

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
OCTOBER 16, 2014
6:30 P.M.**

1. Mayor Lawhorn opened the meeting at 6:30 p.m. with the Pledge.

2. Linda Allen - Present Sue Johnson - Present
Randall Atkins – Absent Steve Riley – Present
Jim Boerio – Present James Smith – Present

3. Mayor Lawhorn opened the floor to the public:

Wayne Sharp – said he has heard that the dog laws are being looked at for South Lebanon. He stated in July or first of August his neighbor's pit bull attacked him. Wayne said something needs to be done with pit bulls being able to run free and go into neighbor's yard and attack them. Wayne said he would like to see a law where these dogs have to be registered, the owners have to carry insurance so that everybody knows they are here. He said he has been told that this dog has caused problems in other neighbor's yards and bit someone at the park. He said he would like something done about these dangerous dogs in South Lebanon. He said the officer told him there was nothing he could do about the incident. Wayne stated he has since been told there is a leash law and that something could be done.

Bruce McGary stated there is a state law by statute on the books and asked if they contacted the county dog warden. Mr. Sharp said he did not because he was told by the police officer there was nothing he could do. Bruce asked if the person who was bitten contacted the dog warden and Mr. Sharp said he does not think so. Bruce said they should contact the county dog warden, there is a court process now where there is due process given to the property owner and the court will make a declaration as to the status of the dog and once after giving them due process and the court determination, then all the things you are talking about, how dog has to be maintained on the property, there has to be insurance and the state statute addresses all those things. Wayne asked why the officer didn't tell them that and Bruce said he can't answer that question. Bruce said his is more of a dog running at large and Mr. Sharp said he got hurt because of this dog and described the incident and his injuries trying to keep the dog away from him. Bruce stated they need to call Nathan Harper, the dog warden and see what assistance they can offer. Smith asked what street the dog is on and they said McKinley and they live on High. Mayor Lawhorn stated the solicitor has told them how to handle it. Sgt. Boylan said if someone goes to the hospital for a bite the hospital reports it.

Dr. Scott Doughman – 260 E. Forrest Ave. – citizens now know people, the people of South Lebanon who pay taxes are paying taxes in support of alleged secret meetings held by its elected officials. He said questions to what council discussed in executive sessions, violations, secret policy meetings. Scott asked Solicitor McGary if he attended any of those meetings.

Bruce stated he had no idea what he was talking about. Scott stated in permission meetings for Gary Vidmar and the beginning of his time here, there were meetings under executive session for his appointment, there were four meetings that he was informed of that were executive session related to his appointment and the question is, were you in those executive session meetings. Bruce stated Scott made a public records request and in response to that public records request, he provided him copies of minutes from the council where there was a motion, a second to adjourn into executive session under Revised Code section 121.22G1 specifically related to the hiring of the administrator. Scott stated he understands the normal process of going into executive session, it is nothing more than that and not that complicated. Scott said the question is did you know about the permission for Mr. Vidmar prior to drafting his administration contract and Bruce stated first of all he does not discuss communications between his client and himself, that is confidential. Bruce said what is discussed in executive session he does not disclose either. Scott stated it is not confidential information. Scott asked Mayor Lawhorn how many secret meetings have taken place since 2012. Mayor Lawhorn asked what he is talking about, secret meetings. Scott stated executive sessions wherein actions were taken, according to deliberations in executive session. He said two weeks ago it was confessed an illegal action. Mayor Lawhorn said no secret meetings have taken place and if you want to get information, Scott continued to speak over Mayor Lawhorn and it is not clear. Mayor Lawhorn stated Scott was done and he continued to speak. Mayor Lawhorn called for Sgt. Boylan and Sgt. Boylan asked Scott to be seated.

Mayor Lawhorn asked if anyone else wanted to address council and no one approached.

4. Mayor Lawhorn presented minutes for approval:

Regular meeting – September 4, 2014 – Boerio stated on the second page, last paragraph, second line it says “he said in 2013 he had the mayor’s position” and he believes it should be “the mayor’s permission”. Sharon stated she listened to that part three times and that is the word he used. A motion to approve made by Allen, seconded by Boerio, all yeas.

Workshop meeting – September 4, 2014 – motion to approve made by Smith, seconded by Allen, all yeas.

Regular meeting – September 18, 2014 – motion to approve made by Allen, seconded by Boerio, all yeas.

5. Mayor Lawhorn presented Resolution 2014-24 as an emergency, approving Heritage Land Services for acquisition services for right of way concerning St. Rt. 48 and Mason Morrow Milgrove Road. Bruce stated he had a conference call with the county engineer, and he added a very heated conference call, and Bruce proposed a resolution that he found satisfactory to go ahead and use Heritage Land Services, excluding certain employees there and they agreed to that. Bruce stated he received an email and they outlined who the personnel would be and he is satisfied with it at this point. A motion to waive the reading rule was made by Smith, seconded by Boerio, all yeas. A motion to adopt Resolution 2014-24 was made by Smith, seconded by Allen, all yeas.
6. Mayor Lawhorn stated that Resolution B has been withdrawn tonight.
7. Mayor Lawhorn presented a change order for improvements in Homestead. He stated the original cost was \$175,655.85 and now it is \$154,189.97. A motion to approve the change order was made by Boerio, seconded by Smith, all yeas. A motion to approve the payment was made by Boerio, seconded by Smith, all yeas.
8. Mayor Lawhorn presented an invoice for Bruce McGary in the amount of \$580.00. Allen stated they don't have a copy of that and Mayor Lawhorn stated he just got it this evening and he will make them all copies. A motion to pay the invoice was made by Allen, seconded by Riley, all yeas.
9. Johnson asked if we could have the developer of the businesses on the hill come to a meeting. Mayor Lawhorn said we could. Sue said she would like to know if we are going to get any kind of sit down restaurant. Mayor Lawhorn stated it is not in the plans right now. He said there is nothing in plans right now and they don't tell us a lot about who they are talking to because the businesses don't want anyone to know. He said there are talks about the two stores next to Starbucks and there are several who are interested. Johnson asked if they give us a heads up on who they are contacting and she was told they go to shows, etc. and talk to people but don't let us know. Riley said he attends planning meetings when certain things are on the agenda and Johnson asked that she be told when he might attend. Mayor Lawhorn said he was told there is an interest in the space between Target and Kohl's and that is all he knows. Bruce asked about the out lot across the street, planning is getting ready to approve the plat for Rivers Crossing West, section 1 and that one is Speedway but what about the other one. Riley said the shape that it is in it will be hard to get anything in. Bruce said the access is across Speedway's property, when he reviewed

the plat and that it seems rather odd. Riley said they tried to get them to move the poles to make it a square lot and would not do it. Smith stated it was to feed the City of Lebanon and it was a million for the original base to re-align the poles on 48 and we refused to allow them to go through at the time and they cut an agreement to meander them through there and we knew it would become a problem because of the prime real estate there. Mayor Lawhorn said actually they wanted to work a deal out with Oeders to trade property and then both of them would have been square and about one acre lots and they couldn't do it because of the poles.

10. Allen stated Terica Simpson had stopped at her house one day. She said it was when they were putting the grates in. Allen said that Terica had just went to Elegant Car Wash and she has a black car, paid all this money to have her car washed and she came to my house and showed me. Allen said the Simpson's driveway is there on the street so when they were sawing the concrete it covered her car. Allen said Terica brought her a receipt and went to get her car washed again and she is asking the village to reimburse her \$24.87. Allen said Terica and Tony had a conversation, kind of heated, but it was a conversation. Terica thought that Tony should have knocked on the door and let her know they were sawing the concrete. Mayor Lawhorn asked if she was making a motion to pay it and Allen stated she is making a motion to pay her, it was destroyed. Riley said he just so happened to pull up and she was not home and after Tony and them were sawing she pulled up. Mayor Lawhorn asked if it was already sawed before she arrive there and Riley stated yes, Allen asked if her car was in the driveway, the black one. Smith said just ask Tony to give a report and send it to council. Riley said he just happened to come home early and was going down the street and pulled up to see what the guys were doing and they were sawing to add that extra grate and she came whizzing in and had a few words to say and backed out and took off. Riley said it is one of those things, yes it would have been a courtesy thing to knock on the door, but we have jobs to do and can't be knocking on every door. Mayor Lawhorn said he will get something from Tony.
11. Smith stated he didn't have anything but he does now. He stated he has been here a long time and he has never seen a citizen removed from the podium. He said he doesn't know what statute the mayor cited, you didn't cite a disruption to the council, the person can get loud or speak his mind, we should have let him finish what he had to say. Smith said we have those rights in this country to do that. Smith said you might not like what he has to say, and sometimes Dr. Doughman talks at a very high level but he has something to say in this particular case and Smith said he is going to go ahead and finish it for him. Smith stated apparently it was executive session and council allowed the administrator to work for the City of Loveland, which council took no action after we researched it. Smith said to cut to the chase, it violates the contract that council gave the administrator;

so the hours he worked outside that contract that wasn't allowed he owes the village, he owes the village that time and it has been a year and a half. Smith said even the extension you gave him in 2014 he worked outside the scope of that. Smith said the problem is coming to some meeting of the minds in executive session and caring it out and that is where the real problem is. Smith said it should have been brought to the table and the last council should have voted on it but you made a serious mistake having him removed from the office and he said he is criticizing the mayor for it and you should apologize to him. Mayor Lawhorn stated Smith can criticize him all he wants and he is not going to apologize to him, he said he should apologize to the staff of this village for asking for a public records request and then refusing to pick it up, 5400 pages that took money away from this village and he refuses to get them. Smith said he doesn't know what that has to do with him having an open meeting. Mayor Lawhorn said he should apologize, it costs this village a lot of money to do these things and then when they don't pick them up it is a waste of time and money. Mayor Lawhorn said we do it because it is law. Smith said all you had to do was let him finish his piece, you embarrassed him and that was a huge embarrassment. Mayor Lawhorn stated he was not letting him finish it, he runs the meeting and he said he was to be removed, and he was. Smith said he challenges that movement. Mayor Lawhorn said he can challenge it all he wants. Smith stated you should tell him the statute you are going to use to have him removed and Mayor Lawhorn said disrupting a public meeting, that's what. Smith asked did the mayor warn him or say that. Mayor Lawhorn said he told him he was done. Someone spoke from the audience, not audible and Mayor Lawhorn stated they were done too.

12. Sgt. Boylan said everyone has the statistics and they are pretty close to last year, if anyone has questions they can ask him. Sgt. Boylan said he is sure everyone is aware of the break in at the garage. He said copper was taken and Ritchie has a good lead on who took it. Sgt. Boylan said Tony went to the scrap place but didn't see it. Smith asked how much was the value and Sgt. Boylan said he thinks it was \$13,000. Mayor Lawhorn said Tony said today it was around \$5,000 and Sgt. Boylan said it was more than that. Smith said it is definitely a felony then and that he didn't know we had that much scrap over there. Mayor Lawhorn said it was new stuff. Smith said it makes you question because it is not common knowledge it was there. Sgt. Boylan said the door was left open by the garage door guy one night. He said he could scope it out any time. Smith asked what our deductible is and Sharon said it is \$1000.
13. Mayor Lawhorn said he had a good idea come from a staff member in the office, about the park. He said there has been talk about a pool in the village forever, never had the money or a place to put it. The idea came up with a splash pad and he would ask the park board to look at it. He said he doesn't have prices but the range is \$35,000 to \$200,000. Smith said he actually just saw a new one put in. Smith said the park committee can look at it and

he will research who built the one in Cincinnati. Mayor Lawhorn asked if the park board would look at it and give a recommendation to council.

14. Mayor Lawhorn said Halloween will be the 31st from 6-8 p.m.
15. A motion to adjourn the meeting was made at 7:05 p.m. by Allen, seconded by Smith, all yeas.

Sharon Louallen, Fiscal Officer

Lionel Lawhorn, Mayor