

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
MARCH 6, 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
Jim Boerio – Present James Smith – Present

3. Mayor Lawhorn asked that everyone bear with them as Sharon had a family problem and won't be here tonight and it may take longer to get through things.

4. Mayor Lawhorn opened the floor to Kathy Collins:

Kathy Collins – 483 Valley View Dr. - stated she is here to represent the residents on Valley View. She said there is only a problem with 484 Valley View that has young kids living there and are continually blocking the driveways and the road to where they could not get back with an ambulance to get a resident. She said both times they came to get the resident in the ambulance they could not get through. Mayor Lawhorn asked if the proposed no parking on one side cause a problem for the residents and Kathy said it would absolutely cause a problem for the residents because most people are married and have two or three vehicles and if we cut out the parking on East side then we are forced to park on their side and there will be no parking. Smith said historically when something was changed, don't know if it is going to be voted on, he suggests to have the citizens involved notified to come to a meeting. Mayor Lawhorn said no action will be taken tonight and we will notify you when it will be on the agenda.

5. Mayor Lawhorn opened the floor to Sheriff Larry Sims:

Sheriff Sims said he appreciates the invitation. He said he wants to give an overview county wide. He said 2013 they responded to over 73,000 calls for the year and has been steadily going up. He said the sex offender numbers have not grown significantly, which is a good thing. He said there are 228 registered sex offenders that reside in our county and 81 that register with us because they work inside the county but live outside the county. He said there are currently 48 additional sex offenders that are in the prisons that we keep in our county. He said there are over 9000 carry conceal permits that we have issued since that law was in acted in 2004. He said we were four months behind at one point and are now caught up. Sheriff Sims said we have three canines that work for our agency courtesy of John Burke with

the drug forfeiture dollars, which means it did not cost us any tax dollars. He said we had to retire Kilo at the end of January but we have a replacement dog in training. He said court services is busy as well with 5600 transports occurred last year and that is a lot of movement on the road. He said over 700 students had the DARE program presented to them. He said the department also offers an unarmed self-defense class. Joined forces with Camp Joy for underprivileged kids to go to camp with forfeiture money as well. Sheriff Sims said they added a school resource officer at Kings. He said three years ago we added 83 beds to the jail because of over crowding and were spending about a 1.2 million a year in Butler County and when adding those beds we brought everybody back. He said they have had good conversations with the commissioners and looks for things to be stepped up once the other addition is finished. Smith said to point out the sex offenders, and South Lebanon is one of the lowest and is contributed to Maryan Harrison who pushed legislation a few years ago to connect more to park systems and I believe we are the lowest in the county so she needs a hand for that. Public applauded.

Mayor Lawhorn thanked Sheriff Sims for the officers posted here and the service we receive from them and you is appreciated and we thank you. Sheriff Sims said he is proud of his group and sited several cases they have worked hard.

6. Mayor Lawhorn opened the floor to Major John Burke of the Drug Task Force, Warren County Sheriff's Office. He said many things have changed and we have become a part of High Intensity Drug Trafficking Area. He said it actually provides money and association with local, state and federal law enforcement agencies together. He stated this allows us to do a lot more for this community than we could otherwise. He said we have an active highway intervention crew that is about to increase. He said for bulk of drugs that come into any community they come by motor vehicle. John said he wants to explain a case that is coming to a conclusion and we have about seventy some people we are going to indict and it involves heroin and involves every community in Southwest Ohio, including South Lebanon. He said when you work these bigger cases it may not be seen specifically in South Lebanon but it reduces the supply in these arrests. He said we had five one pot meth labs in South Lebanon in the last year. John said although they are smaller they are more dangerous. Typically done in a two quart pop bottle. He said we bought heroin from a subject here in the village and tried to buy off a female suspect traveling to Dayton to bring back heroin caps. We were able to stop her on the way back and she had 75 heroin caps. He said in November they confiscated mushrooms from someone in the village. He recited a list of arrests they did in 2013 in the village. John said he works with our Sheriff's post and the deputies here know your area and do a great job. He said their ultimate goal is to get to the top of the food chain and it is not easy. Smith ask how much funding he is asking for and the mayor said \$2535.00. He stated

the funding they get from communities is used for staffing costs and they have not raised the formula since 2000. Mayor Lawhorn said we do have a heroin problem in South Lebanon just like every other city and village in Warren County. He said we would like to have something done and it looks like you are working towards that and I hope when you do those indictments it takes some of it away from South Lebanon. John said the whole country has a problem with heroin. He said they are mixing heroin with phentynol which is very dangerous. Smith stated he will definitely support your position if you are not here when it comes up on the agenda.

7. Mayor Lawhorn opened the floor to the public:

Rob Wilson – Village Employee – first he would like to touch on the new insurance and thank everyone for their work on it and it looks like a great plan. He said Ms. Allen was in the meeting and brought up some helpful questions. Rob said he would like to touch on the contribution to the H S A accounts. He said when we went through the high deductible plan we were told the village would contribute 50% of the deductibles as of January 1st and a lot of us made our financial decisions based upon what we thought we were getting January 1st. I spoke with Ms. Allen and she said she would like to have it in writing and I have those papers, if I could hand those out. Rob said these were handed out to all employees and the insurance took affect August 1st and this memo is dated in November. He said we were told in August that we would get 5/12th of the deductible that year, which we got and then the full 50% in January. Rob said then in January we were told we would get the ½ deductible in quarters. Smith asked if the ordinance spells out the village contribution for last year and this year as voted on by this council so whatever the amounts are per single or family then we owe them the money. Smith said the ordinance spells it out and there is no 5/12th when I look through the ordinance, so let's just pay them and end it. Mayor Lawhorn said it does not have anything to do with changing of the insurance and was told no. Mayor Lawhorn said it is a separate issue as to whether you have that money coming or not and was told yes. Allen said we did get a copy of the ordinance and I did talk with Jim and Randall and what we are going to do is have all of council go over the ordinance and come together and talk about it as a group, not as an individual or a committee. She said at this meeting we are not prepared to make a decision. Mayor Lawhorn said they will look at it and if you deserve it and the ordinance says you do then we will take care of it. Allen said the statements you are making do not affect the new plan on the agenda and Rob said that is correct. Gary Vidmar said the paper you have in your hand is confidential and pertains only to him so if you would keep it confidential.

Sarah Wilson – stated basically the way everyone feels is we were told

January 1st we were going to receive that \$3000 and was broken down by pay periods as well and so that was not voted on by council either. Mayor Lawhorn stated since your husband has gone over this we are not going over it again. Sarah said her question is about January 1st and the mayor said they are going to go over it and determine if you deserve to get it but we are only going to let one in the family speak. Sarah stated deserve is not the proper term I would use.

Annie Cornett – wanted to speak about the parking on Valley View. She said she has lived there 45 years and have never had any trouble. She said there is no way they can park on one side of the street and she said she can't get out of her drive. She said the problem is 484 and a bunch of boys live up there and come in all hours of the night and park in the middle of the street and it has always been the same house causing the problem. Mayor Lawhorn said it will be discussed in the workshop meeting. He said the residents will be invited to discuss.

John Moore – Fern Valley Way – he said he has issues and has sent several public records requests that he received through our solicitor as well as the mayor and administrator. He stated the problem he is having is once he looked over the information for administrator's disciplinary documents there are a couple of concerns that he has. One is the email sent to the mayor on January 3rd of this year that states he wants the disciplinary action taken against him expunged from his record because of what the policy handbook says for the village. John said the problem is what constitutes someone being disciplined and someone not being disciplined, he said he called the prosecutor's office and was told it was not processed as a felony because it didn't reach the thousand dollar threshold. He said he asked why it was not prosecuted as a misdemeanor offense and he said a very good question and stated our mayor and our solicitor, who is also employed by the prosecutor's office, decided not to prosecute when it could have went to county court. John said the simple calculations he did are, and Smith asked who's responsibility it is and asked John to repeat the part about the misdemeanor. John said the threshold for the thousand dollar felony was not met, at that point it could have been sent to the county court as a misdemeanor offense. John said it was chose not to do it by these two people. Smith asked is that a council decision or the mayor's and Mayor Lawhorn said it was his decision, he stated he was the supervisor and he did the investigation and it is my and Bruce's decision. Bruce said the thousand dollars is inaccurate. John said this is from the prosecutor's office yesterday, and the mayor said it is not a thousand dollars, John stated that is what they told him, so he said if you have issues with that you can contact him on your own time. Mayor Lawhorn stated he did not have an issue with that. John said the thing he has an issue with is thirteen pieces of mail that was demonstrated, by the employee's and signed statements by all the employees in this building, total \$5.98, which it is not the amount, it is the issue, it is the principle behind it. John stated it is

theft. He stated that it was expunged down to \$1.84 because of the five day limit in the handbook, which is wrong. John said if he sends four pieces of mail a week, over the nine months he has been here we are totally almost fifty seven dollars and that again is not the amount of money it is the issue. John stated if we are not going to hold him responsible just like anybody else then can I bring my personal mail down here and the rest of the village, because if that is what we are going to do, then what is good for one is good for all on that issue. John said the handbook needs to be changed, and he urged for it to be changed, to take from five day limit to the two year limit, which is what the normal statute of limitation is, and once again, per the prosecutor's office. He said the second issue he has is unprofessional comments made by our administrator. He stated that he has three examples and they came from sunshine reports and the laws I got from these great people sitting right here. Example one is an email sent to the mayor from our admin, that says he has never worked for such a dysfunctional office as ours and discredits and sabotages it co-workers, in particularly their supervisors, that is quite funny because he does not lead by example either. He said second example, same email, stated that with recent event along with arrival of our new councilman, which would be Mr. Smith, that he expect him to be an obstructionist, I see nothing but troubled waters ahead, we need to be somewhat ahead of the curve now before it goes any further. He asked how are you going to sit there and talk down a councilman that has a history of being mayor of this village and has a history of doing a lot better things than you ever have or ever will and I can guarantee that. He said example three is the email sent to the mayor from our administrator and wants to know if wants to join a meeting to straighten me out in capital letters. John said it was a meeting he had with Mr. Lapp as well, where my residency was questioned, which is totally inappropriate. He said his thought is that if our administrator wants to police everybody else and try to discipline them and/or try to terminate someone for doing their job, then maybe he needs to lead by example, subject to the same discipline and rules. John said these examples above are prime examples of what he has done wrong. He has talked badly about employees, council members, wanted policies changed to make an exception for him, which did happen, to no surprise, and to make unwelcomed, plain rude impossible threats when the comment was made to straighten me out. He said maybe the council needs to have an executive session to straighten him out or talk about his bad behavior, attitude, unprofessionalism before he is allowed to request any other employee to be disciplined, terminated or likewise any other. He said after all, his job may be appointed by the mayor, and confirmed by this council but it is not an entitlement and he can be replaced, and probably wouldn't be a bad idea. He said he is also a fan of the big old brown box award, and if I ever had a time this should be approved, this is a prime example. John said a replacement would probably save the village a lot of money on their budget. Mayor Lawhorn stated his time is up. John said the last thing he wanted to say he wanted to thank the road crew for what they did over the winter and

they did an excellent job.

Dr. Scott Doughman – 260 E. Forrest Ave. – wanted to make a positive comment that his residency here is as the first author of this town. He said the press release came out today. He said this is a historical landmark that can't be undone. He said you should be congratulated for having an author in this town. Smith said he saw this today, Dr. Doughman authored this book, does anybody know of any other author's in the village in the last two hundred years? Allen stated not that she is aware of. Smith said he would like to say on a positive note, it is a great job to be an author of a book and especially to come from the Village of South Lebanon. Doughman said it was written here and the press release issued states that I wrote the book in my family's home town in historic South Lebanon, Ohio and it talks about the history in South Lebanon and tells about the pioneer family, Doughman, since 1813 in Southwestern Ohio, as well as the Doughman forefathers that were in the Revolutionary War.

Doughman said second he would like to talk about the Ohio Public Records Act, which I brought up last time I spoke here. He said with respect to John Moore's comments, he has received a packet from the Village of South Lebanon regarding the disciplinary action and in that from Solicitor McGary, who has a statement on page one of that packet, and I have copies of that packet if anyone would like to see it, Smith asked for one. Doughman said it states no documents have been withheld, in other words, the Sharon Louallen document that had four references in PDF, or pictures of mail as well as the procedures she took to report this according to the law and according to the State of Ohio's procedures was not included in that packet. He stated just for the record. Doughman said on page seven of this packet, there are a series of discussions with respect to this investigation. He said that investigation discusses various things regarding Loveland and so I have three questions. Scott stated because Mayor Lawhorn was the official investigator in this, did Loveland give Gary Vidmar personal access to the use of city postage as he claims, because in the investigation Mr. Vidmar claims it was common practice at his last place of employment, the City of Loveland to use the postage meter for personal mail, therefore the investigation suggests that this is justifies as rational to his continued actions. He said he does not know if this is a rational or an additional admission. Scott said the question then is did Mayor Lawhorn confirm this information as part of the official investigation and if so, whom was the confirmation made with. He said it is the policy of Loveland to not discuss former employees, how did the mayor have access to that information. He said finally, is Gary Vidmar presently or recently consulting with the City of Loveland and is he under contract while administrator of the of South Lebanon? Smith asked what official from Loveland confirmed that and the mayor said he didn't even talk to Loveland, it had nothing to do with the investigation, he was charged with what he did here and it made no difference what he was allowed to do, he wasn't allowed to do it here. Smith asked

the statement in your record from investigating it, you mean to tell me someone give you a statement that is not accurate, Mayor Lawhorn said it Gary that made the statement and he is not going to discuss it anymore in this meeting. Smith said so someone is pulled over for a DUI and they tell you they are not drunk and they fail a sobriety test you are going to take their word for it. Mayor Lawhorn said he did that for 28 years and you are not going question what I did. Mayor Lawhorn stated your time is up, your time is up. The mayor stated again your time is up. Doughman stated he did not know he was talking to him and the mayor stated, your time is up. Smith said if someone made a false statement in your investigation you should have took action to that. Mayor Lawhorn said he has had enough training to know what he was doing and I did it. He said it had nothing to do with what he did here. Smith said it is that the statement was it was common practice in Loveland and the mayor stated he does not have anything to do with Loveland. Smith said if you have a statement given to you that says it is common practice in the City of Loveland and you base your determination based on this case. Mayor Lawhorn stated he did not base his determination here based on what happened here, not on what might have happened in Loveland. Smith said so the information he gave you, even though it is false means nothing. Mayor Lawhorn said he does not know if it is false or not and Smith stated he was the chief investigator from highway patrol and Hamilton County Coroner's Office, you should have followed up with that, it would have been pretty common sense. Someone from the audience stated it was not a dead body and the mayor stated he did more than dead bodies and we are not going to attack Skip Lawhorn tonight or we will clear the room.

Mayor Lawhorn asked if anyone else wanted to approach council.

June Bowman – Snook Road – stated she has one question, black top plant. She asked what is the gossip there. Mayor Lawhorn said, when he came here tonight Gary said something to him and it was the first he had heard about and we know nothing about a blacktop plant. The mayor said there is nothing in this village where there is going to be a blacktop plant, no one has approached the village about a blacktop plant. He said they may be talking about over the hill again but we have never been approached about that. Atkins said he was getting texts and phone calls all day and he has no idea what they are talking about.

Solicitor McGary said there has been a complaint made to the county recently about the blacktop plant and its activities, and I am aware of that and it falls under the county's jurisdiction. Mayor Lawhorn stated he would not put it past them to want to put a blacktop plant there but we are not aware of anything.

8. Mayor Lawhorn stated Resolution 2014-02 authorizing amendment with Warren County Sheriff's Department for police protection. A motion adopt the resolution was made by Allen, seconded by Riley, all yeas.
9. Mayor Lawhorn held the first reading of a resolution allowing a contract with Rozzi for fireworks on the July 4th. He said the price is \$6600 which every year Union Township has paid half of that and I will present to them Monday and when it comes to a vote our obligation will be \$3300. Boerio said he looked at this contract and one thing it never says is how much fireworks we are buying. He said he would feel better if it said how much fireworks we are buying. Boerio said he would like something that states what we are buying. Smith stated they have been good over the years and everyone I have seen they have stepped up more. Boerio said he does not dispute that and he is sure the village has worked with them a long time but it is a contract and does not say what we are buying. Smith said it is one of those things if they don't work out this year they won't be back. Mayor Lawhorn said it has been about thirty minutes every year. Gary said he will find out.
10. Mayor Lawhorn stated several items will be moved to the Workshop.
11. Mayor Lawhorn presented the Warren County Drug Task Force invoice for approval and stated in the past he had some questions about it but since John Burke came and explained what they are doing in the village he supports it. Smith made a motion to authorize the payment, seconded by Atkins, all yeas.
12. Mayor Lawhorn presented the invoice for the Warren County Municipal League in the amount of \$400 and said we have been members for many years now. A motion to authorize the payment was made by Atkins, seconded by Smith, all yeas.
13. Mayor Lawhorn held the second reading of a resolution approving an agreement for low deductible traditional health insurance plan for full time employees. Gary stated the personnel committee met two nights ago and made a recommendation to council to approve the health insurance plan submitted.
14. Atkins said recommendation from the personnel committee is to adopt the new insurance policy when it is presented the third time. He stated they also discussed giving the rest of the deductible to the employees and he said they understand they don't have to pay new deductible they have already met, but some are out some serious dollars. He said he hoped they can consider something for ones that had to do that. Smith said he agrees the new insurance with low deductible is good plan, but he believes the ordinance is

clear that we owe the employees the portion of deductible we promised them. Atkins said he thinks we are going to discuss it later but he agrees with him. Allen said the reason why they say that is, Sue, Boerio, and Steve have never seen the ordinance or read it so we want to sit down in a meeting and discuss it. Atkins said they discussed the office hours and to not close during lunch break, they will be open from 8:00 a.m. to 4:30 p.m. with rotating lunches. He said the employees had no problem with it and at least two people need to be in the building at all times. He said there was a smoking issue and the recommendation from the committee is that only one person be out at a time smoking and that they do it around back. Atkins said the committee feels the need to review the personnel policy manual, there are a lot of discrepancies in that manual and he knows we just did it but it needs gone through again.

15. Smith said he had a comment from the last meeting and the discussion about cutting trees down and he said every other community promotes trees so what is the issue with cutting trees down. Mayor Lawhorn said go over by where John Allen lives and look between the curb and the sidewalk and it is pushing everything out and there was a place in front of Joe's and they were the best looking trees in the village but it was pushing the sidewalks up. Smith said they are Bradford Pears, which are designed to grow down and the mayor said they are growing out. Smith asked are we bringing in a professional in to take a look at it to confirm before we start cutting down trees. Mayor Lawhorn said you can have anybody you want come in and look at them but all you have to do is look, there is not enough room. Smith said it is simple just take up the sidewalk in front of it and confirm if a root is under it or not. Smith said the county has someone that handles the rural part of the county and use them because once you cut the tree it is over. Mayor Lawhorn said all you have to do is look. Smith said let's try to save as many as we can and take it slow.
16. Gary informed council that our phone system was hacked on February 26th and I was notified at home on Sunday morning and came into the office that morning and we took various steps to stop the hacking and it continued throughout the week up until yesterday. He said we don't know what resulted in that yet but we took the necessary steps to stop it as quickly as possible. He said Mr. Zucco, a resident, was kind enough to help me, I had never experienced such a serious level of hacking in the past. He said even Cincinnati Bell has trouble stopping these people. He said they were making calls to Africa. Smith asked if they hacked into our internet system and was told no, just the phone system. Gary said when making adjustments to the phone system we were able to see where they could get in. Smith said if they can hack the Pentagon they can certainly hack us. He said he appreciates the officers calling him immediately.

17. Allen said we talked about when we acquired Catherine Cunningham as an attorney and if there is a time limit on that and the mayor said there is a two year limit on that but it is not over yet.
18. Sgt. Boylan said in reference to the cars on Valley View and the squad not being able to get down the street, he was on the call and that vehicle received a citation. He said as long as he has been here those people have always parked at the end of the street on the wrong side of the road. Mayor Lawhorn said he went there one day since this came about, and the red truck was away from the curb. Discussed difficulty in limiting parking.
19. Mayor Lawhorn asked that everyone keep Sharon and her family in your prayers, her father is ill.
20. A motion was made to adjourn at 7:36 p.m. by Atkins, seconded by Boerio, all yeas.

Sharon Louallen, Fiscal Officer

Lionel Lawhorn, Mayor