

REGULAR MEETING MINTURES
OCTOBER 2, 2014
6:30 P.M.

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

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

3. Mayor Lawhorn opened the floor to the Public

4. Kevin Payton – Pastor Village Church and Director at Joshua’s Place – Gave an update on their organization. They have been in the community for 6 years. Acknowledged Council member Jim Smith, stated he was mayor when they first moved into facility and was a great advocate for them and tremendously helpful with them getting started. He continued to thank Mayor Lawhorn, Gary Vidmar and his staff. Appreciates the relationship with the Village and how great we are as landlords. Joshua’s Place started in 2008 on Pike Street, Rivers Crossing their sending church, had just started and they were meeting at Kings High School; it was very important for them to be in the local community. In the basement of Joshua’s Place they started with a very traditional food pantry. They had 15 families that signed up and came, 10 volunteers that first night. They knew that they wanted to have relationships with folks and that if they were going to be in the poverty alleviation business, it couldn’t be just about transactions and giving things away. It had to be about relating to the people and befriending them. This is what helped to establish a much clearer version of who Joshua’s Place is. When they came to South Lebanon they knew that the relationships were critical and would explain what the needs of the community are. The mission of Joshua’s Place is to help individuals and families in poverty overcome barriers that cause instability. It’s the barrier removal business that they believe they are in. Some families come in crisis that need relief, sometimes that’s food, sometimes assistance with utilities; that though is just the crisis at the time. In order to break the generational cycles, Kevin says we have to continue to relate to the folks and move them towards stability with things like development and rehabilitation. Celebrating recovery is important. Many families are experiencing addiction, which is a big part of what is creating the instability in the families. The start on Pike Street, lead them to move to the elementary school and being part of that conversion to repurposing that building into a community center. Kevin feels that this allowed their purpose to speak a deeper meaning to the community, they are not just here for lack – they see this community is full of a lot of assets. Kevin went over the various types of programs that his organization offers – Food Co Op, Faith and Finances, Commonsense Parenting, Discover, Wiz Kids, Summer Campus, Sammy’s Place, and Safe Families. Kevin then went on to talk about fundraising. They are having their annual Casino Night at TPC (flyer was given out). He reiterated how much he appreciates his relationship with the council and thanked them. Mayor Lawhorn commented how great of an addition they are and the great things they are doing

for the community. Council member Smith asked if they take computer donations, Kevin says they will look at them.

5. Timothy Spinner – Kings Superintendent – Wanted to introduce himself to council, as the new superintendent of Kings Local School. Talked about how much he appreciates the consistent support of the community and that he looks forward to continuing that partnership in the future. Stated that if there is anything he or the Kings Local School District can do, to better meet the needs of South Lebanon, they would love to hear from us. Mayor Lawhorn thanked him for coming and stated if there is anything South Lebanon can do please don't hesitate to ask.

6. Mayor Lawhorn presented Emergency Resolution, Memorandum 48. Gary Vidmar stated that as part of the intersection improvement project, the next step is right of way acquisition. The TID went through a RFQ Process, Request For Qualifications, and solicited proposals from appraisal firms and acquisition firms, which they ranked and then selected 2 firms to negotiate a fee contract. Their recommendation to council and Gary's, would be to select Beck Consulting to provide the appraisal services. Gary also wanted to point out that these consultants have to be certified by ODOT. The TID recommended Heritage to be the appraisal consultant, after speaking to our Solicitor, McGary has had some bad experiences with Heritage. McGary said he would like to suggest to Council that they would consider tabling the contract with Heritage who would be doing, among other things, the title work. He has had one bad experience with them and is interested in hearing why the TID chose them. He stated that RFQ process is a statutory process were they interview and rank, and he would like to find out, during his conference call tomorrow with Dan Corey on behalf of TID. McGary stated he did not want to be overly negative but he had one bad experience and it was a very bad experience on a public project like this. Smith stated that they do not have to accept the lowest just the best in our opinion. McGary said that in the RFQ process, they are ranked by a committee and he does not know what their criteria is and would like to see and for council to see it. Then you go and approach the highest rank, which is the process. If you can't negotiate an agreement with them that is satisfactory to you, then you move to the second ranked organization. Atkins asked if they only interview the highest rank or do they interview the top 3. McGary stated he didn't know the answer to that but they interview a certain number and that is just not 1, and it depends on the criteria and may have been as many as 5, 10 or more then they have interviewed anyone that submitted a proposal and sometimes they go through multiple rounds of interviews and see if they can make a further cut. Then they rank 3. Atkins stated he's been involved in that, and they actually ranked the high one and they didn't get picked to get the job. McGary said that is correct and hopefully the criteria is such that, that could be possible here as well if you deem. He further stated that we did contract with TID to be the administrator of that and he needs to look into that and see what grounds we have to have any input, cause we didn't. He thinks it might have been nice if someone from the Village would have been on that committee, that ranking committee. Gary would like to offer a few clarifications – he believes that they received 3 proposals for appraisal services and 3 proposals for acquisitions services; they ranked those 3 as a committee. Gary thinks those 3 individuals on the committee were Neil Tunison - Warren County Engineer, Dan Corey – Engineer at Warren County, and the 3rd

person who he can't recall. Three in each service division. They only interviewed the highest ranked company in each of those groups, they did not interview all the firms that answered the RFQ. They were satisfied apparently as the result of those interviews, and then simply recommend Beck, in the case of appraisal and Heritage in the case of acquisition. Gary asked Bruce if he has a problem with Beck. McGary said no that he has worked with Beck Consulting for over 20 years, Lance Brown has testified for him in a number of cases as the expert witness and he is top notch. McGary went on to state that what is frustrating after hearing what Gary said, is the fact that, that bad experience he had was in his capacity as serving as legal counsel for the County Engineer and why they didn't know that or circulate something through the office to get input from everyone is a little concerning. Smith asked that since these are time sensitive with the Emergency's on them, if the they go ahead and pass Memorandum A and table B what is the quickest turnaround we can have. Gary spoke up that they have a conference call with Dan tomorrow morning, and can bring another recommendation to the next meeting. Gary stated he talked to Dan and Neil both and that will not affect the schedule for the project. He continued that the appraisal process is the first step anyway, before the acquisitions can be made; if everyone can agree to select Beck and vote on that resolution and pass it, we can get started on the appraisal process and then once we select an acquisition specialist then we can get started on the acquisition process. Boerio asked if we know for a fact, if the committee did not have access to this information or if they did and somehow considered it. McGary stated that tonight we did not know but he can assure us that tomorrow we will. Gary stated that is the primary purpose of that phone call. Mayor Lawhorn stated with these being 2 separate ordinances he would like to move forward on the first.

7. Mayor Lawhorn presented a resolution as an emergency approving and authorizing the Mayor and Fiscal Officer to execute an agreement with Beck Consulting Inc. for appraisal services for the right of way acquisition for the State Route 48 and Mason Morrow Millgrove Road Intersection Improvement Project in the Village of South Lebanon. A motion to suspend the reading rule was made by Smith, seconded by Allen, all yeas. A motion to adopt Resolution 2014-22 was made by Atkins, seconded by Boerio, all yeas. A motion to table the additional resolution was made by Atkins, seconded by Boerio, all yeas.
8. Mayor Lawhorn presented a resolution as an emergency approving and authorizing the execution of a Direct Loan Application to OPWC for the restoration of Zoar Road. Gary started by saying that we have talked a lot about Zoar Road over a lengthy period of time, about the serious condition that exists there, grant request have been submitted. Most recently a grant request on August 27th, a 3rd request was submitted for emergency funding. Gary said we were relatively confident we were going to be awarded that as a result of 2 serious accidents, unfortunately they turned us down one more time. Gary stated he had got together with Warren County Engineer Neil Tunison, who has offered to include us in that particular project in the county's funding in 2015 for these OPWC grant monies. Gary wanted to provide some clarification to what is in the resolution after the further conversation he has had with Neil in the last couple days- we have submitted what are called pre-applications that Zoar Road was included in last year. This year we would

have been selected to make a final application for grant and or loan but for that application the funds don't become available till 2016 and he does not feel we can wait until 2016. What Neil is willing to do, once again, is include us in the loan program that Warren County has submitted for, they submitted for \$1 million dollars in loans to repair streets throughout the county. They are willing to basically give us \$350,000 of that million they have submitted and they're relatively assured that they're going to get awarded that million; this means we could be relatively assured we'll get our 344 but 100% of that would be a loan as opposed to a grant. The way the resolution is written right now, is an 80% loan and a 20% grant, and that is the way we intended to submit it tomorrow; but to do it that way we'd be waiting until 2016 for the grant money. Gary highly recommends that we forego the grant, submit 100% for the loan – submit that application tomorrow and then be able to hopefully do the project next year. He further states that in many cases these will be 10 year loans, at anywhere between 0 and 2, 2.5% interest. He feels the loan rates are very reasonable and we have done many projects over the years with loans of this type. Gary states we have 5 water projects currently funded with loans on their books. Mayor Lawhorn stated the OPWC from 0 to 2.5% interest, when he was with the township, they got 2 of them and it was 0% for 10 years, that was just paid back that much, he stated he didn't know who we would be paying back here – rather it would be paying Neil back or OPWC back, that is something that has to be worked out. Lawhorn further stated, we know that Zoar Road is not going to last until 2016. Smith added, if we don't go now we are going to end up with more cost in the future and it could double this cost. Atkins agreed and asked if the wording would need to be changed since we would be going with a 100% loan. McGary stated, yes, the substance and content will have to be modified and he can do that for whatever the motion is and once it is made. A motion to suspend the reading rule was made by Atkins, second Allen, all yeas. McGary stated that the title would not change, but if making a motion he suggests to include – modify to make it a 100% loan; he can correct this tomorrow. A motion to adopt Resolution 2014-23, as modified by the solicitor to make it a 100% loan, by Atkins, second Smith, all yeas.

9. Mayor Lawhorn presented, Memorandum 50, a motion to approve a change order #3 for JD Contracting Services, LLC for additional work performed on Pike Street – East West Waterline Project. Gary said that at the last meeting council approved change order 2 for this contractor, which was repair to a waterline at the corner of Claude and Ilene, when he explained that change order, he stated he indicated that there would be a small amount of additional work to be done and included in a future change order to repair the sidewalk, the curb and the pavement; which at that time hadn't been completed. As part this of change order, \$2,300 worth of this, are those sidewalk repairs, there are unit prices in their contract that we are paying by in this change order. Gary stated that the other cost in the change order is for a waterline break that occurred on Pike Street. There was a 2 inch water main in Pike Street that the Village wasn't aware of. He stated that it was not on any of their drawings, Tony and the public works department were not aware of it or its location – so it was not marked. When the contractor dug down to install his new water main he broke the 2 inch water main. This is the cost to make that repair. Smith asked if they determined what that water main fed. Gary said it feeds the back, thru the back yards of the houses on Lebanon Road, and it's a 2 inch main; which is another reason that you wouldn't see a 2 inch main, 4 is usually the minimum size of a main. Gary says that is

why it has never shown up on drawing because (inaudible- 2 people speaking at same time and back feed from mics) Gary continued that anyone who has been associated with our water system know that a good part of our system is very, very old; any time you work near or around it, we had a water main break up at the plant yesterday as a matter of fact, 2 days ago; our own crew broke it. He stated that we were trying to connect a 12 inch supply line to the 12 inch draw line and the fitting that was put on probably decades ago just let loose. We are fortunate that the workers got out of the hole quickly enough, otherwise it could have been more, much more serious. Gary stated that is why we are having these improvement projects, to eliminate the old pipe in the community and replace it with new and larger sized pipe. Smith asked if it was transite. Gary stated it was not. Gary said this is the reason why we keep running into these breaks. He feels the fortunate thing is that we are replacing pieces that are probably going to break at some point anyway. Smith asked who was going take the old hydrants out. Gary said he would have to find out if that is part of their contract and he would let Smith know at the next meeting. A motion to approve Change Order #3 was made by Smith, second Allen, all yeas. A motion to approve payment of the application #3 from JD Contracting Inc. for the work completed in September on Pike Street, East/West Waterline Project, was made by Smith, second by Allen, all yeas.

10. Halloween – Trick or Treat is set for the 31st. from 6pm to 8pm. Mayor Lawhorn stated that there were several people who like that (the changing of Trick or Treat in 2013), and that there was a lot of people that came to this town, but there was some that did not. Traditionally it is on Halloween.
11. Gary stated that he has summarized the planning commission meeting back in August 11, that summaries the activity.
12. Atkins stated he would not be at the next council meeting.
13. Boerio asked about the pavement between 48 and Oeder's property, stated it is still in bad shape. Stated there is a pot hole at Sunny Lane and Lebanon Road. Smith added that it was growing. Allen stated that she did see Hamilton Township 2 days ago looking at it.
14. Johnson stated that where they are putting in the pipe lines on Pike Street coming into town, across from the barber shop – it is one nasty bump. Mayor Lawhorn said they are making progress with construction. Johnson said she would like to see some more patch on it. Gary said that by the next meeting he is hoping that would all be finished coating. Atkins asked what they were finishing up on – taps, and then do they need to go under the creek. Smith added that they need to pressurize and then decontaminate. Gary said that they have to go under the creek, do the intersection, then they have to make the lateral connections. Atkins asked why they were digging up Pike and Section. Gary stated that is a connection from the new main to the existing, there is also a fire hydrant they are connecting to. Gary said we have put water in our raw water line, so that is now energized and now they are connecting that raw line to the fire hydrant. Smith asked that they wouldn't pave until it's finally pressurized, so they can make sure there is no leaks- because then we would be tearing it right back out, the brand new piece that we put on.

Atkins asked for the completion date. Gary stated November 3rd. Gary said the bump settled over night and they did come back and fill it some more. There is a lot of traffic on that street and pavement continues to settle. Gary said to remember that is temporary and it is not the final coat. Johnson stated that she didn't know how long it was going to be and maybe we can put some more patch on it.

15. Smith stated from the last meeting's discussions as far as council allowing the Administrator to work for Loveland, he has had a chance to go back and research the records from the previous years. Apparently Council did not take any action to allow anyone to work in the minutes, there is no resolution, there is no anything. Mayor Lawhorn stated there was permission granted by Council to do that. Smith asked of what venue. Mayor Lawhorn asked if he can tell him where that happened, McGary stated yes. Mayor Lawhorn states that it happened in executive session. Allen states, we discussed it. Smith states that the Council members are telling us, everyone had a different opinion. He further states that certainly we didn't take action in executive session, and that he hopes not. Mayor Lawhorn states that is something they allowed. Smith says that executive session, you can deliberate specific items. Mayor Lawhorn says he knows what you can do in there and that is what was done and that is why there is no record of it. Smith states that it is allowed to be discussed, Lawhorn replied I know it. Smith states that Council has to come to resolution to take action when you come out; if you take no action it puts us in a hard position now. Mayor Lawhorn states it was the general consensus of the council that was in there, that he be allowed to continue. Smith states that is perfectly fine but you have to come out and let the legislative body approve it, they have to take action. We've been sued before for just making a comment from generalization coming out of executive session; and challenged all the way and were successful in the court. Smith continues, this puts us, saying it was in executive session, puts us in a real difficult position of council. Smith states what you're really saying is unfortunate for executive session, what your saying is you allowed someone to do something that the general public doesn't know nothing about; that is what it's saying and you can't do that. Smith adds, just for the record, from the last meeting where they say council allowed something, there was nothing and he wants it clear for the record – it's not there.
16. Sgt. Boylan said an observation from Zoar Road. He had ran radar out there earlier today and he talked to a lady that lived there, 460. He thinks it would be beneficial if we could move the 25mph zone out to the next 35 zone; everybody when they cross the first hump before they come to 460 they see the 35 zone, they go ahead and floor it up to that. Sgt would ask if we could consider moving to the next 35 sign, then there is another 35mph sign 50 yards down the road. Gary ask if he is talking about going up the hill, Sgt says yes. Sgt says we would like to move both of them out. Mayor Lawhorn says we should consider this anyway because of the condition of Zoar Road and reducing the whole road to 25mph. Smith stated we have had annexations and it's changed and things are kind of spotted over the years, we have the 25 and 35 and 40 at one time. Gary said he thinks we have made changes as a result of the engineers study, and is not sure that was even done by motion, legislatively. Mayor Lawhorn says now we have a condition of the road that we need to move that 25 on past. Smith states that police department has to have legislation to enforce the speed limit if not its meaningless. Atkins asked McGary if we

have to do anything special, as far as studies. McGary states they have studied this. Gary says there is justification to reduce it to 25mph. McGary says council has a rationalization to do it based on the road. Atkins asks what the speed limit is at the top of the hill. Sgt states its 35 in the curve. Mayor Lawhorn states we should move everything up there on Zoar to 25mph until we have things corrected. It would then be 25mph from the corp limit to Main Street. Riley asked if there is any way to warn the public. Smith says they have 30 days. Mayor Lawhorn says we can put warning sign of 25mph ahead and flags. A motion to suspend the reading rule by Allen, second by Smith, all yeas. A motion to change the speed on Zoar Road to Main Street to 25mph by Smith, second by Atkins, all yeas.

17. Smith stated that the individual who was doing theft in our area was caught and that the individuals involved in the neighborhood watch helped.
18. Mayor said he would like to express his condolences to Sue and Joe Johnson on loss of their mother/mother-in-law. She was a longtime resident.
19. A motion to go into executive session under section 121.22 G2, purchase and/or sell of public property pursuant by Allen at 7:18pm , second Boerio; Allen - yea, Atkins - yea, Boerio - yea, Johnson - yea, Riley - yea, Smith - yea.
20. A motion to return from executive session by 7:44pm by Atkins, second by Boerio; Allen - yea, Atkins - yea, Boerio - yea, Johnson - yea, Riley - yea, Smith - yea.
21. A motion was made to adjourn at 7:45pm by Boerio, second Atkins, all yeas.

Sharon Louallen, Fiscal Officer

Lionel Lawhorn, Mayor