

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
JUNE 5, 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 opened the floor to James Lee – Public Information Officer with OH Public Utilities Commission:

James stated his specific assignment is traveling into Western counties of the state representing the commissioners. He said he is here to inform council about the new web site that was launched. James said it is Energychoice.oh.gov. James said they did this because people across the state receive phone calls and offers from people wanting to sell them natural gas or electricity. He stated most people are accustomed to dealing with one utility and we know there is a learning curve out there to get people to understand how it works as the market and laws of the State of Ohio are evolving in this way. He said traditional utilities are corporately separating, such that on one side they will have supply of the product and they are reaching the point they are calling themselves pipes and wires. This means they should be the delivery system. He said this web site has an enhanced apples to apples chart, where someone if they receive an offer, they are able to go on this web site and see how this offer compares to all the other offers. James said they can sort by price, by terms of contract or if they are interested in investing in companies that support renewables. He said the point is, that this is a website that we are proud of and recently launched and really unique across the United States. James said the other reason he travels around is to make the commission accessible to the people we serve and if you have questions he would be happy to take those. Mayor Lawhorn said he is glad to see the website because we have people coming into town and they will tell you anything. James said if people are interested in shopping for their supply, accept any paperwork that they have and sit down with their own bills and check out what they pay and compare with all offers on the website. James said some communities also pool and it has to be on the ballot and approved by the majority of voters and has to have public hearings and a window of opt out if someone does not want to participate. James said Hamilton Township was locked in at 4.7 cents per kilowatt hour, which is good. Smith said the marketing from companies when receiving the information, the mail is very similar to Duke and almost packaged like it is Duke Energy bills but yet it is a marketing tool to get you to switch and asked

if there are any regulations on that. James said they have recently recommended rules to the legislative committee responsible for approving rules, where by, the bills would have to show both the logo of the utility itself alongside of the logo of the supplier. He said the large utilities like Duke will remain in the game on the supplier side and it is confusing to the customers and the commissioners have asked this to be addressed. Smith said since the village owns the right of ways throughout the community, they have historically been signing twenty five year leases for the utility companies to use our right of ways. He said we have our last twenty five year agreement coming up and we have not looked at franchise fees and does not know if rates have been reduced because of council giving the right of ways or not. James said he is not familiar with that but he can look into it.

4. Mayor Lawhorn opened the floor to the public:

Reba Byrd – 322 Pleasant – stated she has lived there for twenty five years and last June right next door, he put a small cage and had a couple of dogs in it and that was no big deal. She said now the cage goes all the way across his lot and there are two kennels. She said the lady living there said he is breeding the dogs to sell them. She said there is between five to eight dogs in this lot at a time and when you are sitting on my front porch, you can smell the poop. She stated he comes out and sprays it off and the water goes down my retaining wall and eventually my wall is going to fall. She said he cusses at them. She the dogs do bark but that is not the problem. Reba said sitting in her living room on the opposite side of the house with the door open and she can smell poop, there is a problem. She said something has got to be done as to how many dogs he is allowed to own and I know we don't have anything right now. Smith said there is regulation on the books for three dogs. Gary stated he can't find it. Reba said there needs to be some regulation because she can't use her front porch and the hotter it gets the worse it is going to get. She said she has pictures and showed them to council. Reba said she has sent emails to everyone and she appreciates the ones who have gotten back to her, but it has gotten out of hand. Smith asked what zoning says about breeding and Gary said nothing, it does not address breeding or number of dogs. Gary said we have exhausted looking and cannot find an ordinance regulating a number of dogs. Reba said she called the auditor and they said he has three dogs registered at that property, but that doesn't mean he can't have three in Butler County and three in in Hamilton County and they are bringing them all together. She said there are all kinds of cars coming in and out of there all the time. Smith said the smell can be regulated period. Gary said neither himself nor other council members that have been there could smell anything. He said he is not denying that she smells something. Reba stated come to her house Saturday morning at nine o'clock and sit on my front porch and drink you a cup of coffee and at 9:30 they will be there.

Atkins stated he did not get her email. Allen said the one thing they did discuss, and they had a lengthy conversation, we have called the county and she talked to the state. Allen said according to all of them, the only thing you can do is, you have to be able to prove they are selling the dogs. She said then it becomes county and state. Allen said if you can find out if they are selling the dogs, then they are in violation of a kennel license with the state. Reba said anytime you guys want to come up there and sit on the front porch if it is ninety to one hundred degrees, I can guarantee you, at nine, nine thirty you can smell it. Smith stated we can draft legislation and he makes a motion to go forward and draft and redraft legislation to fit this. Smith said there is no sense of having that kind of smell or breeding that many animals. He said animals are not meant to be breed in lots. Smith said he put the motion on the floor to do the research to draft it. Allen said they discussed too, with legislation, we do need to determine that magic number somebody can have. Allen said the problem she is afraid of is grandfathering. She said once you set a resolution or ordinance it moves from there so we have to look at it. Atkins said his concern is if we do it is he going to say this is after so he can keep his. Allen asked wasn't there someone there to check and they cleaned it up before they got there? Reba said she called the Health Dept. and when they went to the house they did not answer the door so they left a card for them to call and then magically they cleaned it up. Boerio said he is sympathetic to her problem, however, he was there three days in a row. He said he was there on a Thursday around 8:30 p.m. and the following day, a Friday and Saturday around 7:30 p.m. He said he actually got out and walked up and down the street and spent about fifteen minutes there and heard no dogs barking and there was no smell. Reba said the barking is not the issue. She said she wants to be able to sit on her porch and not smell poop. She was asked if he had a kennel license and she said no. Allen said the county or the state does not require it and there is nothing on the books. Several discussions going on at the same time, not audible. Mayor Lawhorn said we need Bruce to research it and see what we can do and then pass legislation. Gary said he will contact other communities and see what they have. Bruce said another issue is nuisance of the odor and there may be something in the zoning about the nuisance created by things, odor being one of them. Smith said everyone knows what odor is created by a single dog and with multiple dogs like that, even kennels for a vet have a strong odor. Smith said this lady has never been to a council meeting as long as she has lived here, so to come to this meeting she has a legitimate concern and I think we need to address it. Smith said his motion has died and hopefully it will be resurrected at the next meeting. Mayor Lawhorn stated we will do what we can. Bruce asked Reba to keep a log of smells, noise etc. with time and dates. Mayor Lawhorn said if we do find something we will need you here for court.

Sara Wilson – 375 W. Pike St. Apt. 1 – she stated the comprehensive plan scheduled for June 12th, she found that one done nineteen years ago and cost about \$10,000 and nothing has been completed. Something as small as a horseshoe pit and as large as a swimming pool and it can't be narrowed down to one specific individual, but her concern is that the community gives their input and insight and nothing is done. Mayor Lawhorn stated this is not twenty years ago and we are going forward with this.

5. Mayor Lawhorn presented Resolution 2014-12 as an emergency approving preparation and submittal of pre-application to participate in the Ohio Public Works Commission State Capital Improvement Programs. Gary stated this is an application we fill out once a year and is a two year cycle. He said this will be reviewed by the commission and then they will short list the candidates for formal application. He said we want to submit continued improvements of our water system and we have received money from this program in the past for our water system. Smith asked if this would include upsizing pipe across the bridge and Gary said that has been submitted for in a separate grant. A motion to suspend the reading rule was made by Smith, seconded by Atkins, all yeas. A motion to adopt Resolution 2014-12 was made by Smith, seconded by Allen, all yeas.
6. Gary reported on condition of Zoar Road and the seriously poor condition it is in. He said the village has applied for three grants and have been turned down for all three. Discussed the issues with Zoar Road. Gary said until we actually close the road down, we would not be eligible for this emergency money. He said Matt Hoying from Choice One is here tonight and they have done the study and rated it and he has helped the village put the applications together and presented them. Gary said Matt has prepared a letter to the state that is included in your packets. He said Matt would be willing to support council in closing the road. Smith asked if the bend needs pilings and Gary said there are no pilings there but that is part of the project to stabilize the hillside. Gary said we believe very strongly with or without the grant money we need to make repairs to that road this year. Gary said we have taken it upon ourselves to go out and bid the project and they are due in two weeks. Gary said he would like council to seriously consider closing that road at some point and rather than use 100% of our funds, we want to make it eligible for emergency funding. Gary said he knows there are a lot of issues when closing a road and he has talked to Bruce about that.

Matt Hoying – Choice One – stated the state would not give the village the funds because the road was not affected enough at that time. He said they stated it was not a permanent no at that time, if something happened tomorrow that affected the road more to reapply. Smith said the slippage of the bank would be legitimate. Matt said that is the reason for his recommendation letter, he feels there is a safety concern with how much the bank has slipped

and the guardrail, some of the posts aren't anchored at all anymore. Matt said something had slid underneath the guardrail, Smith said it was a Harley. Matt said closing the road and restricting traffic for safety reasons, I believe will make it more favorable for the funding. Smith stated it is not a truck route, Mayor Lawhorn said we have no signage and the trucks use it. Mayor Lawhorn said he was at the meeting with Matt and they told us when the road is restricted, come back. Smith said a road traveled that heavy would have a major effect, Lawhorn agreed and said the rain we have been having is washing it away and it could happen any day. Gary stated the bids are due June 25th and once we see what the actual cost of the project is, do some more homework between now and then and look at timing for closure and report to council the first of July. Atkins asked about restricting the weight limit? Gary said signage would be different. Smith said that could also be something to be sent to the state. Matt said there is no standard to do a load restriction under these circumstances. Atkins asked would it help to reduce the load limit now and Bruce said Matt is saying there is no standard, nor does his opinion address a recommendation that there should be a load limit. Smith said but if you have deterioration in the corner where there is a thousand foot drop, Mayor Lawhorn said what is our liability and Bruce stated there is a liability. Allen said we need to do no trucks immediately. Bruce said that is a city road and Gary asked if we can impose a load limit and Bruce said he supposed you could do that but he would urge you to use an abundance of caution in doing so if you don't have a professional engineer's opinion. Bruce said he would much rather go the route that there is a threat to public safety and do a temporary road closer and adopt a resolution closing Zoar Road. Allen asked what about going to a single lane and Gary said that is one option. Allen stated she thinks we need to put no trucks and Gary said Bruce is saying we can't do that, Smith stated we did establish a truck route and zoning did restrict for a delivery. Mayor Lawhorn said it has encroached into the pavement even more than when we went for the meeting. Gary said the emergency grant is all we would be eligible for because the others are on two year cycles. Bruce asked Matt what his recommendation is concerning putting up a barricade and limiting the road to one lane and Matt said his question would be do you want it restricted to a one way road then. He said otherwise you would have one lane and curve you can't see around or you would have to have a light. Gary said by the time you pay for those control devices and the time it would take, we could have closed the road and gotten the money to do it. Boerio asked Matt if we do the emergency route if he had any experience on what the probability is of getting the project funded. Matt said in his opinion he feels like we would be highly likely to get it and if you are asking for a percentage, he would say 90% or higher. Matt said they begin the year with three million dollar emergency fund, they review each case and don't hold money back, they are given first come first serve. Matt said it is funded as soon as they can review it and they give a verbal approval first. Boerio asked about the engineer's estimate and the item

about maintaining traffic, \$7,000, can that be taken literally that you would maintain traffic while the repairs were being done. Matt said the repair for the landslide would surely cause a road closure during that time. He said depending on the fix, the road would need to be closed during that time. Boerio asked about in the letter, the referral to the observance of vehicle types and driver habits on Zoar Road and asked for him to elaborate on that. Matt stated more than once he had to jump the guardrail because he wasn't sure the vehicle coming at him was going to make the turn. He said some trucks have gone on the embankment on the inside lane going around the curve. Discussed road closure. Boerio stated if that road gets closed at the entrance to Homestead, then that would dump all that traffic through Homestead and onto Vista Ridge. He said his guess we are already seeing the effects, people are already avoiding the area and coming through Homestead and Vista Pointe. He said people aren't going to be too happy if these tandem trucks come up Vista Ridge Drive. Matt said he agrees and even with a detour plan, local people know the best way around and would not always abide by that plan. Matt said intent would not be to direct through subdivisions. Boerio said if the closure is done then there has to be some related plan to keep an eye on traffic somehow to protect the subdivision. Smith said it should be mandated to the truck route. Boerio said none the less Matt has pointed out they know the routes and Smith said the rules are there to support what you are saying. Mayor Lawhorn said it is a very serious problem. Decided to bid the project on the 25th and come back in July to discuss. Smith stated a good example, when Watersbend went in and we put the bridge in, when we removed the vegetation we realized it had encroached under the road, so putting the bridge in saved the road. He said it took 250 pilings to fix that and would have been one of those where one day it would have just caved in.

7. Mayor Lawhorn presented an invoice from Warren County Emergency Services for \$658.40 and this is our yearly dues. Smith made a motion to pay the invoice seconded by Atkins, all yeas.
8. Mayor Lawhorn presented an invoice from Comp Management. Sharon stated we have to have an MCO to manage our Workman's Comp and this is the company we use. A motion to pay the invoice was made by Smith, seconded by Atkins, all yeas.
9. Atkins asked about moving forward with swings for the Oeder Park. He asked could we get prices for those. Allen said she has a catalog to give them. Smith said he recommends we buy them. Discussed just need to know the size.
10. Bruce stated today in mayor's court they brought to completion the housing code violation against Darlene Rogers that was filed in 2012 by former

administrator, Bob Craig. He said it has been in the court docket for about two years. Bruce said there was a trial and she was represented by a public defender and she was convicted. He said the court stayed the execution of the sentence to give her an opportunity to abate the violations and it necessitates to say our public defender in the court did a really nice job in helping Ms. Rogers after the case had been tried. He said it is a credit to so many members of this community that they pitched in the way they did and helped her abate those violations and that has all come to conclusion and the court in essence finalized the case today and imposed no fines nor court costs against her.

11. Sgt. Boylan said they have added extra patrol on Vista Ridge and have done some speed studies. He said so far one speeding ticket and two stop sign violations have been written to residents of that community. He stated they have been trying to sit on Main Street to keep people slowed down that are cutting through because of the bridge work. Mayor Lawhorn said someone said we had a drug bust. Sgt. Boylan said they had a little one over on Mary Ellen. Allen said she got to watch the whole show. Smith said good work. Allen said she would like to say they did a great job with that and had a female officer and it went smooth and canine came in and you guys did a lot of work and I really appreciate it.
12. Mayor Lawhorn stated the Warren County Municipal League meeting is on June 18th. He said to let him know if anyone wants to go. He said it is at the racino and the food is very good. He asked they let him know by next week who wants to go.
13. A motion was made to adjourn at 7:26 p.m. by Smith, seconded by Allen, all yeas.

Sharon Louallen, Fiscal Officer

Lionel Lawhorn, Mayor