

August 6,

2019

The Council of the Municipality of New Lebanon, Ohio, met in regular session on Tuesday, August 6, 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, Service Department Superintendent Scott Brock, Fire Chief J.C. Keyser, Code Enforcement Administrator Melody Davis, 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: Raymond Arriola, Hillary McClusky, Carol Macmann, Christopher Sands, Gale Joy, Douglas Thompson, and Stephanie Wackerman.

INVOCATION

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Mayor Arriola stated next is the approval of October 16, 2018 regular meeting minutes thru March 5, 2019 regular meeting minutes. Are there any changes or corrections to these minutes.

Council Member Joy stated February 5, 2019 and February 19, 2019 have the same public remarks. I don't know which is correct.

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

Mayor Arriola stated the approval of the July 2, 2019 and July 16, 2019 regular council meeting minutes. Are there any changes or corrections 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.

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 new business: **RESOLUTION 2019-20. A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO SUBMIT OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM APPLICATIONS FOR THE SANITARY SEWER REHABILITATION PROJECT PHASE 17 AND CHURCH STREET IMPROVEMENT PROJECT**

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PHASE 3 IN THE MUNICIPALITY OF NEW LEBANON FOR ROUND 34 FROM THE OHIO PUBLIC WORKS COMMISSION AND FURTHER AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO ANY AGREEMENTS AS MAY BE NECESSARY FOR OBTAINING FINANCIAL ASSISTANCE RELATED TO SAID GRANT APPLICATIONS.

Mayor Arriola stated any questions. Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Resolution 2019-20.

Motion by Council Member Sands, second by Council Member Wackerman.

ROLL CALL ON ABOVE MOTION: Council Member Joy, no; Council Member Macmann, yes; Council Member McClusky, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Wackerman, yes; Council Member Mr. Arriola, yes; 6 yes 1 no

MOTION CARRIED.

Mayor Arriola stated next is **RESOLUTION 2019-21**. **A RESOLUTION AWARDING THE BID TO BAUMANN ENTERPRISES INC., FOR THE MOVING NEW LEBANON FORWARD DEMOLITION GRANT IN THE AMOUNT OF \$46,380.00 AND AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT.**

Mayor Arriola asked any questions? Nothing was heard.

Mayor Arriola asked do we have a list of the homes?

Code Enforcement Administrator Melody Davis stated 1336 Main Street and 2135 West Main Street.

Mayor Arriola stated do I have a motion to adopt Resolution 2019-21.

Motion by Council Member Macmann, second by Council Member Wackerman.

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

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated next is **RESOLUTION 2019-22**. **A RESOLUTION AWARDING THE BID TO MILLER PIPELINE LLC, 8850 CRAWFORDSVILLE ROAD, INDIANAPOLIS, IN 46234 FOR THE SANITARY SEWER REHABILITATION PROJECT PHASE 16, OPWC ISSUE 2 GRANT/LOAN PROJECT NUMBER CD03W IN THE AMOUNT OF \$114,071.70 AND AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT.**

Mayor Arriola stated any questions. Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Resolution 2019-22.

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Motion by Council Member Thompson, second by Council Member Wackerman to adopt Resolution 2019-22.

ROLL CALL ON ABOVE MOTION: Council Member McClusky, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Wackerman, yes; Council Member Joy, no; Council Member Macmann, yes; Council Member Mr. Arriola, yes; 6 yes 1 no

MOTION CARRIED.

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

Albert Acker, 14302 Old Dayton Road, New Lebanon, Ohio stated does council have any plans to resurface or repave North Clayton Road other than just spot fill. I noticed that the access road over by the post office was done today. I am not sure if that was council or the post office. I want to know if there is a plan in place for North Clayton Road.

Municipal Manager Madden stated it is not on a list but we are filling the potholes at this point.

Mr. Acker stated I travel that road a couple of times a day 4 or 5 times a week and my truck sounds like it is falling apart. Part of North Clayton Road belongs to Perry Township or Montgomery County but a large part of it belongs to the Village. I did not know if there is a plan in place or a grant application to the State for funding to repair the road.

Service Department Superintendent Scott Brock stated we are waiting to see if the street levy passes this fall.

Mr. Acker stated are you just going to let it go if your levy does not pass.

Mayor Arriola stated we would still take care of the potholes.

Municipal Manager Madden stated if the levy passes hopefully that could be one of the roads we would target it for repair.

Mayor Arriola stated next is Shannon Bemis, 130 Bronwood Street.

Ms Bemis stated good evening everyone. Is there going to be a plan if you say I need 3 percent or whatever the percentage may be, what is being done in regards to the road levy coming up on the November ballot. I know I am voting no unless I know what is being done. I think that is what the community wants to know. Is there a plan, because people want to know? This is going to be Phase 1, this is going to be Phase 2 and so on. Is there something in the works to get an idea about what the levy is going to be used for. I know you say roads but that is pretty wide

Service Department Superintendent Scott Brock's statement was not audible.

Municipal Manager Madden stated each project cost so much money so we have to allocate money for each project. We can only spend what we earn as far as the levy is concerned. Some of the roads cost a lot more than the others.

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Ms. Bemis stated I think on behalf of the public I am just saying that if you are asking for a renewal tax levy then I would say list Phase 1, Phase 2, or Phase 3 stating this is what you are paying for.

Mayor Arriola stated depending on what this upcoming winter is like it could change which roads are even worse.

Ms. Bemis stated don't we pay for that 100 percent or do we get some funding from the State. Is there any funding available from other agencies?

Municipal Manager Madden stated we pay 100 percent for the street repairs.

Ms. Bemis stated I have questions about the resolutions tonight. There are money amounts on the 2nd and 3rd resolutions but no amount on the 1st resolution. Is that for a Bid?

Municipal Manager Madden stated the first resolution is to submit an application to OPWC. That is all we are doing with Resolution 2019-20.

Ms. Bemis stated we have talked before about the \$5.00 a month assessment on our water bill. Has that been bid out yet? You guys had an emergency reading in order to get the lift station done.

Municipal Manager Madden stated if you are talking about the Lift Station it will be bid in the fall.

Ms. Bemis stated it was such an urgent matter to get this lift station redone. So there is such an urgency to bypass the three readings to put the \$5.00 a month on the water bill but it seems there is no sense of emergency to get the bid.

Mayor Arriola stated things have to happen a certain way for the county.

Ms. Bemis stated you guys approved March minutes so what happened to April through June.

Municipal Manager Madden stated we are still waiting on some of the minutes. We are approving them as we receive them from the company who is doing them.

Ms. Bemis stated okay. When will those be posted on the website so I can catch up on the ones I missed?

Municipal Manager Madden stated these were just approved so it will take me some time to get them posted.

Ms. Bemis asked how is the streaming going as far as getting it on the website?

Municipal Manager Madden we are still working on the audio-video matchup.

Ms. Bemis stated maybe it is just me but driving by Church Street it doesn't look like you can fit 2 cars through there.

Service Department Superintendent Scott Brock stated it is 22 feet driving wide.

Municipal Manager Madden stated it is fine. They had two of the big trucks side by side with no problem.

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Ms. Bemis stated it looks like you are doing a great job. I have noticed so much activity in the Village as far as people cleaning everything up and things that had not been taken care of is now being done. I appreciate that and I know a lot of people appreciate that; people do notice. The new zoning ordinance is in effect. Just so people can understand what is the penalty if you don't comply?

Municipal Manager Madden stated they receive a letter first then a fine, then another fine and they keep piling up if it is the same offense over and over again.

Ms. Bemis asked what if they don't pay their fines.

Municipal Manager Madden stated if they do not pay their fine it will be put on their property taxes. It is a lien against their property.

Ms. Bemis asked what if they are a renter?

Municipal Manager Madden stated it will be a lien against the property owner.

Ms. Bemis stated this is something that someone just posted. They want to know what is being done with recent crimes and vandalism.

Police Chief Daulton stated are you talking about the vehicle that was spray painted. In my 37 years I have never seen the inside of a car get vandalized with spray paint. Personally I do not know, but I think somebody has a problem with someone.

Ms. Bemis stated someone said something about nails at the end of the driveway.

Municipal Manager Madden asked are they calling the police?

Ms. Bemis stated they did but they did not file a complaint. If your car is egged you need to call the police and file a police report. I said I would ask.

Municipal Manager Madden stated we talked about that at the Neighborhood Watch, posting it on face book does not make it better; they need to call the police and file a police report.

Mayor Arriola stated Lyndon Perkins, 735 Greyhound Drive.

Mr. Perkins stated what is going on about Brookville Road. Did that guy that was going to do the asphalt short change you/

Municipal Manager Madden asked are you talking about Brookville-Johnsville Road?

Mr. Perkins stated yes.

Municipal Manager Madden stated it is.

Mr. Perkins asked who do I talk to or need to call to look at the code book?

Municipal Manager Madden stated go see Melody. Call first to make sure she is in the office.

Mr. Perkins stated I know there is one person running for council next year. Who is the other one.

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Council Member Thompson stated I am not running.

Mr. Perkins stated as the Village Mayor will you request or have the manager do a Resolution for the Don Rusk Park parking lot to be asphalted by the quote the manager gave at the last meeting of \$150,000.00 and vote on this at the next meeting in this session. Not the secret session but in this session so everybody will know who voted for it.

Municipal Manager Madden stated we would not vote on it in a secret session anyway. A resolution has to be voted on in an open meeting.

Council Member Sands stated I think the estimate was \$150,000.00 to \$200,000.00.

Mr. Perkins stated it was \$150,000.00.

Municipal Manager stated \$150,000.00 to \$200,000.00.

Mr. Perkins stated I can live with that. We paid \$100,000.00 for that building across the street years ago because it was paid off the last of last year. I am talking about the court house.

Council Member Sands stated that is a different pot of money.

Mr. Perkins stated I want the people to vote on this and say yes or no.

Council Member Thompson stated we are not having a discussion about a parking lot, approving or not approving, that would be in a budget hearing this fall. If it is not in the budget and you can prove it you go to the community and say this is what our priorities are if it is not in the budget I am not going to vote on anything unless it is an emergency. It is not in the budget and to spend \$200,000.00 on a parking lot when two of our main roads coming into our community are a mess and we have too many potholes. If you remember when we had the discussion about the police and fire ballot to get the police out the general fund so we could do stuff for the community, so before we start asking council to take an action you need to go back to what a budget hearing is about.

Mr. Perkins asked when is the next budget hearing?

Council Member Thompson stated it is in the fall. Please show up. Just like our asphalt track we are putting in was in the budget hearing last fall.

Mr. Perkins stated that gentleman there requested the last village manager to keep \$50,000.00 back to do that.

Council Member Sands stated we put it in the budget and we voted on it.

Mayor Arriola stated there is still work that has to be done at that park before we can lay that track or otherwise it will be a mess. Before we can do anything with the walking track Scott has to prepare the ground and put in tiles so we can get the drainage for water so we can do the track.

Municipal Manager Madden stated that was all put in the budget last year.

Mr. Perkins stated I will go to the park with a piece of paper and ask the people to sign for a parking lot, yes or no so I can give this to the Village Manager.

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Mayor Arriola stated Mr. Perkins I would like to see North Clayton paved before we have the parking lot paved. \$200,000.00 would go a good way.

Mr. Perkins asked how long are you going to put this off? I have been out here since 1965 and it has never been asphalted.

Mayor Arriola stated \$200,000.00 is a lot of money.

Law Director Ronald D. Keener stated there was no park in 1965.

Mr. Perkins stated well okay. I have to keep him smiling.

Mayor Arriola stated you are not going to go out and buy a brand new television if your roof has a leak.

Mr. Perkins stated yes I would. I would put the television in another room until the roof got repaired.

Municipal Manager Madden stated what he is saying is paving that parking lot is not a priority. Maybe in the future it will be but it is not now.

Mr. Perkins stated it will never happen.

Council Member Thompson stated sir I have advocated for Fire and Police and increase in wages, recruiting for Police and Fire. The budget hearing is where it all begins.

Mr. Perkins stated thank you and have a good evening.

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 tonight sir.

Mayor Arriola stated anyone have anything for the Police Chief.

Mayor Arriola stated Fire Chief J. C. Keyser.

Fire Chief J. C. Keyser stated on July 17th we were notified by BWC that we received grant from them to buy a Power Cot and Power Load System for the medic. The total project is \$47,322.24. Their share is \$35,716.68 and our cost is \$11,905.56. It is a 3 to1 match. Out of the Fire Fund this year our premium was \$17,000 something so we recouped two years worth of our premium.

Mayor Arriola stated congratulations.

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

Mayor Arriola stated Code Enforcement Administrator Melody Davis.

Code Enforcement Administrator Melody Davis stated I do not have anything tonight.

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Mayor Arriola stated good job. I am seeing good things around town.

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.

Service Department Superintendent Scott Brock stated as of right now we are scheduled to start paving Church Street Thursday morning which means we will be wrapping the project up and get it reopened within the next two (2) weeks.

Mayor Arriola stated anyone have any questions for Scott.

Council Member Sands stated you have started on Marilee Drive, right.

Service Department Superintendent Scott Brock stated concrete work has started.

Mayor Arriola stated anything from Parks and Rec,

Municipal Manager Madden they are not here but they would like to thank everyone for coming to the Sunflower Festival. We had 2,000 to 2,500 people attend. It was a beautiful day.

MANAGER'S COMMENTS

Municipal Manager Madden stated we did the tire recycling. It was big success so I would like to continue with that next year. I have a request for an executive session to discuss personnel, sale of property and legal matters.

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

COUNCIL MEMBER COMMENTS

Mayor Arriola stated Gale.

Council Member Joy stated I have nothing this evening.

Mayor Arriola stated Hillary.

Council Member McClusky stated I have nothing this evening.

Mayor Arriola stated Carol.

Council Member Macmann stated I have nothing tonight.

Mayor Arriola stated Doug.

Council Member Thompson stated I have nothing.

Mayor Arriola stated Stephanie.

Council Member Wackerman stated I have nothing.

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VICE MAYOR'S COMMENTS

Mayor Arriola stated Chris.

Vice Mayor Sands stated I have nothing tonight.

MAYOR'S COMMENTS

Mayor Arriola stated I don't have anything either tonight.

Mayor Arriola then thanked everyone for coming to the meeting tonight. He then stated that Council had a request for an Executive Session and there would 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 Wackerman, second by Council Member McClusky to adjourn to executive session.

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

ALL IN FAVOR. MOTION CARRIED.

Council retired to executive session at 8:00 p.m.

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

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

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

VOICE VOTE. ALL IN FAVOR.

Council returned to regular session at 8:26 p.m.

ADJOURNMENT

Mayor Arriola stated do I have a motion to adjourn.

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

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

VOICE VOTE. ALL IN FAVOR.

Meeting was adjourned at 8:27 p.m.

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Approved:

Mayor Date

Clerk of Council Date