

September 17,

2019

The Council of the Municipality of New Lebanon, Ohio, met in regular session on Tuesday, September 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, Service Department Superintendent Scott Brock, Code Enforcement Administrator Melody Davis, Clerk of Council Sandy Wright and several visitors. Fire Chief J.C. Keyser and Chief Financial Officer Brenda Etter were absent.

ROLL CALL

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

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 the August 20, 2019 regular meeting minutes. Are there any changes or corrections 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.

Mayor Arriola stated next is the approval of the September 3, 2019 regular meeting minutes. Are there any changes or corrections 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 next is the **SECOND READING OF ORDINANCE 2019-O3. AN ORDINANCE CERTIFYING THE 2020 STREETLIGHT ASSESSMENT TO MONTGOMERY COUNTY, OHIO IN THE AMOUNT OF \$67,725.00.**

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

NEW BUSINESS

RESOLUTION 2019-23. RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

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Mayor Arriola stated any questions. Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Resolution 2019-23.

Motion by Council Member McClusky, second by Council Member Macmann to adopt Resolution 2019-23.

ROLL CALL ON ABOVE MOTION. Council Member Joy, yes; Council Member Macmann, yes; Council Member McClusky, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Arriola, yes; 6 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

RESOLUTION 2019-24. A RESOLUTION SUPPORTING THE TRANSMITTAL OF A STP/CMAQ/TA FUNDING APPLICATION FOR THE JOHNSVILLE-BROOKVILLE ASPHALT RESURFACING PROJECT TO THE MIAMI VALLEY REGIONAL PLANNING COMMISSION (MVRPC).

Mayor Arriola stated any questions.

Council Member Thompson asked when will the work start?

Municipal Member Madden stated actually 2020 but we are going to do some work on it to hold it over until they start.

Mayor Arriola stated do I have a motion to adopt Resolution 2019-24.

Motion by Council Member McClusky, second by Council Member Sands to adopt Resolution 2019-24.

ROLL CALL ON ABOVE MOTION. Council Member Macmann, yes; Council Member McClusky, 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.

RESOLUTION 2019-25. A RESOLUTION AUTHORIZING THE SALE OF .206 ACRES OF REAL ESTATE FOR \$6,000.00 BELONGING TO THE MUNICIPAL CORPORATION AS MAY BE APPROVED BY THE MUNICIPAL COUNCIL TO BRETHERN CHURCH, 32 SOUTH CHURCH STREET, NEW LEBANON, OH, 45345.

Mayor Arriola stated any questions. Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Resolution 2019-25.

Motion by Council Member Sands, second by Council Member Macmann to adopt Resolution 2019-25.

ROLL CALL ON ABOVE MOTION. Council Member McClusky, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Joy, yes; Council Member Macmann, yes; Council Member Arriola, yes; 6 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

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RESOLUTION 2019-26. A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO CHARGE LESS THAN THE BID PRICE OF \$55.00 A LINEAR FOOT TO THE HOMEOWNERS OF THE MARILEE STREET PROJECT. THE PROJECT INCLUDES CURB AND GUTTER REPAIR AND REPLACEMENTS ON MARILEE, GLENADA, AND LAWSON. THE PRICE TO BE CHARGED SHALL BE \$44.00 A LINEAR FOOT.

Mayor Arriola stated any questions.

Council Member Joy stated personally I don't feel this price is fair to the public. Not only did they not get a chance to get their own bids but I was able to go out and find a bid that the average linear foot price was \$32.48 and the high end on the linear foot was \$40.27 which is well below this price.

Municipal Manager Madden asked based on what was your average linear foot.

Council Member Joy stated 25.

Municipal Manager Madden stated the average on that street was 45 linear foot and if you went with one linear foot the price was \$150.00 to \$165.00. When I went out and looked and talked to another company he said that \$55.00 was more than fair for tear out and replace. The averages I found were between the \$39.14 and \$47.47 and \$40.16 and \$49.03. Those are the averages I was finding based on the \$45.00 average linear feet.

Council Member Joy stated when Ms. Foley was here she said that she talked with the two vendors and one said it was \$35.00 and the other one was said \$42.00 was extremely high with what I found.

Municipal Manager Madden stated I asked her to call me and give me that information so I could contact them also. I never heard back from her. So I did my own research and even back to the bid on Bronwood Street which was \$44.00.

Council Member Joy stated I understand that you did that, however, you are also talking about getting a quote from somebody who has bid to the government they are also paying a higher premium as well and that should not be figured into this because they did not get a chance to give a competitive bid.

Mayor Arriola stated anybody else have anything. Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Resolution 2019-26.

Motion by Council Member Macmann, second by Council Member Sands to adopt Resolution 2019-26.

ROLL CALL ON ABOVE MOTION. Council Member Sands, yes; Council Member Thompson, yes; Council Member Joy, no; Council Member Macmann, yes; Council Member McClusky, no; Council Member Arriola, yes; 4 yes 2 no

MOTION CARRIED.

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RESOLUTION 2019-27. A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO PURCHASE/ORDER A 2020 POLICE TAHOE 4WD PPV FROM GANLEY CHEVROLET OF AURORA LLC, 310 WEST GARFIELD, AURORA, OHIO 44202 IN THE AMOUNT OF \$36,292.76 FOR USE AS A VEHICLE FOR THE FIRE CHIEF.

Mayor Arriola stated any questions.

Council Member Thompson asked why do we need another fire vehicle?

Municipal Manager Madden stated he needs it to carry the equipment to service fires. His vehicle will then be moved over to the Code Enforcement Officer for zoning enforcement.

Council Member Thompson asked is it something similar to the one the Chief now has?

Municipal Manager Madden stated yes.

Council Member Thompson stated I don't recall it being in the budget.

Municipal Manager Madden replied the money is there in the Fire Capitol Budget and we are hoping that it is going to take months for it to get here, so you will see it in the budget that is coming up. We have the money in the budget this year for capitol.

Mayor Arriola stated do I have a motion to adopt Resolution 2019-27.

Motion by Council Member Thompson, second by Council Member Sands to adopt Resolution 2019-27.

ROLL CALL ON ABOVE MOTION. Council Member Thompson, yes; Council Member Joy, yes; Council Member Macmann, yes; Council Member McClusky, yes; Council Member Sand, yes; Council Member Arriola, yes; 6 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

Mayor Arriola stated next is Susan Nickerson, 559 Benbow Circle.

Ms. Nickerson stated I know the traffic light at Main and North Clayton Road gets reset all the time, maybe once every ten days. Who is ultimately responsible for that? Is that something the Village is responsible for or is that something that the State is responsible for resetting it every week or ten days but actually repairing it to make sure it stays functional. My son almost got hit on the morning of the 12th. Someone from the Village was up resetting it right before school started at 7 o'clock. The light had already been reset but people still ran the light and my son was almost broad sided. Who is ultimately responsible for repairing it to work and not just reset it. I know the service department resets it as soon as they find it is out. Who is ultimately responsible for making sure that light works on a regular basis and is not just reset every time?

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Service Department Superintendent Scott Brock stated a contractor had been out and found the light is out of date. It is going to be replaced.

Mayor Arriola asked what needs to be replaced Scott?

Service Department Superintendent Scott Brock stated it is going to be replaced.

Mrs. Nickerson stated I don't know who this belongs to but people blowing grass in the middle of the street a ticketable offense or a warning offense?

Police Chief Daulton stated I see this posted online all the time. The only thing I can think of is considering it hazardous material. Would it be considered hazardous material? I guess it could be.

Mrs. Nickerson stated I know Scott and his people try to keep the storm drains clean but I know in my neighborhood I have observed people blowing the grass clippings in the street and then blow the clippings in the storm drain with a blower.

Mrs. Nickerson stated thank you. I saw the durapatcher out today patching the holes. I know a lot of people do not like it.

Mrs. Nickerson asked on average how many tickets are issued a week here in town?

Police Chief Daulton stated do you mean speeding tickets.

Mrs. Nickerson stated yes or recklessop.

Police Chief Daulton stated probably 2 to 5 a month.

Mrs. Nickerson stated before and after school people are tearing up these roads. It is just a matter of time before someone gets hit. I know there is an officer sitting in the school zone a lot of mornings but I don't ever see them having someone pulled over.

Police Chief Daulton stated they do pull people over and give them warnings. Could we write a few more tickets a month, yes we could.

Mayor Arriola stated Brett McNinch, 1775 W. Main Street.

Mr. McNinch stated I was here a month or two ago talking about my trees in the front of my house. The road was widened to put in a turning lane. Prograde was the contractor. They tore up the sidewalk and I lost a good piece of my yard. They tore out the tree roots of the two big pine trees that was there. I found where my grandmother in 1980. The first time no one said much. The second time I came back Glena suggested it was an insect infestation or could be a disease on the trees or the age of the tree. I know the lifespan is up to 200 years. I wasn't looking for compensation. I asked if someone from the village could help me take the trees down. I did not get a response from anybody. I was disappointed that I did not get a response from anyone.

Municipal Manager Madden stated you did not come back after the second meeting. I did talk with someone at Five Rivers who told there was something affecting those trees. We have the same problem across the street behind the Fire Station. At the end of my street one of those large trees has that same brown crumbling look. I did reach out to the Ohio State Extension but did not hear anything back from them. The gentleman at Five Rivers actually came out and looked at the tree. He did say there

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was something causing those trees to turn brown. I did get some bids to take the trees down. I found a guy who would do it for \$800.00. The trees are down and are gone. It is no longer a problem. It was a large expense out of my family's budget.

Municipal Manager Madden stated we could not use our resources to come into your yard to take your trees down.

Mayor Arriola stated is there anything else. Nothing was heard.

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.

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

Mayor Arriola stated Fire Chief J. C. Keyser is not with us.

Municipal Manager Madden stated he has nothing tonight.

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

Mayor Arriola stated Code Enforcement Administrator Melody Davis.

Code Enforcement Administrator Davis stated the only thing I really have is an update on what I have been doing since the last update. I had 18 notices; 9 properties scheduled for cutting. One house to be demolished started last week and will complete it tomorrow and move on the next property.

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 do I have a motion to adopt August 2019 Financial Report.

Motion by Council Member Thompson, second by Council Member Sands to adopt August 2019 Financial Report.

ROLL CALL ON ABOVE MOTION. Council Member Thompson, yes; Council Member Joy, yes; Council Member Macmann, yes; Council Member McClusky, 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 Brock.

Service Department Superintendent Scott Brock stated as of tomorrow Marilee will be completed.

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

Mayor Arriola stated Parks and Rec.

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Municipal Manager Madden stated they are working on Halloween in the Village. It will be October 24th from 5:00 pm. to 8:00 p.m. at Stanley Jones Park. There will also be a house decorating contest. I am not sure how many signed up to be judges. If you want to be a judge give the office a call. There will also be a Trunk or Treat again. If you want to be a participant there is an application to be completed. There will be food trucks.

MANAGER'S COMMENTS

Municipal Manager Madden stated there have been a lot of changes around the Village. Twin Valley Bank is going down to make room for the building of their new bank. The old daycare is getting new ownership. The dance studio is moving to that location. The current New Lebanon School of Dance building will become Somerville Bank. The old IGA building will be Curtis Tactical Suppressors and Rifles LLC, a manufacturing facility. If you haven't been toward the Post Office and Legion there are two businesses in the blue house; Carestaff Ohio HHS LLC and Prostaff Graphics. Down in the Industrial Park we have two businesses Reeder and Heads Up. I had a request for an executive session but do not need it.

COUNCIL MEMBER COMMENTS

Mayor Arriola stated Doug.

Council Member Thompson stated I have nothing.

Mayor Arriola stated Gale.

Council Member Joy stated Happy Constitution Day everybody. For Brett one of the beautiful things about this country is we do have the opportunity to redress a grievance. It might now always work out the way you want it to be but we do have the opportunity.

Mayor Arriola stated Carol.

Council Member Macmann stated it is good about the businesses.

Mayor Arriola stated Hillary.

Council Member McClusky stated I don't have anything.

VICE MAYOR'S COMMENTS

Mayor Arriola stated Chris.

Vice Mayor Sands stated I have nothing.

MAYOR'S COMMENTS

Mayor Arriola stated I have nothing this evening.

ADJOURNMENT

Mayor Arriola stated do I have a motion to adjourn.

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Motion by Council Member McClusky, second by Council Member Sands to adjourn.

ROLL CALL ON ABOVE MOTION. Council Member Joy, yes; Council Member Macmann, yes; Council Member McClusky, yes; Council Member Sands, yes; Council Member Thompson, yes; Council Member Arriola, yes; 6 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Meeting was adjourned at 8:03 p.m.

Approved:

Mayor Date

Clerk of Council Date