joy, second by Council Member Sands to adopt Resolution 2021-17.

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

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ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated next is the **FIRST READING ORDINANCE 2021-16. AN ORDINANCE ADDING §73.15 TO CHAPTER 73: PARKING IN THE CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.**

Mayor Arriola stated any questions. None voiced.

Public Comments

Mayor Arriola stated we have no public comments.

Administrative Staff Comments

Mayor Arriola stated Police Captain Chambers is not with us.

Municipal Manager Madden stated they are out right now.

Mayor Arriola stated Fire Chief Keyser.

Fire Chief Keyser stated I have nothing.

Mayor Arriola stated any questions for the Fire Chief. None voiced.

Mayor Arriola stated Code Enforcement Administrator. Anything from Melody?

Municipal Manager Madden stated she nothing this evening.

Mayor Arriola stated Chief Financial Officer Brenda.

Chief Financial Officer Etter stated I have nothing this evening.

Mayor Arriola stated anything to ask Brenda.

Council Member Thompson stated I have nothing to ask but I would like to congratulate her on her retirement. I have enjoyed working with her the last four (4) years. I wish you continued success and happiness. Is there a party planned?

Chief Financial Officer Etter stated none that I know about.

Municipal Manager Madden stated her last day is December 3rd.

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

Motion by Council Member Thompson, second by Council Member Nickerson to adopt October 2021 Financial Report.

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

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated Service Department Superintendent Scott. Anything from Scott?

Municipal Manager Madden stated nothing from him tonight.

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Mayor Arriola asked have they decided when leaf pick-up will start? I have had people ask.

Municipal Manager Madden stated they have started leaf pick-up. It will run through November 19th give or take the leaves falling

Council Member Sands asked is it the same schedule as usual?

Municipal Manager Madden stated yes.

Mayor Arriola stated the walking path has been paved. I noticed Church Street has been paved. Any date yet on Gloria.

Municipal Manager Madden stated I assume it will be this week. Church Street is asphalt down.

Council Member Sands stated they just have not removed the signs yet.

Municipal Manager Madden stated correct. By the way you know how it is when we finish the concrete work someone drives through it or steps on it. I have pictures of that.

Mayor Arriola stated Municipal Managers comments.

MANAGER'S COMMENTS

Municipal Manager Madden stated we are doing the Christmas tree at Clayton Road and Main Street. I don't know how soon they will get up there. It will definitely be up by December 18th. Santa will be visiting at the fire house on the December 18th from 10:00 a.m. to 3:00 p.m. We will also be doing decorating a cookie with a cop that day at the fire house also so you can take a picture with Santa using your own camera. We will also have the fire house open where Santa will be after Thanksgiving until December 23rd for pictures to be taken. There will be a back drop for pictures and a way to sign up for a time period so that you are not over lapping someone else. I think there will be a sleigh out front for pictures.

ODOT is changing the signs on St Rt 35 if you head west off of Fuls Road there is a sign that says St Rt 35 that is being replaced with a school zone sign so you know you are still in the school zone.

December 3rd is Brenda's last day. She is going to retire and enjoy winter quietly at home so she doesn't have to get up and drive in here. We are having a luncheon that day. I will be sending out details to all council members. We appreciate all of Brenda's help these past few years especially through the pandemic and everything else. I throw a lot at her.

I am requesting an executive session pursuant to the Ohio Revised Code §121.22 (G) (1) and (G) (3) to discuss personnel matters and legal matters.

Mayor Arriola asked anything else for the Manager? Nothing voiced.

COUNCIL MEMBER COMMENTS

Mayor Arriola stated Doug.

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Council Member Thompson stated I have nothing, thank you.

Mayor Arriola stated Lyndon.

Council Member Perkins stated I have nothing.

Mayor Arriola stated Gale.

Council Member Joy stated I have nothing this evening.

Mayor Arriola stated Chris.

Council Member Sands stated I have nothing this evening.

Mayor Arriola stated Susan

VICE MAYOR'S COMMENTS

Vice Mayor Nickerson stated I have nothing this evening.

MAYOR'S COMMENTS

Mayor Arriola stated I have nothing further.

EXECUTIVE SESSION

Mayor Arriola stated I have a Manager's request for an Executive Session pursuant to the Ohio Revised Code § 121.22 (G) (1) and (G) (3) to discuss personnel matters and legal matters.

Mayor Arriola then thanked everyone for coming to the meeting. He stated Council has a request for an Executive Session and no action will be taken following the Executive Session.

Mayor Arriola stated do I have a motion to adjourn to executive session.

Motion by Council Member Nickerson, second by Council Member Joy to adjourn to executive session.

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

ALL IN FAVOR. MOTION CARRIED.

Council retired to executive session at 7:48 p.m.

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

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

ROLL CALL ON ABOVE MOTION: Council Member Nickerson, yes; Council Member Perkins, yes; Council Member Sands, yes; Council Member Sands, yes;

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Council Member Thompson, yes; Council Member Joy, yes; Council Member Arriola, yes; 6 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Council returned to regular session at 8:00 p.m.

ADJOURNMENT


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


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

ROLL CALL OF ABOVE MOTION; Council Member Perkins, yes; Council Member Sands, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Joy, yes; Council Member Nickerson, yes Council Member Arriola, yes; 6 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Meeting was adjourned 8:01 p.m.

Approved: 
 Mayor 12/7/2021
 Date

 December 7, 2021
 Clerk of Council Date