

August 7,

2018

The Council of the Municipality of New Lebanon, Ohio, met in regular session on Tuesday, August 7, 2018 at 7:30 p.m. with Mayor Arriola 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: Raymond Arriola, Gale Joy, Carol Macmann, Glenna Madden, Hillary McClusky, Christopher Sands, and Douglas Thompson.

INVOCATION

Mayor Raymond Arriola gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Minutes not complete

OLD BUSINESS

Mayor Arriola stated **SECOND READING OF ORDINANCE 2018-02: AN ORDINANCE AMENDING PROVISIONS OF THE INCOME TAX CODE AND ORDINANCES OF THE VILLAGE OF NEW LEBANON.**

Mayor Arriola stated any questions. Nothing was heard.

NEW BUSINESS

Mayor Arriola stated under new business we have **RESOLUTION 2018-20.A RESOLUTION AUTHORIZING MONTOMGERY COUNTY AUDITOR'S OFFICE, LIENS & ASSESSMENTS DIVISION TO PLACE LIENS ON THE FOLLOWING PARCELS: F24 00208 0001, 313 AVON OAK CT; F24 00208 0018, 314 AVON OAK CT; F24 00208 0002, 319 AVON OAK CT; F24 00208 0004, 407AVON OAK CT; F24 00208 0016, 408 AVON OAK CT; F24 00207 0001,413 AVON OAK CT; F24 00207 0002, 419 AVON OAK CT; F24 00207 0032, 428 AVON OAK CT; F24 00207 0005, 437 AVON OAK CT; F24 00207 0006, 443 AVON OAK CT; F24 00207 0029, 446 AVON OAK CT; F24 00207 0026, 506 AVON OAK CT; F24 00104 0018, 1 LAWSON AVE; F24 00104 0003, 12 LAWSON AVE; F24 00104 0016, 13 LAWSON AVE; F24 00104 0005, 24 LAWSON AVE; F24 00104 0012, 37 LAWSON AVE; F24 00104 0008, 42 LAWSON AVE; F24 00104 0010, 49 LAWSON AVE; F24 00205 0029, 339 LAWSON AVE; F24 00205 0042, 348 LAWSON AVE; FOR CURB AND GUTTER REPAIR INCURRED WITH THE AVON OAK COURT AS WELL AS LAWSON AVENUE FROM CLAYTON ROAD TO CHURCH STREET CURB REPAIR PROJECT IN 2017.**

Mayor Arriola stated before we go any further aren't we supposed to have a dollar amount.

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Vice Mayor Madden stated there has to be a dollar amount on the resolution in order to certify it into the County. How much money you are actually certifying in the resolution needs to be in the resolution. It will be sent back if the dollar amount is not in the resolution.

Law Director Keener stated it can't hurt to do it both ways' just to cover us. We don't want it sent back.

Vice Mayor Madden stated I have had this conversation with Brenda the last time something was submitted.

Municipal Manager/Fire Chief Markus asked do we want to table this resolution?

Law Director Keener stated I think you table it until next meeting.

Mayor Arriola stated do I have a motion to table Resolution 2018-20.

Motion by Council Member Thompson, second by Council Member Macmann to table Resolution 2018-20.

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

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated next is **RESOLUTION 2018-21**. **A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO SUBMIT OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM APPLICATIONS FOR THE SANITARY SEWER REHABILITATION PROJECT PHASE 16 AND CHURCH STREET IMPROVEMENT PROJECT PHASE 2 IN THE MUNICIPALITY OF NEW LEBANON FOR ROUND 33 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 2018-21.

Motion by Council Member Macmann, second by Council Member Sands to adopt Resolution 2018-21.

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

ALL IN FAVOR. MOTION CARRIED.

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Mayor Arriola stated next is **ORDINANCE 2018-03. AN ORDINANCE CERTIFYING THE 2019 STREET LIGHT ASSESSMENT TO MONTGOMERY COUNTY, OHIO, IN THE AMOUNT OF \$67,725.00.**

Motion to declare an emergency and waive three (3) readings

Motion to adopt.

Mayor Arriola stated do I have a motion to declare an emergency and waive three (3) readings.

Motion by Council Member Madden, second by Council Member Thompson to declare an emergency and waive three (3) readings.

ROLL CALL OF 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.

Mayor Arriola stated do I have a motion to adopt Ordinance 2018-03.

Motion by Council Member McClusky, second by Council Member Madden to adopt Ordinance 2018-03.

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.

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

Wayne Gibbs, 319 Capri Place, New Lebanon stated I would like for someone to explain to me why we can't get these potholes filled in this town.

Municipal Manager/Fire Chief Markus stated Scott would you respond to him, please.

Mr. Gibbs stated I don't think you should put Scott on the spot. Scott is doing what you tell him to do. Is that true?

Municipal Manager/Fire Chief Markus stated Scott would you respond to him, please.

Service Department Superintendent Scott Brock stated granted we are behind schedule due to the amount of main breaks we have had this year and the water main project on Main Street. We just finished that project a month ago which put us about 3 months behind schedule on everything we are doing.

Mr. Gibbs stated I understand. I am looking at potholes that have not been filled in 3 or 4 years. You guys have shutoffs, manholes covers that does not have asphalt

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around it so if you don't get that done before the snow flies and you run these plows over that; that tears that up. Will that be another levy to fix that you will put on the New Lebanon residents to pay?

Mayor Arriola asked are you talking about the roads or are you talking about the equipment?

Mr. Gibbs stated manholes and water shut offs that are in the middle of the road that does not asphalt around it. What do you think that will do when you run a plow over the top of it? Is that going to tear it up? More than likely! That can't be blamed on just this year. There is some out there that has been that way for I know 2 or 3 years.

Service Department Superintendent Brock asked where exactly are you talking about?

Mr. Gibbs stated drive around. It is not hard to look. I did not write down addresses.

Service Department Superintendent Brock stated be specific.

Mr. Gibbs stated pick a road. Do you want me to go back and write down all of the addresses and do your work.

Service Department Superintendent Brock stated I believe we are addressing them as we locate them.

Mr. Gibbs stated I am just asking that the potholes be filled. That is all I am asking. Where I live I can't go in or out either direction from Capri Place without having to dodge potholes. You put a barrel on Avon Oak in the center of the gravel where somebody drives, so now you force people to go through that big dip. It is like 8 inches deep. I would just like the potholes to be filled. If you can build onto the Fire House, you should surely have a couple thousand dollars you could fill some potholes. That is all I have got to say.

Municipal Manager/Fire Chief Markus stated let me respond to that. You are probably not the only one that does not understand funds and financing and things of that nature. Scott works out of a variety of funds; he gets some general fund issues; he gets some street funding issues; we have a local street levy; we have OPWC projects; a variety of different funds. Any levy the community votes on is typically a restricted fund. You just made a comment and I don't think you understand quite how it works because the fire levy money is for Fire Department functions.

Mr. Gibbs asked who is paying that? The taxpayer's is paying it.

Municipal Manager/Fire Chief Markus stated Wayne let me finish please. The Fire Department Fund funds only Fire Department Operations. We have 3 Police Levy's in the community. These are restricted funds and they fund only Police Operations. We have a variety of other funds in the budget that are restricted funds. You can't mix apples and oranges. It would be nice if you could but you can't. Scott works out of multiple funds which it works in the streets in a variety of different ways. He is behind several months as you heard him clearly indicate because of the other projects and the urgency of fixing a water system. A water project takes priority over throwing anything in a pothole. That is more important to the community public safety.

Mr. Gibbs stated you are just pacifying what I am asking for, that is all. Do you need to create a fund for potholes?

Municipal Manager/Fire Chief replied no.

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Mr. Gibbs stated evidently you do. That is all I have got to say.

Mr. Gibbs stated it is very rude of you not to remove your hat for the Pledge of Allegiance.

My name is Mark Bundy and I live at 124 Laredo Avenue stated I have been here countless times. I don't know if I should say it or not but I have one more house payment and my house will be paid off. I have lived there 21 years and 2 months. The whole 21 years I have lived there I have pleaded with you council members or different people to get the people who live at 200 and 206 Laredo Avenue to clean their places up. Now the right-of-way is un-mowed. The question I have first is why does the Village make the property owner of the field behind my house keep the right-of-way mowed when they can when that property owner does not own the right-of-way? I was told by the farmer, whose name is Mark that the landowner makes him mow that with his bush hog and every time he does something tears up on it because people like the people next door throw all of their trash, big rocks, chunks of concrete blocks, etc., out there. Why is he held responsible and not the utility company? Can someone answer me?

Municipal Manager/Fire Chief Markus stated David can you respond to that.

Zoning Compliance Officer David Lunsford stated I can't answer that.

Vice Mayor Madden asked is it a utility easement?

Mr. Bundy replied yes.

Vice Mayor Madden stated the utility easement just means the utility company can get on the property through that easement. It does not mean they are going to maintain it. It has to be maintained by the property owner closest to it but they have a right to get on the property through that easement. They cannot block in any way shape or form.

Mr. Bundy stated that is fair and well. Chris lives 2 doors down from me; he keeps his mowed and I keep mine mowed. Mrs. Stout next door keeps hers mowed. Everybody to the west of me keeps it mowed but when you get the east edge of my property the weeds are this high in the utility easement. It has only been mowed one time this year. I should not have to come up here and keep talking to people. I shouldn't have to keep reminding Mr. Lunsford that it needs mowed. Your ordinance reads it is 7 inches tall. Now speaking of 7 inches tall, the neighbors next door to me and next door to them, 200 and 206 Laredo the conditions of the properties are horrible. I guarantee you there is not one of you people sitting in this council meeting would live next door to that stuff. I own and they don't. They don't take care of it. I don't even know if they pay rent or not. I have brought you over the past few year's copies of letters that Mr. Lunsford has sent to the landowner saying he has to fix this and he gives him so many days on each occasion to make the repairs. There is no follow-up, there is no enforcement. With each one of these violations there is what you call it where they are brought into court and fined or they are charged \$125.00 an hour to have someone come in and clean it up. Nobody has cleaned it up. For instance the people next door to me have never taken their Christmas lights down yet; their garage door is about ready to fall off, their roof has missing shingles and 206 Laredo is missing shingles; both houses need new roofs; they are in horrible shape. The house next door to me at 200 Laredo their eave spouts have never been cleaned out so when it rains it looks like Niagara Falls. As we speak the drain line for the washing machine and we all have the same problem along there because they were all constructed the same way, they clog up from time to time. The people at 200 Laredo has been clogged for over a year. Every time their washing machine pumped out it goes up to that pipe out on the roof

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and runs down on the back patio. That is 3 times for each load of laundry. They do laundry probably 3 or 4 times a week. Is that sanitary? With all the crude in the eave spout it is a breeding ground for mosquitoes plus the tall weeds and the brush. Now as a landowner and a taxpayer in this town I want someone to answer me why.

Mayor Arriola asked have we been sending letters to the owner of the property because I do know that is a rental from all of the discussion we have had with it? What is being done with him?

Zoning Compliance Officer Lunsford stated I have sent letters and have sent him to court.

Mayor Arriola asked what is the court doing? What is the court telling them?

Zoning Compliance Officer Lunsford stated I don't sit in court when it goes before the judge.

Mayor Arriola asked do we give them 90 days to get it fixed?

Zoning Compliance Officer Lunsford stated in some cases yes. If it ends up being repaired I let the court know it I might as well follow up on their end. We are wasting the courts system because they end up not doing anything.

Municipal Manager/Fire Chief stated run out there tomorrow and see whatever there is to see and if there is a violation write it and make sure they are in the system. Let's continue to push the issue even though the outcome may not be what we want.

Mr. Bundy stated in all seriousness, excuse me I don't buy that. I cannot believe after all these years and all these times I have been up here and brought this up before this council that is a legitimate excuse.

Mayor Arriola stated what the courts.

Mr. Bundy stated I just can't see the court not doing something about it.

Mayor Arriola stated we have had the courts on many, many times not do anything about it. It took us 2 years on one property when the courts got involved. You know the property I am talking about Wayne. It was your neighbor.

Law Director Keener stated we have had realignment with the court as far as the judges are concerned and the magistrate that is in there now so it is possible that it will be addressed better. I think it is a matter of taking it back as many times as it takes. Keep filing and get their attention. If that doesn't work then we should address having a nuisance abatement action against the property owner to abate the issues. It would then probably go to the Common Pleas Court with different judges. It takes forever but it does get the owner's attention.

Vice Mayor Madden stated it certainly does because it does not come off of the tax bill.

Mr. Bundy stated what I am saying is 21 years. I have been coming up here for years and wasting my time. I am not going to quit. You have not heard the last of me. Thank you.

Vice Mayor Madden asked Dave can you go back and check it all over again and just keep writing them up over and over again. I guess just keep a record of it.

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Zoning Compliance Officer Lunsford stated I can do that.

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 this evening, sir.

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

Mayor Arriola stated nothing for the Fire Chief.

Fire Chief Markus stated I have a couple of quick comments. You have heard me mention that we were very fortunate this year. We were able to tap a Federal Assistance to Firefighters Grant Project and we ended up with \$110,000.00 for a new brush truck. We had the brush truck at the Sunflower Festival this past weekend with a little cardboard placard on it explaining what and how we received it. It was a 95% / 5% match type of grant program and our share was \$5,407.00.

Also we were successful in applying for and awarded a Bureau of Worker's Compensation Firefighter Exposure to Environmental Elements Grant in the amount of \$9,885.00 for safety equipment. The grant as an 85/15 grant so our designated share was \$1,647.00 and that will provide 30 firefighters protective hoods; 30 pair of protective gloves; and an extractor for the maintenance of our Firefighter Protective Bunker Gear.

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 32 Cain was the final house scheduled for demolition under the CDBG Demolition Grant has been completed. We should receive the reimbursement payment this week.

Mayor Arriola stated any other questions for David. Nothing was heard.

Mayor Arriola asked is there anything from Chief Financial Officer Brenda? Does she have anything?

Municipal Manager/Fire Chief stated she does not.

Mayor Arriola stated Service Department Superintendent Scott.

Service Department Superintendent Scott Brock stated I have one minor update on the scheduling on the main break repairs. We will be trying to get to North Clayton and Avon Oak this week. We will be cleaning those out possibly tomorrow weather permitting.

Mayor Arriola stated anything else for Scott.

Council Member Sands asked what about the one on Bronwood?

Service Department Superintendent Scott Brock stated we are going to have to work that in. It will not be this week.

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Vice Mayor Madden stated it needs some sand or something in it.

Service Department Superintendent Scott Brock stated we are running into that a lot between the weather and traffic. It blows it right out.

Mayor Arriola stated any other questions.

Mayor Arriola stated I drive down Gloria and when I turned right there were a lot of potholes there.

Service Department Superintendent Scott Brock stated that road is terrible.

Mayor Arriola stated just add it to the long list.

Mayor Arriola stated Parks and Rec.

Recreation & Community Development Specialist Cummins stated I would like to give you an update. I gave everyone a copy of Margo's tracking for the Garden Give-a-way. I don't know if all of you have had a chance to go see the garden but it is doing really well this summer. Margo and her team of volunteers have been working really hard. She gave a culmulative total for the past few months. Right now we have given over 800 lbs of vegetables to the community. Other local farmers in the area are now bringing their extra produce and letting us gleam from their fields. They have been super generous. We have a partnership with the Juvenile Detention Center who has a garden the youth maintain. I just spoke with them today and they are going to share with us every week as well. We also deliver to people who are shut-ins in the community. We are delivering to over 10 families every week. Our Sunflower Festival was this past Saturday and it was definitely a hot day but a lot of the community still came out and supported us. We had over 12 food trucks, 30 vendors, The Chamber of Commerce ran their Four Miler. Thanks to the Police Department for helping us with that route. They had over a 100 participant's walkers and runners and it was their first one. It was a great turnout. We even had a soccer team from Belmont come to participate in the run. It was awesome to see people walking and running throughout the community. We had our last 3 on 3 tournament on Saturday with 10 teams participating. That is also an event that is really simple. We actually make money from that so we are not spending any money on the event at all so that is something we plan to continue. Just looking ahead a little bit we received a grant from Montgomery for \$1000.00 and we were able to buy the paint to do a mural at the garden shed which has been started by one of our high school students who actually goes to Stiver's. She was volunteering with us this summer. With our Camp Connect Group and some other high school interns they helped us paint the murals at Fuls Park and that is looking really great. We also received \$18,000.00 grant from Montgomery County. Our main goal with that is to encourage the community to recycle so we are hoping to have with the help of the Service Department we hope to have that in sometime this year. The materials we bought we will have the people recycle on site. Looking ahead we have our Friday Night Out coming up. We have 2 more left. The next one is August 17, 2018 so next Friday it will be here in the parking lot and then our last one is the 3rd Friday in September. That will be our big last one. We will have a balloon glow happening among a lot of other fun events for everyone to enjoy. We are really grateful for everybody who has come together to support and make things happen.

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Mayor Arriola stated Municipal Manager comments.

MUNICIPAL MANAGER'S COMMENTS

Municipal Manager/Fire Chief Markus stated I have none tonight.

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

COUNCIL MEMBER COMMENTS

Mayor Arriola stated Chris.

Council Member Sands stated I have nothing.

Mayor Arriola stated Hillary.

Council Member McClusky stated I have nothing.

Mayor Arriola stated Gale.

Council Member Joy stated Mr. Gibbs I feel for you. I do think we need to do better on the roads. I realized that Scott and his crew are busy but I do think we should probably make better effort of our resources to get that done because the roads are bad. You guys did do a great job this weekend. I appreciate it. I was also able to take a couple of classes this weekend. One of them was held here in New Lebanon. It was an active threat class basically. It was very enlightening. Trying to develop a mindset for a threat situation and what to do if you are involved in a threat situation. The instructors are willing to come back if anyone is interested. They called it Civilian Response to Active Shooter; it is more a threat rather than a shooter aspect because it really goes into the mindset of where you really need to be and how you need to prepare yourself. It was a good course. I learned a lot and I realize that we are unprepared.

Mayor Arriola stated just don't schedule it on Sunflower Festival Day.

Mayor Arriola stated Doug.

Council Member Thompson stated I don't have anything.

Mayor Arriola stated Carol.

Council Member Macmann stated I have nothing.

VICE MAYOR'S COMMENTS

Vice Mayor Madden stated I have nothing.

MAYOR'S COMMENTS

Mayor Arriola stated I know the street department works hard to try to get these things done. They have a heavy schedule.

Mayor Arriola asked would it be beneficial to throw some sand or dirt in the deep ones until you can get to patching.

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Service Department Superintendent Brock stated not really. It would just wash out if we have a heavy rain.

Mayor Arriola stated do what you can. I have no further comments.

ADJOURNMENT

Mayor Arriola stated do I have a motion to adjourn.

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

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

ALL IN FAVOR. MOTION CARRIED.

Meeting was adjourned at 8:04 p.m.

Approved:

Mayor Date

Clerk of Council Date