

**VILLAGE OF SOUTH LEBANON  
REGULAR MEETING MINUTES  
JANUARY 2, 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 – Present                  Steve Riley – Present  
Dean Evans – Present                      James Smith – Present
3. Mayor Lawhorn opened the floor to the Public: No one responded
4. Mayor Lawhorn stated he is required by the ORC to give a state of the village report the first meeting of the New Year. See attached.
5. Mayor Lawhorn stated a Vice Mayor has to be selected by council. A motion to nominate Randall Atkins was made by Smith. Mayor Lawhorn asked for a second and Smith stated he thinks Atkins just needs to accept the nomination and Mayor Lawhorn said he needs a second to the motion before he does anything. Atkins seconded the nomination. Solicitor McGary asked the mayor if he wanted to take any other nominations and he stated not when there is a motion and second, if it doesn't pass he would take other nominations. Smith said the point of order is normally you would take the nominations, Mayor Lawhorn stated he would have a time to talk and it is not right now. Smith stated he can have the time to talk whenever it is relevant to any situation, this is a legislative. Mayor Lawhorn said if we are going to get this out, let's get it out, I have a motion and a second and I run the meeting and we are going to call the roll. Smith stated this is a legislative authority, this is not the mayor's forum, this is the legislative authority. Mayor Lawhorn said the vote is yes, but I run this meeting. Smith stated to ask the solicitor he works for the council. He said it is pretty simple you ask for the motion of nominations and how many contenders are going to be in it and then we simply vote on it. Mayor Lawhorn said if you would have said I nominate but you made a motion. Smith asked for the record and was told it was a motion and the solicitor stated you can entertain any discussion on any motion before there is a vote. Mayor Lawhorn asked if there was any discussion and there was none. Allen – no, Atkins – yea, Evans – no, Johnson – no, Riley – no, Smith yea. Mayor Lawhorn said the motion for Randall was defeated and asked if there were any other nominations. Evans made a motion to appoint Linda Allen as vice mayor, seconded by Riley, Allen – yea, Atkins – yea, Evans – yea, Johnson – yea, Riley – yea, Smith – nay.

Mayor Lawhorn stated the vote was five to one and Linda Allen will be the Vice Mayor.

6. Council member Smith stated there is one more point of business, the appointment of the planning commission member and he believes Mr. Madison was on it and with the new election it requires the beginning of a new election cycle. Mayor Lawhorn stated Mr. Madison was not on it. Allen stated Bill was not on it and Mayor Lawhorn said no Jeff Sturtevant was on the planning commission. Atkins nominated Jim because he has the most experience with it. Smith accepted the nomination. Mayor Lawhorn asked for any other nominations and Evans nominated Steve Riley and he accepted the nomination. Confusion about how to cast votes and McGary stated as the roll is called you cast your vote for Either Councilman Riley or Councilman Smith. Vote as follows: Allen – Riley, Atkins – Smith, Evans – Riley, Johnson – Riley, Riley – Riley, Smith – Smith. Mayor Lawhorn stated Steve Riley will be on the planning commission.
  
7. Mayor Lawhorn presented Ordinance 2013-15 for the third reading concerning compensation for full time employees. Mayor Lawhorn stated this amount was determined by the personnel committee that a 1% raise be given to all full time employees. Smith asked who did the evaluations and were there any issues with the employees? Mayor Lawhorn stated Gary did the evaluations and there was no issues with the evaluations on anybody. Smith said this looks like it was done with previous council and then handed to us so I have no idea of any of this information. He said there is a lot of stuff going out in the community about things that would be pertinent for for me voting on a raise for individuals due to postage. Smith asked was there any substance to that and Mayor Lawhorn said this is the third reading of an ordinance for the compensation of and he asked McGary if it can be changed. McGary said it can be modified but I don't think that is Councilman Smith's point though. Mayor Lawhorn said he is not wanting to vote on it as of now because there is something going on in the community. Smith stated what he is hearing is not going to reward compensation to someone I think that the trust in the community has been broken. He said he does not know all the details and would like to find out. Smith said he thinks the three new members coming in should be briefed as to what is going on. Mayor Lawhorn stated this is a 1% raise for the full time employees that went through the finance committee and it was decided on for the employees and there were evaluations done with the employees. He said there have been two readings and this is the third reading. Smith said he will be as kind as he can, it is his understanding there has been a breach in the conduct of the administrator that does not warrant an increase, the others I believe do warrant an increase, so with that I am going to make a motion to remove the administrator from this ordinance and allow all the other employees an increase and this will be the first reading. He stated he makes the motion, motion died due to lack of second. Mayor Lawhorn asked if there were any other questions about this ordinance and there were none.

A motion to accept Ordinance 2013-15 was made by Evans, seconded by Allen, Allen – yea, Atkins – yea, Evans – yea, Johnson – yea, Riley – yea, Smith – nay.

8. Council member Smith said he has a couple of questions for the administrator. He said in reference to the AT & T construction, he said his concern is about the utility digging next to a high pressure utility. He said we have always historically kept all utilities away from that area because you could have a breach and it looks like we did have a breach. Smith said first the billing aspect of it and did you have meetings prior to the construction of the line. Gary stated we have had a number of issues surrounding that project. He said AT & T failed to submit a permit application. He said the work was started in our community without submitting an application and we stopped their work, once we found out they were working here, and later discovered they failed to submit an application with Warren County and also to ODOT. Gary said we met with the AT & T folks shortly afterwards and marked the utilities for them in advance of their work at that point and asked them to submit a permit. We discovered that the village did not have an appropriate permit application for work being done in our right-of-way and asked the solicitor to draft the appropriate paperwork and are doing that currently. Smith said he wanted to make a suggestion that we have existing contracts with Cincinnati Bell and CG&E for right of utilities and also Time Warner that pays a franchise fee for the village, historically used to go to the park system. He said this would be an opportunity since they will be running optics through, maybe an agreement would be beneficial. He said the last component is the breakage of the line and with it being a high pressure line it is not like any other system, we have about a three hour window of sewage backing up and means we could have an EPA issue and I recommend with the City of Lebanon, with their truck, have an additional back up fleet that could pump the system and take it to the plant for such an emergency and now that we have installed generators that has saved us thousands of dollars. He said he wanted to make sure for the billing that we have lost forty hours of the men so we bill double to compensate. Gary said the bill we got from Warren County for their assistance and Mr. Atkins and his crew jumped in to help, and I guess they normally do that, but the counties bill was higher than the village.
9. Council member Allen said following up on what Jim said about this bill, and her understanding is when we went out marked those utilities that we did not have as built plans. She asked if that would play into a penalty of how we get reimbursed. Gary stated we have plans but we also discovered we don't have a permitting process for right-of-way work. He said we are not members of OOPS, so when a contractor notifies them we do not get contacted. He said normally you would expect a contractor to also contact the community they are working in. He said there were a

number of failures and it is surprising for a company like AT & T. He said he just wants everyone to know that the administration and solicitor are taking the necessary steps and it was a lesson learned. Smith asked if it is 7 ft. below our high pressure line, so if we have a break and have to dig, and Gary said at least. Gary said the breakage happened when they came up.

10. Sgt. Boylan said he is getting with the sheriff to get yearend stats and he will schedule for Sheriff Sims to attend a meeting
11. Bruce McGary said he would like clarification on what councilman Smith said and if he understood correctly the village has some franchise agreements and asked to get a copy of the agreements and legislation that adopted them.
12. A motion to adjourn the meeting was made at 7:01 p.m. by Smith, seconded by Atkins, all yeas.

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Sharon Louallen, Fiscal Officer

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Lionel Lawhorn, Mayor