

November 21,

2017

The Council of the Municipality of New Lebanon, Ohio, met in regular session on Tuesday, November 21, 2017 at 7:30 p.m. with Mayor Arriola presiding. Present were Municipal Manager/Fire Chief George Markus, Law Director Ronald D. Keener, Police Chief Rick Daulton, Zoning Compliance Officer David Lunsford, Service Department Superintendent Scott Brock, 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, Glenna Madden, Christopher Sands, Tom Simon and Douglas Thompson. Carol Macmann was absent.

INVOCATION

Mayor 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 November 7, 2017 Public Hearing 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 minutes please signify by saying aye, all opposed same sign.

VOICE VOTE ON ABOVE MOTION. MOTION CARRIED.

Mayor Arriola stated next is the approval of the November 7, 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 minutes please signify by saying aye, all opposed same sign.

VOICE VOTE ON ABOVE MOTION. MOTION CARRIED.

OLD BUSINESS

Mayor Arriola stated next under old business IS

is the **SECOND READING OF ORDINANCE 2017-04: AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF NEW LEBANON, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018.**

Mayor Arriola asked are there any questions on this ordinance. Nothing was heard.

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NEW BUSINESS

Mayor Arriola stated under new business we **RESOLUTION 2017-21**. **A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO NEGOTIATIONS TO SALE REAL ESTATE BELONGING TO THE MUNICIPAL CORPORATION LOCATED IN THE INDUSTRIAL PARK AS MAY BE APPROVED BY THE MUNICIPAL COUNCIL.**

Mayor Arriola asked are there any questions? Nothing was heard.

Mayor Arriola stated do I have a motion to adopt Resolution 2017-21.

Motion by Council Member Madden, second by Council Member Thompson to adopt Resolution 2017-21.

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

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated next is **RESOLUTION 2017-22**. **A RESOLUTION DECLARING THE REAL PROPERTY KNOWN AS PARCEL F24 00102 0085 IN MONTGOMERY COUNTY, OHIO AND LOCATED AT 32 CAIN STREET IN NEW LEBANON, OHIO TO BE A NUISANCE; PARCEL L52 00112 0007 IN MONTGOMERY COUNTY, OHIO AND LOCATED AT 39 GLORIA AVENUE IN NEW LEBANON, OHIO TO BE A NUISANCE; PARCEL F24 00101 0209 IN MONTGOMERY COUNTY, OHIO AND LOCATED AT 42 WEST MAIN STREET IN NEW LEBANON, OHIO TO BE A NUISANCE; PARCEL L52 00101 0007 IN MONTGOMERY COUNTY, OHIO AND LOCATED AT 65 WEST MAIN STREET AND 69 WEST MAIN STREET IN NEW LEBANON, OHIO TO BE A NUISANCE; PARCEL L52 00212 0002 IN MONTGOMERY COUNTY, OHIO AND LOCATED AT 2135 WEST MAIN STREET IN NEW LEBANON, OHIO TO BE A NUISANCE; PARCEL L52 00103 0014 IN MONTGOMERY COUNTY, OHIO AND LOCATED AT 106 PERRY STREET IN NEW LEBANON, OHIO TO BE A NUISANCE; PARCEL L52 00103 0029 AND PARCEL L52 00103 0029 IN MONTGOMERY COUNTY, OHIO AND LOCATED AT 30 PERRY STREET IN NEW LEBANON, OHIO TO BE A NUISANCE; PARCEL F24 00218 0027 IN MONTGOMERY COUNTY, OHIO AND LOCATED AT 1336 WEST MAIN STREET IN NEW LEBANON, OHIO TO BE A NUISANCE.**

Vice Mayor Madden asked why is the same parcel number listed twice for 30 Perry Street? L52 00103 0029 is listed on here twice and it cannot be certified that way.

Municipal Manager Markus stated Dave will you pull the map.

Vice Mayor Madden is there a side lot? They will not have the same parcel number. We have to have two separate parcel numbers or you cannot certify them to the County.

Law Director Keener stated can you check to see what the parcel number is then we can make a motion to amend.

Mayor Arriola stated Dave.

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Zoning Compliance Officer Dave Lunsford stated it should read Parcel L52 00103 0024 and Parcel L52 00103 0029 in Montgomery County, Ohio and located at 30 Perry Street in New Lebanon, Ohio to be a Nuisance;
Vice Mayor Madden stated so now you have to read it all over again. (laughter)

Mayor Arriola stated do I have a motion to amend **Resolution 2017-22 to read as Parcel L52 00103 0024.**

Motion by Council Member Madden, second by Council Member Simon to amend **Resolution 2017-22 to read as Parcel L52 00103 0024.**

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

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated do I have a motion to adopt Resolution 2017-22 as amended.

Motion by Council Member Simon, second by Council Member Sands to adopt Resolution 2017-22 as amended.

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

ALL IN FAVOR. MOTION CARRIED.

Mayor Arriola stated we move on to the Sanitary Sewer Lift Station Rebuild and I will turn it over to the Manager.

SANITARY SEWER LIFT STATION REBUILD. The lift station on South Johnsville-Farmersville Road needs to be rebuilt at a projected cost of approximately \$125,000.00. A five dollar a month charge to the utility system customer base for one (1) year would generate approximately \$100,680.00. (\$5.00 x 12 months x 1,678 customers). The sewer fund would then fund the remaining cost of the project. A one (1) year charge with a sunset has worked well in the past when we have had a large utility expense such as this and this same methodology is our current funding recommendation to Council for this project. If approved, we would collect the system charge in Fiscal Year 2018 with an end goal of performing the lift station rebuild in Fiscal Year 2019.

Municipal Manager Markus stated we are recommending that we put a \$5.00 a month charge on customer based water bill for 12 months. That would generate about \$100,680.00, then the remaining \$25,000 would come out of the sewer fund. It would have a sunset of 12 months. We would collect in 2018 and rebuild in 2019. We have done this before for one of the early utility projects and it worked well. What I would like to do right now is basically do a straw poll to see what council would like to do.

Vice Mayor Madden stated I like this better than increasing the bill on a permanent basis.

Council Member Thompson asked if we don't do the rebuild what happens?

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Municipal Manager stated the system will eventually crash. You have seen numerous articles in the Dayton Daily News about Montgomery County Utility System about how they have old underground infrastructure they are trying to rebuild and they are having a series of town hall meetings throughout their service area to explain. We have our own utility here as well as water and sewer so it is our responsibility to keep our plants up as well as the underground infrastructure.

Council Member Joy stated I personally would like to see it come out of the general fund. We just went through the budget and we show an increase in the general fund. I think it is more than enough to take care of this.

Municipal Manager Markus stated Doug what do you want to do.

Council Member Thompson stated I think I would like to get some public feedback before we push anything out. I hear you though, and from my former employment experience, that if we don't rebuild it can cost us more money and interrupt services so it is important to get it done. I do think we should go offline and look at the budget again to see if we could reduce the burden for the consumers.

Council Member Sands stated I have no problem with adding the \$5.00 for 1 year.

Council Member Simon stated I have no problem with adding the \$5.00 for 1 year.

Vice Mayor Madden stated either way, to add a cheaper burden for the taxpayer or the \$5.00 for a year.

Municipal Manager Markus stated okay so what would you like to do.

Vice Mayor Madden stated I am okay with the \$5.00.

Mayor Arriola stated I am okay with the \$5.00.

Municipal Manager Markus stated if I have recorded this correctly we have 4 that are okay with increasing \$5.00 for a year; 1 for feedback; 1 for general fund; and 1 not present. 4 is the majority.

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, New Lebanon, Ohio stated I do not think a car lot should be located on Main Street and Bronwood Street. Really causes a traffic issue with oncoming traffic going eastbound not being able to see oncoming traffic. That area is not zoned for a used car lot. It is not good for the neighborhood. My husband and I work (*not audible*) It would also bring lower end type of people into the Village. I would hope that the owner of the building has done everything he was supposed to do. My question is what do I need to do and what do you guys need to do.

Municipal Manager Markus stated Dave why don't you give her a quick update.

Zoning Compliance Office Dave Lunsford stated with the assistance of the Law Director, thank you, a Cease and Desist letter was written and Mrs. Brenda Groff was

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served with that this afternoon with the assistance of the Chief of Police Rick Daulton. Police Chief Rick Daulton gave her until 4:00 p.m. on Friday, November 24th to remove all cars.

My name is Zack Groff, 2210 Diamond Mill Road, (Mr. Groff's comments not audible) He was not close to the microphone.

Brian Groff, 194 Gloria Avenue, New Lebanon, Ohio. First, she might not have come and filed for a permit, she did not know. She called the number on the sign and the person who owns the property told my Mother it was zoned for a car lot. He also said you don't have to do anything but move in. She signed the lease on Saturday, gave him his money and off he went. My father passed away last year or she would have never have been in the building without getting the proper paperwork because he used to work for the government. My thing is would you rather have a mother and her son on welfare collecting people's hard earned tax dollar's . I don't think it is right for people to profile people for the kind of car they drive. It don't matter if it is a \$300 car or a \$30,000 car, I just don't think that is right. We have Area One Court; who do you think comes to that court building every day, rift raft, bad people. The police are down here watching for people who drive their cars with no license into this town and park down there and walk into the court building. I don't think a used car lot has anything to do with harming kids. I just don't see how that can be harmful. Has anyone been down to see the cars? They are really nice cars.

Council Member Sands stated I have been down there. My concern is that you can't walk on that side of the road because technically there is not a sidewalk that connects the end to the beginning of the parking lot. You have to walk on the parking lot. If the car is there you can walk on the west side.

Mr. Groff stated so you are saying there should be an easement on someone else's property to put a sidewalk.

Council Member Sands stated no, I am saying that because the cars stick out there you can walk there unless you walk in the street. If the kids are going to school they will walk in the street.

Mr. Groff asked are the cars parked on the sidewalk.

Council Member Sands stated there is not a sidewalk there but there should be some type.

Law Director Ronald Keener stated let me interrupt you. The property is not zoned for a car lot, so therefore all of the other conversation about a car lot being there is in material. At this point in time everything that has been said is not of any significance to this Council. There is a process by which you can apply. I don't know that it would be granted or denied but this is not conversation that needs to be brought up at this point. At this point it is a violation of the zoning ordinance. That is why I wrote the Cease and Desist Order and that is why it is going to be enforced.

Mr. Groff asked what can you put in the building now that does not apply.

Law Director Ron Keener stated there is an old zoning ordinance that says what can be put in the building. If I am not mistaken it only an office or residential. Dave can answer that for you.

Zoning Compliance Officer Dave Lunsford stated I discussed that with your mother this afternoon. She was told to come see me next week.

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Mayor Arriola stated you have to step up to the podium and state your name and address for the record. It has to be recorded.

Mr. Groff stated so if every car is tagged and we park the cars there then we have nothing to worry about, correct. If every car there is legally registered, what can we do about that?

Law Director Ronald Keener stated at this point you were ordered an issue, if circumstances change it will be brought up and discussed.

Mr. Groff stated they will be legally registered, licensed, and everything.

Vice Mayor Madden asked are they going to have stickers saying they are for sale?

Mr. Groff answered no. They are not for sale. The cars will just be parked there.

Vice Mayor Madden stated it still has to be zoned.

Mr. Groff stated I am telling you I will have them all put in my name and licensed and everything.

Law Director Ronald Keener stated we are not going to give you an answer on what you are speculating to do. If it is done it will be addressed. At this point it is not done. An order has been given.

Municipal Manager Markus stated Dave when we break for executive session why don't you copy the section of OR1 and give it them and the principal permitted uses are on that page. Brian can overview them and decide what might suit you.

Mr. Groff stated thank you George.

Municipal Manager Markus stated you are welcome.

Municipal Manager Markus stated Shannon I think the thing that you need to focus on is the face there is a Cease and Desist Order that has a timeline. If something changes then those changes can be addressed. You are correct that right now it all has to go because regardless of whether they are titled in an individual's name or not there are no permits for 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 tonight sir.

Mayor Arriola stated any questions for the Police Chief. Nothing was heard.

Mayor Arriola stated Fire Chief.

Fire Chief Markus stated I have nothing tonight sir.

Mayor Arriola stated does anyone have anything for the Fire Chief tonight. Nothing was heard.

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Mayor Arriola stated Zoning Compliance Officer David.

Zoning Compliance Officer David stated we have started the process on the grant. They have all gotten letters back in October, certified and posted. I have been talking to three (3) of the property owners that don't want the house to be demolished. I have been talking with the County on the process and waiting on the contract.

Mayor Arriola stated anything for David. Nothing was heard.

Mayor Arriola stated Chief Financial Officer Brenda.

Municipal Manager Markus stated she has nothing this evening.

Mayor Arriola stated anything for Brenda. Nothing was heard.

Mayor Arriola stated Service Department Superintendent Scott Brock.

Service Department Superintendent Scott Brock stated we will extend leaf pick up until the end of the month

Mayor Arriola stated anything for Scott.

Council Member Sands asked what about the Dura Patcher? Is it still working? I know there is a pothole on Yorkwood when you turn off Laredo that I would love to have filled.

Service Department Superintendent Scott Brock stated as of right now we are cold patching.

Mayor Arriola stated Parks and Rec.

Alex stated I have nothing this evening.

Mayor Arriola stated anything for Alex. Nothing was heard.

Mayor Arriola stated Municipal Manager comments.

MUNICIPAL MANAGER'S COMMENTS

Request for an Executive Session to consider the sale of real estate owned by the Municipality of New Lebanon pursuant to the Ohio Revised Code §121.22 (G) (2).

COUNCIL MEMBER COMMENTS

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 Chris.

Council Member Sands stated I have nothing.

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Mayor Arriola stated Tom.

Council Member Simon stated I have nothing tonight.

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.

Mayor Arriola thanked everyone for coming to the meeting. He then stated that Council had a request for an Executive Session and there would be no action taken following the Executive Session.

EXECUTIVE SESSION

Mayor Arriola stated do I have a motion to adjourn to Executive Session.

Motion by Council Member Sands, second by Council Member Simon to adjourn to Executive Session.

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

Council retired to Executive Session at 8:02 p.m.

Mayor Arriola stated do I have a motion to return from Executive Session.

Motion by Council Member Madden, second by Council Member Simon to return from Executive Session.

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

Council returned from Executive Session at 8:41 p.m.

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ADJOURNMENT

Mayor Arriola stated do I have a motion to adjourn.

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

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

Meeting was adjourned at 8:42 p.m.

Approved:

Mayor Date

Clerk of Council Date