

March 7,

2017

The Council of the Municipality of New Lebanon, Ohio, met in regular session on Tuesday, March 7, 2017 at 7:30 p.m. with Mayor Arriola presiding. Present were Municipal Manager/Fire Chief George Markus, Police Chief Rick Daulton, Service Department Superintendent Scott Brock, Zoning Compliance Officer David Lunsford, Clerk of Council Sandy Wright and several visitors. Law Director Ronald D. Keener and Chief Financial Officer Brenda Etter were absent.

ROLL CALL

The following members were present at the Call to Order: Raymond Arriola, Linda Green, Gale Joy, Glenna Madden, Carol Macmann, Christopher Sands and Tom Simon.

INVOCATION

Mayor Arriola gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

February 21, 2017 Regular Meeting Minutes were not complete.

OLD BUSINESS

Mayor Arriola stated under old business tonight we have Medical Marijuana Policy Discussion.

Municipal Manager stated as you have noticed the Law Director is unable to be here this evening. I spoke with him on the telephone this morning and he asked that I let Council know that his recommendation would be much like some of the other communities in our area like Perry Township and soon to be Brookville and others. His recommendation to Council is that we ban the processing, the cultivation, and dispensing of medical marijuana here in the incorporated area. He really did not go into a whole lot of detail with me. He was kind of pressed for time and just said to pass that recommendation on, so rather than me trying to guess I am just going to refrain.

Council Member Joy stated personally I am not opposed to it. We would not turn away a beer distributor, we would not turn away a bottler, we would not turn away a Budweiser distributor, a distiller and we don't even turn away bars. We are talking about something that can and does benefit people. I just don't see that there is a problem with it.

Vice Mayor Madden stated it is Federally illegal.

Council Member Green stated you can get it anywhere right now. I can leave here right now and get some. I would just like to leave work go buy a joint and smoke it and then come home.

Vice Mayor Madden stated then you could be charged as being under the influence

Council Member Joy stated in the State of Ohio it is legal.

March 7,

2017

Vice Mayor Madden stated but you can still be charged federally.

Council Member Macmann stated the state and federal do not mesh, which is a problem.

Council Member Green stated I would rather have it regulated to say how much I can buy each time. But I can leave here and come back here in a half hour with some. I would rather have it regulated to where I would pay taxes on it and it would be good for everybody. It is everywhere. It is already here. It is already all over the place. Why not make some money out of it.

Mayor Arriola stated one (1) person at a time.

Council Member Green stated why not make some money out of it.

Council Member Joy stated we already have marinol. We already use marinol. Where do you think it comes from? It comes from research and the processing of marijuana.

Council Member Sands stated the only problem I see with it is there isn't really a place large enough in town to cultivate that stuff to make a profit.

Council Member Joy stated you can cultivate it in a room this size.

Council Member Sands stated and make a profit large enough to pay for what it is going to cost to get the license every year.

Council Member Simon stated our community is not large enough. Even if we were to pass it they are not going to bring it here because we are not a big enough community. We can't even get restaurants in town so even if it passed it will not come to this community. I think it would cause an issue for the police anyway. It may be legal for people 18 and over but the kids are still going to know it is here and the likelihood of them trying to break in to get their marijuana for free is going to grow.

Council Member Joy stated they will still get their marijuana. It already says in here there has to be security. If there has to be security as part of the requirements then how is that going to make it any harder than any other business for the police department to control?

Council Member Simon stated it just adds to what they already have to patrol. What makes a kid want to break into an empty restaurant?

Council Member Joy asked why do we have five (5) bars? Does that not contribute to calling out the police. Have you ever been to a bar where the police have been called? I have.

Council Member Simon stated I am not saying the police are being called to other businesses but why add something that will add to the police department's problems when they are already understaffed?

Council Member Joy stated we just had on the council agenda about selling beer at the Dollar Store.. The only reason it did not go through was that it was too close to a school.

March 7,

2017

Vice Mayor Madden stated that is the other problem we are going to have with the other too. It cannot be Five Hundred (500) feet from a church, a library, a school, or a park. Drive through this town and there is a park, a school, and the library. The land that is left is not zoned for it.

Council Member Joy stated that is what we do. We grant a variance to allow for building and rezone.

Mayor Arriola asked would anyone from the public like to make a comment on this issue? If so please step to the podium and state your name and address.

My name is Denver Wilson and I reside at 24 Marilyn Avenue, New Lebanon, Ohio. I am against marijuana and very much against prostitution. I am very much against drinking and driving. The Ohio Lottery was to help the schools, every penny of it was, but things changed from the onset of that particular project to the reality of how it is now and I'm sure that everything will change with this also. (all of Mr. Wilson's comments were not recorded as he did not speak directly into microphone).

Council Member Simon stated we already do it. They do a standard field sobriety test and they take a urine sample or blood sample and you send that to the crime lab. Even if they submit to the tests they are released, they are not held that entire time because it is weeks before we get the results back. They can be arrested and they can be taken to jail if they fail the field sobriety test and once the results come back they go to court with the results. So it is no different now. Other things are taken into consideration.

Mr. Wilson stated I love this town.

Mayor Arriola stated we received a phone call from my daughter who lives in Oregon. They have it out there freely no matter what, recreational or medicinal. She was telling me there is actually an oil now they can use instead of smoking that they can put it on their skin.

Mr. Wilson stated I am not in favor of any of that. All of it is bad. We need to keep our town clean.

Mayor Arriola stated I appreciate you coming up and giving us your thoughts, sir.

My name is Aaron J. Wilson, 24 Marilyn Avenue asked if D.A.R.E. might get involved in some type of anti drug program against the use of marijuana.

Municipal Manager Markus stated actually right at this point in time there was a tremendous amount of conversation when this first became one of the hot topics last year. Largely that was all it was, just conversation. Whether you were pro or con on the issue did not make too much difference because there was nothing in the law at that point in time. The State of Ohio has provided some level of direction since that point in time until now. At the end of May they provide some additional rules they wanted allocated and they will do the same thing at about September. Then theoretically they will have everything in place to begin to manage a program of some sort. Right now that is yet to be determined.

Council Member Joy stated if you don't mind I have something under old business from the February 21st meeting. I think his name was Mr. Tietge was here. I have to say that billing him over \$4000.00 in my mind was an injustice. If it wasn't illegal it was definitely immoral and I personally am apored over that entire thing.

March 7,

2017

Mayor Arriola stated I did not like the way things went. I just wish he had gotten the permit and had everything inspected like he was supposed to.

Council Member Sands stated he brought it up several times during the meeting that he waited until the evening until his helper came and then he came here to the office to get the permit. He knew all day long that he was going to do it so why didn't he come to get the permit when the office was open. It could have been inspected; everything could have been done correctly and not painted. Scott told me later on that they do this and then they do this on the concrete to tell the contractor where to go. If he painted over that and there were marks in the grass the contractor can't see these lines so what else is he supposed to do.

Council Member Joy stated so you are trying to tell me the contractor went by marks on the ground not by a schematic.

Council Member Sands said he painted over them.

Council Member Joy stated that is fine, but as a contractor you have a piece of paper which you are actually supposed to go by. You don't just say I am going to rip this entire thing out because it's all painted.

Council Member Sands stated I don't the contractor has time to sit there and look at each paper when the markings were on the concrete.

Vice Mayor Madden stated this would not have happened if he had gotten the permit in the first place. The 31 feet would have been replaced, not 75 feet because Mr. Tiegte painted over everything in white.

Council Member Simon stated I missed the last meeting. What actually happened?

Vice Mayor Madden stated Mr. Tiegte did not get his permit for the concrete repair. He did the work himself with his helper and in the process painted the entire area in white paint covering the markings. He said the markings were all still in the grass. Mr. Tiegte did not do what he was supposed to do. He did not get the permit.

Council Member Macmann stated it was not done according to specifications. I don't think the taxpayer's of this community should have to pay because he did not get a permit or he did not come to the office when they were open to pick up a permit, If I do something at my house I have to get a permit and I have to do it according to the way I am supposed to do it. He is no different than I am. Had he gotten the permit and done it according to the specifications and done it correctly we would not have had that conversation.

/Council Member Joy stated he had three (3) inspections done and they had the same date on it so even if it were the total linear feet of 31 feet we had no reason to rip out 75 feet of his curb even if they went by the inspection of 31 feet. The Contractor could charge everyone in this town \$4,000.00 if they don't follow a blueprint. He is the only one who has gotten an attorney.

Vice Mayor Madden stated had he not painted over it they could have seen the markings. They are not charging everyone. Mr. Tietge did not do what he was supposed to do.

Mayor Arriola stated he did not get his permit until August.

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

March 7,

2017

NEW BUSINESS

Mayor Arriola stated under new business we have nothing. Does anyone have any new business? Nothing was heard.

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

None

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. Nothing was heard.

Mayor Arriola stated Fire Chief Markus.

Fire Chief Markus stated I have nothing tonight sir.

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

Mayor Arriola stated Zoning Compliance Officer David.

Zoning Compliance Officer David Lunsford stated I have nothing tonight sir.

Mayor Arriola stated anyone have anything for David? Nothing was heard.

Mayor Arriola stated Chief Financial Officer.

Municipal Manager Markus stated she has nothing tonight.

Mayor Arriola stated anything to pass on to Brenda. Nothing was heard.

Mayor Arriola stated Service Department Superintendent Scott.

Service Department Superintendent Scott Brock stated I have nothing tonight sir.

Mayor Arriola stated anything for Scott.

Council Member Sands asked any plans on getting the Dura Patcher out anytime soon.

Service Department Superintendent Scott Brock stated not usually this soon.

Council Member Green stated I thought the Dura Patcher could be used all year.

Service Department Superintendent Scott Brock stated if you have time.

March 7,

2017

Mayor Arriola stated it is bad on Church Street.

Vice Mayor Madden asked can you at least put something in the big pothole over by Fuls Road?

Mayor Arriola stated Parks and Recreation Alex.

Alex stated I am currently working on a \$1000 Montgomery County Beautification Grant application which is due on March 17th. Present - to 300 high school students regarding internship and community service opportunities. I will be attending Dayton's Metro Park Leave No Child Inside Summit. I continue to make headway on the Disc Golf Course project.

Mayor Arriola stated Municipal Manager comments.

MUNICIPAL MANAGER'S COMMENTS

Municipal Manager Markus stated I have no comments this evening.

Mayor Arriola stated council member comments.

COUNCIL MEMBER COMMENTS

Mayor Arriola stated Gale.

Council Member Joy stated I have nothing further this evening. Thanks for coming everybody.

Mayor Arriola stated Linda.

Council Member Green stated I pretty much said everything I needed to say. Hi Glen.

Mayor Arriola stated Carol.

Council Member Macmann stated I nothing.

Mayor Arriola stated Chris.

Council Member Sands stated I have nothing else.

Mayor Arriola stated Tom.

Council Member Simon stated I have nothing.

Mayor Arriola stated Glenna.

VICE MAYOR'S COMMENTS

Vice Mayor Madden stated I have nothing.

MAYOR'S COMMENTS

Mayor Arriola stated I have nothing either.

March 7,

2017

ADJOURNMENT

Mayor Arriola stated do I have a motion to adjourn.

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

ROLL CALL ON ABOVE MOTION: Council Member Arriola, yes; Council Member Green, yes; Council Member Joy, Yes; Council Member Madden, yes; Council Member Macmann, yes; Council Member Sands, yes; Council Member Simon, yes; 7 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Meeting was adjourned at 8:06 p.m.

Approved:

Mayor Date

Clerk of Council Date