

December 17,

2019

The Council of the Municipality of New Lebanon, Ohio, met in regular session on Tuesday, December 17, 2019 at 7:30 p.m. with Mayor Arriola presiding. Present were Municipal Manager Glenna A. Madden, Law Director Ronald D. Keener, Police Chief Rick Daulton, Fire Chief J.C. Keyser, Clerk of Council Sandy Wright, Chief Financial Officer Brenda Etter, , and several visitors. Code Enforcement Administrator Melody Davis and Service Department Superintendent Scott Brock were absent.

### **ROLL CALL**

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

### **INVOCATION**

J. Todd Smith, State Representative House District 43 gave the invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **STATE REPRESENTATIVE HOUSE DISTRICT 43, J. TODD SMITH**

J. Todd Smith, State Representative House District 43 introduced himself stating this district is all of Preble County near Montgomery County, Jackson Township, all of Trotwood, all of Harrison Township, all of Brookville and a section of downtown Dayton. This is actually a Democratic district with 52 percent registered democrats. I have made it a point to try to serve everybody and have everybody's voice heard. My philosophy is that the 43<sup>rd</sup> district which has 16 towns and villages and cities, 15 townships and 12 school districts and everybody is allowed here at least once. It is hard to get out to all of the meetings, especially this one, as I am on the education committee which meets on Tuesday at 5:00 o'clock and those will go to ½ hour to 4 and 1/2 hours. I wanted to come and introduce myself to you and make sure that you leave here with a business card of mine. You have my phone number and my personal phone number. I live on Diamond Mill Road so if there's ever anything I can do for you or if you have any concerns, reach out to me. Our job is to make your wishes known in Columbus.

Mayor Arriola stated I can attest that I have called him. If he wasn't there to answer the call he would call me back.

Council Member Joy stated you mentioned that you are a hunter and like to fish. One of the things I have been talking to the Municipal Manager about is the opportunity and I know ODNR collects money from firearm sales and ignition sales which they use to open up fixed ranges. Could you look into possibly bringing one closer to here?

Representative Smith stated yes we can look into that.

Council Member Joy stated we might even be able to finagle some real estate somewhere.

Representative Smith asked did we get a capital budget from you all for this year? I know we sent a letter out to everybody about the capital budget with bond money the state capitalizes on to build something that is going to be a benefit the community. Did we do anything like that this year for New Lebanon?

December 17,

2019

Municipal Manager Madden stated we changed our email, so possibly not.

Representative Smith stated I sent out a paper letter asking for that. We also had a meeting in each county prevalent about that issue. Maybe we can get together sometime with the manager or whoever to speak on those issues. Are there any other questions for me? Nothing was heard.

#### **APPROVAL OF MINUTES**

Mayor Arriola stated next is the approval of the November 5, 2019 Public Hearing Minutes.

Mayor Arriola asked are there any corrections or changes that need to be made to these minutes.

Council Member Thompson stated I am a little confused about the public hearing minutes. Are there other meeting minutes?

Municipal Manager Madden stated the regular November 5<sup>th</sup> meeting minutes were sent by email.

Council Member Thompson stated I must have missed those.

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

VOICE VOTE. ALL IN FAVOR.

Mayor Arriola stated next is the approval of the November 5, 2019 Regular Meeting minutes. Those were the emailed minutes.

Mayor Arriola asked are there any corrections or changes that need to be made to these minutes?

Council Member Thompson stated I am a little confused. It reads Council Member Thompson took the unmarked police car off at the budget hearing and at the council meeting.

Municipal Manager Madden stated it was not at the regular council meeting. It was the public meeting before the council meeting.

Mayor Arriola asked are there any corrections or changes 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 under old business we have the **THIRD READING ORDINANCE 2019-04. AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF NEW LEBANON.**

December 17,

2019

Mayor Arriola stated any questions. Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Ordinance 2019-04.

Motion by Council Member Sands, second by Council Member Macmann to adopt Ordinance 2019-04.

ROLL CALL ON ABOVE MOTION: Council Member Joy, yes; Council Member Macmann, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Arriola, yes; 5 yes 0 no

Mayor Arriola stated next we have the **THIRD READING ORDINANCE 2019-05. 2020 ANNUAL APPROPRIATION ORDINANCE.**

Mayor Arriola stated this is the third reading. Does anyone have any questions? Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Ordinance 2019-05.

Motion by Council Member Thompson, second by Council Member Sands to adopt Ordinance 2019-05.

ROLL CALL ON ABOVE MOTION: Council Member Macmann, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Joy, yes; Council Member Arriola, yes; 5 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Municipal Manager Madden stated I have my follow-up for old business. I am still working on some research for a service department project system. I have had one (1) demo and two (2) or three (3) more are scheduled. I am still looking for something that can work with all of our other stuff so it can be more inclusive. I am also working on getting the ordinances and resolutions on the website. I will have the 2019 ordinances and resolutions out there by the end of the year, so you will be able to see them. I am also working on the alert system. I have reached out to other jurisdictions to see if there is something compatible and more in line with what we need. I did send an email to Brian with the Humane Society regarding the cat program saying we are interested. I haven't heard back so I am assuming I may not hear from him until after the holidays. Rick was following-up on the homeless man in the park. At our last meeting there was a question as to our policy for people who are homeless.

Police Chief Daulton stated the gentleman in the park is not from New Lebanon. He is from Trotwood and homeless by choice. He has been given information about homeless shelters, to which he has respectfully declined. Our officers have gone above and beyond with buying gas and food for him out of their own pockets. He goes into the park early in the morning and then leaves before dark.

Council Member Thompson stated from the stand point of helping out. I know no one is supposed to be in the park after dark but what is our policy on dealing with the homeless.

Police Chief Daulton stated there is no written policy for people who are homeless. No one is to be in the parks after dusk.

December 17,

2019

Council Member Macmann stated the community has reached out to him. I know for a fact someone took him down to get something to eat and gave him information about where he could spend the night. If they decline there is not anything we can do.

Council Member Thompson stated all I am asking is what would we do if there were 20 people in the park tonight. I am not asking for it to be resolved tonight but for us as a council it could be a real problem unless we can have a procedure or connections in collaborating with other shelters.

Council Member Macmann stated you can give them the information; you can tell them where the shelters are located and you can ask them to leave the park because we have an ordinance against people being in there. If we give them the information then it is their choice to go and he has a car and he can get there.

Council Member Thompson stated I understand that but we had heard prior to the Chief confirming that he was staying in the park.

Police Chief Daulton's comments were not audible (the microphone was not on)

Council Member Macmann stated I do agree with you. It would be a good idea to have something but you can take them to the shelter, you can give them the information on how to get to the shelter but then it is their choice to live their life the way they want.

#### **NEW BUSINESS**

Mayor Arriola stated **RESOLUTION 2019-37. A RESOLUTION AMENDING THE 2019 APPROPRIATIONS, PURSUANT TO CHARTER §6.07 AUTHORIZING INCREASES, TRANSFERS AND REDUCTIONS IN VARIOUS FUNDS.**

Mayor Arriola stated any questions. Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Resolution 2019-37.

Motion by Council Member Thompson, second by Council Member Macmann to adopt Resolution 2019-37.

**ROLL CALL ON ABOVE MOTION.** Council Member Sands, yes; Council Member Thompson, yes; Council Member Joy, yes; Council Member Macmann, yes; Council Member Arriola, yes; 5 yes 0 no

**ALL IN FAVOR. MOTION CARRIED.**

Mayor Arriola stated **RESOLUTION 2019-38. A RESOLUTION AUTHORIZING MONTGOMERY COUNTY AUDITOR'S OFFICE, LIENS & ASSESSMENTS DIVISION TO PLACE LIENS ON THE ATTACHED LIST OF PARCELS IN THE AMOUNT OF \$525.00 WHICH INCLUDES THE AUDITOR FEE OF 5% FOR FINES AND REINSPECTION FEES ASSESSED FOR FAILURE TO COMPLY WITH THE PROPERTY MAINTENANCE CODE ORDINANCE 2019-02 WITH ALL VIOLATIONS HAVING OCCURRED IN 2019.**

Mayor Arriola stated any questions.

Council Member Joy asked was this for one (1) person.

Municipal Manager stated it should be in your packet. It was for four (4) properties.

December 17,

2019

Four (4) paid their fines and corrected the violations, and four have not paid the fine so the fines are being assessed to those properties.

Mayor Arriola stated do I have a motion to adopt Resolution 2019-38.

Motion by Council Member Sands, second by Council Member Macmann to adopt Resolution 2019-38.

**ROLL CALL ON ABOVE MOTION.** Council Member Thompson, yes; Council Member Joy, yes; Council Member Macmann, yes; Council Member Sands, yes; Council Member Arriola, yes; 5 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated next is **RESOLUTION 2019-39. A RESOLUTION UPDATING THE CURRENT VILLAGE CREDIT CARD POLICY.**

Mayor Arriola stated any questions.

Council Member Thompson stated I thought the policy was well written. Will the employee have to sign off on that?

Municipal Manager Madden stated yes they will sign in and out each time.

Mayor Arriola stated do I have a motion to adopt Resolution 2019-39.

Motion by Council Member Thompson, second by Council Member Joy to adopt Resolution 2019-39.

**ROLL CALL ON ABOVE MOTION.** Council Member Joy, yes; Council Member Macmann, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Arriola, yes; 5 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**

Shannon Bemis, 130 Bronwood Street stated Chief I appreciate following up on the homeless guy. She would like to suggest some type of mandatory reporting system be put in place because of the taxes on the Human Services Levy. She also felt Adult Protective Services should have been called months ago because of his condition. She had a few questions about zoning violations in 2019 and how much money was collected because of all of the zoning violations? She asked that the Service Department be made aware of the bad condition of the Bronwood and Yale intersection in the center of the street. There are holes in the manholes and some look as if dynamite was almost dropped in there.

Lyndon Perkins, 735 Greyhound Drive mentioned the postings on the bulletin board located in the lobby of the Municipal Building. He inquired about the salt barn and if it would come out the 2020 budget. He then wanted to know if job postings were posted at the Library and Post Office?

December 17,

2019

Municipal Manager Madden stated openings for the Board vacancies were posted at Library and Post Office. Actual employment postings are on the website.

#### **ADMINISTRATIVE STAFF COMMENTS**

Mayor Arriola stated we will go to administrative staff comments.

Mayor Arriola stated Police Chief Daulton.

Police Chief Daulton comments were not audible.

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

Mayor Arriola stated Fire Chief Keyser.

Fire Chief Keyser comments were not audible.

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

Mayor Arriola stated Code Enforcement Administrator Melody Davis is not with us. Does she have anything for us?

Municipal Manager Madden stated since May she has written 304 violations, 42 properties were hired for grass cut; 8 properties were fined, 4 properties paid the fines, 4 have been assessed, and 6 properties have received extensions until spring in order to finish their maintenance repairs.

Mayor Arriola stated any questions for Melody.

Council Member Thompson stated there are three people duplicated accounts are living in their camper.

Municipal Manager Madden stated they were apparently living in the camper.

Council Member Thompson asked was there 3 violations or was the same person getting 3 violations?

Municipal Manager Madden stated there were 3 separate violations.

Council Member Thompson asked are they on their own property?

Municipal Manager Madden stated I think one of them was their own property and I don't know who was with him in the camper. I don't know the whole story.

Council Member Thompson stated this does not back to our earlier discussion about the homeless.

Municipal Manager Madden stated this was not homeless. We also had someone living in tents at some point. I think the tents were handled by the police.

Mayor Arriola stated Chief Financial Officer Brenda.

Chief Financial Officer Brenda stated I have nothing tonight sir.

Mayor Arriola stated any questions for Brenda. Nothing was heard.

December 17,

2019

Mayor Arriola asked do I have a motion to adopt the November 2019 Financial Report?

Motion by Council Member Thompson, second by Council Member Joy to adopt the November 2019 Financial Report.

**ROLL CALL ON ABOVE MOTION.** Council Member Joy, yes; Council Member Macmann, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Arriola, yes; 5 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated is there anything from Service Department Superintendent Scott Brock.

Municipal Manager Madden stated he has plowing and salting the roads.

Council Member Thompson stated all the roads were clear during the last two storms. I really appreciate that.

Council member Joy stated they did a good job.

Mayor Arriola stated does have anything for Scott. Nothing was heard.

Mayor Arriola stated Parks & Rec.

Municipal Manager Madden stated the Christmas Decoration Contest is going on throughout the village. Drive around. There are some really awesome houses out there. I am not sure how many are on the list and how have actually put in applications. The last day was yesterday to get the applications in. As soon as we have a list I will put it on our website so you can go check them all out.

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

Municipal Manager Madden stated I do not have any comments tonight. We are still waiting on some neighborhood watch. I would also like to request an executive session to discuss personnel and legal matters pursuant to the Ohio Revised Code § (G) (1), (3).

#### **COUNCIL MEMBER COMMENTS**

Mayor Arriola stated Gale.

Council Member Gale stated I would like to thank everybody for coming. Thank you for a lively year, I really appreciate it.

Mayor Arriola stated Carol.

Council Member Macmann stated I have nothing.

Mayor Arriola stated Doug.

Council Member Thompson stated I would like to thank all employees, council members, and department heads for a good year with a great community. I

December 17,

2019

appreciated the State Representative being here. I know we have a lot to work on in 2020 and I look forward to working with everyone. Thank you all for being here.

#### **VICE MAYOR'S COMMENTS**

Mayor Arriola stated Chris.

Vice Mayor Sands stated I agree with everything and would like to wish everyone a very Merry Christmas.

#### **MAYOR'S COMMENTS**

Mayor Arriola stated I would like to thank you for a good year. I am looking forward to a new start next year and hope we can get a lot accomplished next year. Everyone have a very Merry Christmas.

#### **EXECUTIVE SESSION**

Mayor Arriola stated I have a request for an executive session to discuss personnel and legal matters pursuant to the Ohio Revised Code § (G), (1), (3).

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

Motion by Council Member Joy, second by Council Member Thompson for an executive session to discuss personnel and legal matters pursuant to the Ohio Revised Code § (G), (1), (3).

**ROLL CALL ON ABOVE MOTION.** Council Member Macmann, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Joy, yes; Council Member Arriola, yes; 5 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola then thanked everyone for coming to the meeting. He then stated there would be no action taken following the executive session.

Council retired to executive session at 8:09 p.m.

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

VOICE VOTE ON ABOVE MOTION. AL IN FAVOR. MOTION CARRIED.

Council returned to regular session at 9:25 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.

VOICE VOTE ON ABOVE MOTION. ALL IN FAVOR. MOTION CARRIED.



December 17,

2019

Meeting was adjourned at 9:25 p.m.

Approved:

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

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