

August 1,

2017

The Council of the Municipality of New Lebanon, Ohio, met in regular session on Tuesday, August 1, 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. Chief Financial Officer Brenda Etter and Law Director Ronald D. Keener were absent.

ROLL CALL

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

INVOCATION

Mayor Raymond Arriola gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Mayor Arriola stated next is the approval of the July 18, 2017 regular meeting minutes. 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 corrected minutes please signify by saying aye, all opposed same sign.

VOICE VOTE ON ABOVE MOTION. MOTION CARRIED.

OLD BUSINESS

Mayor Arriola stated next is old business. Does anyone have any old business?

Council Member Sands stated I have a question for the Manager and then I would like to discuss the Veterans Memorial. Once the money is set aside in the village budget can it only be used for that purpose?

Municipal Manager Markus stated it depends on what fund it is. Some funds have restrictions. General Fund money does not. We can put General Fund money where ever we want to put it.

Council Member Sands stated we set aside \$25,000 for the Veterans Memorial. Can it be used for anything other than for the memorial?

Municipal Manager Markus stated yes. It is general fund money that we set aside so we can transfer it into any other account and use it for anything we care to.

Council Member Sands stated then I guess there is no point in discussing the Veterans Memorial.

Mayor Arriola stated I was out of town for that period of time. I completely forgot that we had set aside that \$25,000.

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Vice Mayor Madden stated in retrospect we feel like that is too much money.

Council Member Sands stated let me ask another question. When we do that budget, when we put something like that in there can we strike it at that time before we even pass the budget?

Municipal Manager Markus stated certainly and you can add and subtract things at the first and second readings. At the third reading it should be carved in stone what you are going to do with the dollars should be as you wish.

Mayor Arriola asked since we have already set aside \$25,000 for the memorial is anyone interested in putting a nice memorial out here?

Council Member Sands stated I would like to see a memorial go in as long as it does not go over \$25,000. (Everyone talking at the same time)

Municipal Manager Markus stated the \$25,000 agreed on at the budget workshop last October was basically a placeholder, because until we talked and got some estimates we knew it would be at least that much based on what we wanted to do but we did not have a concrete figure. This spring when we worked on it some more and started talking to vendors then we came to the conclusion that if we did what we talked about doing it would be \$35,000. We have \$25,000 sitting there right now.

Council Member Sands stated if we can get it done for \$25,000 or less I would say go for it.

Mayor Arriola stated anybody else.

Vice Mayor Madden stated I am not comfortable with \$25,000. It is way too much.

Council Member Macmann stated the one in Brookville that we all liked. How much was it?

Council Member Simon stated I forwarded that to George. This girl did one of those and there are three there and it cost \$2,500.

Municipal Manager Markus stated it was not made from a solid material but from a laminate type finish with the stone that was put on and it was not a solid piece.

Council Member Simon stated that is a nice memorial and it only cost about \$10,000.

Municipal Manager Markus stated they did not go into the length that we did.

Council Member Joy stated I am opposed to it. I understand it and as a veteran I can appreciate it but it does nothing for veterans. All it does is make us feel good. If you want to take the ten grand and take it down to the VA and help some actual disabled Vets or buy them wheelchairs but as for spending money when we can look around and see the road situation. I am sure that we could spend that money in ways that would benefit the entire community, not just about making us feel good.

Vice Mayor Madden asked is the discussion still about putting it across the street or is it about putting it out front. Where are we talking about putting it? Originally it was to be located across the street at the courts. So now it is at \$35,000 to put it out front.

Municipal Manager Markus stated no. That was across the street. Now we are talking \$12,000.00.

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Council Member Simon asked so why is now \$12,000.00? Are we looking to do something similar to what is in Brookville with the three (3) monuments?

Municipal Manager Markus stated actually using our existing courtyard we have one of the three (3) flagpoles and the original proposal was for three; we just have one here. If we were going to redo that courtyard a little bit and still go with that centerpiece. There was some discussion in the prior council meeting about placing a plaque on the wall which would probably be about \$900.00 for one of the bronze plaques. You can go which ever direction you wish to do if that is Council's decision. If you want three (3) flagpoles and do some additional lighting and have the center stone piece, the stone is roughly \$8,000.00 with the carving and the size of it, and there would need to be a foundation that would bear the weight. So you would be looking someplace in the \$12,000.00 range by the time we would do that and use the front courtyard.

Vice Mayor Madden asked do we any kind of drawing of that or something of what it would look like?

Municipal Manager Markus stated no we do not. We enclosed the drawing that basically showed the keyhole design of the original proposal at the side of the courthouse. We had little marks on it to indicate where the flagpoles were going to be and the reflecting benches but we do not have a formal drawing.

Vice Mayor Madden asked can we get a formal drawing so we have a visual.

Municipal Manager Markus stated sure.

Council Member Macmann stated I want to see the mockup.

Vice Mayor Madden stated a mockup is not going to cost anything.

Council Member Macmann stated I do feel strongly we need to do something more than a plaque.

Council Member Thompson stated I definitely agree. I think when this came up at my first meeting I assumed that we have spoken with Veterans. Looking at it from a \$9000 or \$25,000 or \$34,000 I think it begs to really view the budget again and review the proposal. I wasn't here and I appreciate that it was in the budget as a placeholder but I do think some additional information that we all agree as Americans that without our Vet's we would not be here. With that being said I would really like to have some of the community to have input. We could even have a community committee that could help formulate a proposal, a budget, couple different scenarios ABC, ABN, The Cadillac, CBN I don't want to offend anyone so we will just stick with a very simple car but go from there. I would like to also have more discussion about is it really a monetary issue or the location. I have a lot of questions.

Council Member Macmann stated I did check with people about it. The people I talked to felt it would be good for the community and it would be something they could be proud of. They thought it was a good idea. I talked with people who had Boy Scouts in their family and they thought it would good to have it where the Scouts could have their programs once a year. I have received nothing but positive feedback.

Municipal Manager stated just so I am clear on this. Right now Council would like to have some type of drawing of a proposal. Doug had about two more points to tack on but why don't we do the drawing first.

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Council Member Thompson stated just to add if I may Mr. Manager I have heard three different proposals. I heard a \$900 plaque; I heard a \$9,000, \$10,000, and then a \$25,000 proposal and I would like a few details associated for each scenario and placement that is where I was going with it. I am not trying to create any extra work I am just trying to catch up.

NEW BUSINESS

Mayor Arriola stated next under new business is **RESOLUTION 2017-11**. **A RESOLUTION AWARDED THE CONTRACT TO BUTLER ASPHALT, LLC., 7500 JOHNSON STATION ROAD, VANDALIA, OHIO 45377 FOR THE 2017 STREET LEVY PROJECT AVON OAK – LAWSON AVENUE IN THE AMOUNT OF \$114,889.85 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 2017-11.

Motion by Council Member Simon, second by Council Member Thompson to adopt Resolution 2017-11.

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

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated next is **RESOLUTION 2017-12**. **A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO APPEAL THE DECISION OF THE DEPARTMENT OF LIQUOR CONTROL TO ISSUE A C-2 CLASS LIQUOR PERMIT TO DOLGEN MIDWEST, LLC DBA DOLLAR GENERAL STORE 7331.**

Mayor Arriola stated any questions.

Council Member Joy stated if I understand this correctly it is a liquor permit or is for beer and wine.

Municipal Manager Markus stated beer and wine.

Council Member Joy stated it says it was approved by the State, right,

Municipal Manager Markus stated correct.

Council Member Joy stated asked where is the limit?

Municipal Manager Markus stated 500 feet is the minimum and the actual distance from the elementary school is 350 so we are not discussing 18 inches here or anything like that. It is also a violation of the Ohio Revised Code 4303.26 (a) clearly *states 500 feet from the boundaries of a parcel or real estate having situated on it a school, church, library, public playground, or township park, no permit shall be issued*, so they are clearly in violation of their own rule. I did not attend the hearing. The Law Director and Chief of Police went to that hearing. Why the hearing officer made that choice to

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issue the permit is beyond me. If you recall Council Member Madden brought in this map for us that show the different establishments located in the community, the colored circles of course show the areas that are prohibited and this is one of the prohibited areas. Basically the question at that point in time was do we want to allow that or not. The answer was or not. This resolution authorizes the Law Director to make the appeal.

Council Member Thompson stated I have a quick question. Wasn't a variance needed for them to be more family friendly when they built that store?

Municipal Manager Markus stated that was a pitch from the company. When that went in Jeff Starzman was actually the Law Director at that point in time and we had some issues with parcel divisions and other zoning issues. There were questions about is it a subdivision or is not and is the application done correctly. Ultimately after the hearing we had two choices. We could either continue the position that Mr. Starzman had taken or we could just give them their permit because it is in a B-2 zoning district and being in a B-2 that particular lot was in that district then they could actually do that there based on the interpretation of subdivision. So that is the reason they got their permits and that is the reason they are in that location. At the time they applied there was no mention of alcohol.

Council Member Thompson stated thank you.

Mayor Arriola stated any other question. Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Resolution 2017-12.

Motion by Council Member Madden, second by Council Member Sands to adopt Resolution 2017-12.

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

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated next is **ORDINANCE 2017-02: AN ORDINANCE CERTIFYING THE 2018 STREET LIGHT ASSESSMENT TO MONTGOMERY COUNTY, OHIO, IN THE AMOUNT OF \$61,503.75.**

Mayor Arriola stated any questions. Nothing was heard.

Mayor Arriola stated do I have a Motion to declare an emergency and waive three (3) readings on Ordinance 2017-02.

Motion by Council Member Macmann, second by Council Member Madden to declare an emergency and waive three (3) readings on Ordinance 2017-02.

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

ALL IN FAVOR. MOTION CARRIED.

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Mayor Arriola stated do I have a motion to adopt Ordinance 2017-02.

Motion by Council Member Madden, second by Council Member Sands to adopt Ordinance 2017-02.

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

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated before we go any further I asked George for the upcoming budget to come up with a figure on a nice walking track in the park 6 feet wide, like they have in Germantown and Farmersville. Gasoline prices have come down so of course asphalt prices have come down. He gave me an estimate of \$45,000 to \$50,000 with \$10,000 for drainage. Is anybody interested in a nice walking path through the Park?

Council Member Madden stated I am.

Council Member Joy stated I know where there is \$25,000. (laughter)

Council Member Thompson stated I live right next to the park.

Council Member Sands stated I prefer natural dirt over concrete or blacktop but for biking you would need something else.

Council Member Madden stated for strollers and wheelchairs.

Council Member Macmann stated I would like to see the walking paths be better. I am going to be honest, asphalt packed down hard is not as good to walk on and it is not nice. I almost tripped this morning on it. There are other things you can put on paths other than asphalt. My problem is I have not done any research on it but there are other materials you can use that have more give to them.

Mayor Arriola stated I saw in Montgomery County that kids are rollerblading and even adults.

Council Member Macmann stated you are not just looking for a walking path but a multi purpose path.

Council Member Madden stated I think we want something that people are going to use. They are not using it right now because it is a hazard.

Council Member Sands stated I think the path you are talking about in Germantown is put in by the State or Metroparks.

Council Member Thompson stated my father-in-law served in Vietnam and is 72 years of age. He will go Farmersville to walk because it is so uneven he can't risk a fracture, so I do think there is a safety issue. That park is really a community asset. As long as it is in the budget Mayor I don't have a problem.

Council Member Macmann stated I am good with.

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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

Lyndon Perkins, 735 Greyhound Drive, New Lebanon, Ohio 45345 stated \$114,889.85 was the low bid for the 2017 Street Maintenance Project.

Municipal Manager Markus stated yes.

Mr. Perkins stated you are going to do something with the track at the park.

Mayor Arriola stated we are going to put in the budget for 2018.

Mr. Perkins stated any determination as to where the plaque for the Veterans is going.

Council Member Simon stated we have not made the decision as to if we are doing it. We are just getting drawings as to what it will look like then we will make a determination.

Mr. Perkins stated you may decide to put it someplace else.

Council Member Madden stated I think it has been decided to put it out here. It is just a matter of what it is going to look like and what it is going to cost.

Mr. Perkins stated make sure it is going to show up good.

Mayor Arriola stated thank you Mr. Perkins.

ADMINISTRATIVE STAFF COMMENTS

Mayor Arriola stated we will go to administrative staff comments.

Mayor Arriola stated Police Chief Daulton.

Police Chief Daulton stated on July 25, 2017 through July 29, 2017 a Heroin Blitz for Western Montgomery County was being sponsored by the Montgomery County Sheriff's Office. The Blitz consisted of multiple jurisdictions concentrating in an area looking for Heroin dealers and users. The Blitz covered a different area of the county each day. On July 26, 2017 the Blitz was in Harrison Township and about 0930 hours cars from the blitz observed a hand to hand/car to car exchange of heroin which resulted in shots fired, a pursuit and several crashes. New Lebanon was involved in the pursuit after the shots were fired. We were involved in handcuffing the suspect and putting him into the ambulance. Captain Adkins and Officer Oney were participating in the Blitz for New Lebanon Police Department. No Village property was damaged and no one was injured and no shots were fired by New Lebanon Officers.

Mayor Arriola stated thank you Chief.

Mayor Arriola stated anything for the Police Chief.

Council Member Sands stated I am sure you are aware of the issue with the Ford Inceptors. Do we have any of those in our fleet?

Police Chief Daulton stated actually two (2) of the vehicles we have are from the years in question. We have not received any notification from Ford about any problems

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with them. The officers who drive those vehicles are aware of the problems and they are keeping an eye on it to make sure they don't experience any kind of symptoms.

Council Member Sands asked are we going to get carbon monoxide detectors for the vehicles?

Municipal Manager Markus stated there are a couple of police departments in Texas that experienced serious consequences in fact one of the Departments grounded all of their vehicles because of the numerous problems they have had. As Chief said we have not experienced any problems and there have not been any problem that we are aware of reported in this area but if it becomes necessary we will certainly do that.

Council Member Sands stated I was just concerned and I knew we had authorized you to buy another one in June.

Police Chief Daulton stated if it actually has arrived in the city but the 2017 model does not fall in that category.

Municipal Manager Markus stated I think the recalls are for 2011 and 2015.

Mayor Arriola stated Fire Chief.

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 Lunsford stated I have nothing this evening, sir.

Mayor Arriola stated anyone have anything for David.

Council Member Thompson stated I have a question. I have been out getting signatures and it's refreshing about a lot of citizens that they want to hear from us and one question in particular I got was about the tree trimming and who is responsible for trimming the trees that are along 35. I did not know the answer and I told them to call the manager. Does anybody know about the trees on 35?

Municipal Manager Markus stated we do the maintenance on them. Scott has a number of them on his list that are going to be taken out just because they have been broken off in some cases by vandals, and in some cases people with careless driving and DUI's run over some of our street trees. They are our responsibility and they are on our list.

Council Member Thompson stated when they pull out of McDonald's the visibility concerns left and right, east and west. Then there are a few of them that I did go out as I was walking and the trees look like bushes. Is it on an annual maintenance cycle?

Municipal Manager Markus stated we have an annual maintenance cycle. We used a private vendor one year when we just totally swamped and Scott was short people. We have since staffed the Service Department so that is on their list.

Mayor Arriola stated I am curious. Couldn't businesses like Speedway go out and trim themselves.

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Municipal Manager Markus stated from a practical matter yes they could but if they kill the tree because they used improper application with whatever they were trimming it with then they would probably be a little squeamish about replacing it.

Mayor Arriola stated of course the homeowners, if their tree is grown over the sidewalk they need to be trimmed.

Municipal Manager Markus stated that will be a zoning issue.

Mayor Arriola stated Financial Officer Brenda.

Municipal Manager/Fire Chief stated she has nothing tonight.

Mayor Arriola stated Service Department Superintendent Scott Brock.

Service Department Superintendent Scott Brock stated I have nothing tonight.

Mayor Arriola stated anything for Scott. Nothing was heard.

Mayor Arriola stated Parks and Rec, Alex.

Alex stated I have a few updates. The kids have enjoyed field trips. We still continue with the vegetable give a way on Friday evening at the garden between 5:00 p.m. to 7:00 p.m. The Sunflower Festival is Saturday, August 19th, between the hours of 10:00 a.m. to 6:00 p.m. C & S Amusements will be here with rides; 3-on-3 basketball tournament, live mural painting, Boy Scout Fishing Derby, Chamber of Commerce Food Truck Rally featuring 10 plus food trucks, and pony rides. We are still working on the Beer Garden.

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

Mayor Arriola stated Municipal Manager comments.

MUNICIPAL MANAGER'S COMMENTS

Municipal Manager Markus stated first of all for Council Member Gale Joy who came and participated in the Monday/Tuesday camp and the Wednesday/Thursday camp about survival skills and fire safety. He and his wife made quiet an investment of their time. Thank you very much. We appreciate that. A number of the Council Members also had the opportunity to come and read. We had some Council involvement in the reading program and I was very pleased to see that.

C & S Amusements will be an agenda item for your August 15th Council Meeting authorizing the Manager to sign the contract to have the rides on the grounds. As Alex has mentioned the Beer Garden, right now we need to light a fire under them. We are basically looking at a little bit more than two weeks and they don't have the permit yet. We haven't really had a lot of successful communication with the groups. We are going to try to set a meeting for this week, but if they don't have their ducks in a row by the end of the week we are done with them.

Vice Mayor Madden asked which group are you looking at?

Alex replied they are known as the Asphalt Angels and they raise money for school supplies. They have applied for the permit and are waiting for the approval.

Municipal Manager Markus stated they just need to get their act together soon.

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You probably noticed the rectangular table in the back by Mr. Perkins. Our State Auditors are in here for our every two year audit. They started this past Monday. Normally it takes 4 to 6 weeks and by the time they finish up you will get a report like always.

At the recent Perry Township meeting held on July 25th Chief Fletcher with Brookville and I have been pushing at them for years to boost the funding from their Township. So on a 2 to 1 vote Gerald Peters and Sheila Stanifer voted for a 1.5 mil levy and President Dale Seim voted against the levy. This will be on the November ballot. If approved by the voters the fire department will receive approximately \$75,000.00 per year additional funding from the township. This will allow us to put on some more part time people because I would actually like to go to staffing 3 on the weekends and 4 on week days consistently.

Also for your August 15th agenda you will be authorizing the Manager to apply for our next 2018 Projects, one of which will be Phase 1 of what we are identifying as our Church Street Project to be split in to three phases approximately thousand feet each phase; there will be a phase north of Main Street to the corporate limits, and there will be two phases from Main Street south to just the other side of Lawson to the corporate limits to about an even split. The other project will be the continuation of our Sanitary Sewer Relining Program. That is all I have.

Mayor Arriola stated anything for the Manager. Nothing was heard.

Mayor Arriola stated council member comments.

COUNCIL MEMBER COMMENTS

Mayor Arriola stated Chris.

Council Member Sands stated I have nothing else this evening.

Mayor Arriola state Tom.

Council Member Simon stated I have nothing.

Mayor Arriola stated Gale.

Council Member Joy stated I have nothing.

Mayor Arriola stated Doug.

Council Member Thompson stated I have nothing.

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 don't forget to bring your manager evaluations to the next meeting.

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ADJOURNMENT

Mayor Arriola stated do I have a motion to adjourn.

Motion by Council Member Simon, second by Council Member Macmann to adjourn the meeting.

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

ALL IN FAVOR. MOTION CARRIED.

Meeting was adjourned at 8:15 p.m.

Approved:

Mayor Date

Clerk of Council Date