

**VILLAGE OF SOUTH LEBANON  
REGULAR MEETING MINUTES  
AUGUST 21, 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 – Absent
3. Mayor Lawhorn opened the floor to Sheriff Larry Sims and Deputy Nick Behymer.

Sheriff Sims said Nick Behymer is here to discuss the neighborhood watch and he is here for the follow discussion. Sheriff Sims said Behymer presented some documents in advance to Mr. McGary. He said his role is to support of what these type of things might consist of and maybe make sure he would answer questions and assure everybody if such a watch exists to make sure it is done properly and everyone gets their questions answered as to what is involved. Sheriff Sims says they want our neighborhoods safe, like everyone in this room, and it is really designed that if you see something your to call the Sheriff's office and have them take action. He stated this can't be some kind of vigilante type thing and doesn't know if that has been a concern but does not think that is the intention here.

Deputy Nick Behymer – explained what a neighborhood watch consists of and how to get one started. He said basically a neighborhood watch is a group of people who organize and get together and they watch for criminal activity and report it. He said it starts with a meeting organized by the people who want to start one. Nick said the topics are first, safety, we want everyone to be safe. He said we start with you and your own home and how not to be a target. He said we don't want anyone to go on anyone's property and give them tips unless they ask you. Nick said we go into the role of a participant and we go with the open eyes and ears method. He said you are going to report any suspicious activity and crime to your local law enforcement agency. Nick said the citizens are not to confront or physically get involved with any suspicious person or act of crime what so ever. Citizens do not possess the authority, training, or tools to make arrest or involve themselves in these situations. He said if you see or hear something, report it. Nick said all would communicate with the neighborhood watch captain and that is where this request is different than anything I have encountered. He said it was asked to me for the whole Village of South Lebanon. He said usually it is specific to one neighborhood, but it could be organized in a way that it

would work. Nick said the neighborhood watch organizes the meetings and set them up. He said they distribute information to the members, delegate tasks to the other members, such as phone calls for a phone tree, emails, etc. Nick said part of a neighborhood watch program is getting information out to the other people so they know what is going on. He said an example would be a notification of date and time of meetings and crime prevention. Nick said if anyone sends an email we don't want them to use a person's name, phone number, or address, no personal information should be on there. He said especially suspect information, we don't want somebody because they don't like someone to put their personal information out there. He said the types of things they would agree should be put out is like, on March 17<sup>th</sup>, between 10 p.m. and 7 a.m., there was a burglary on Mary Lane, any information contact the Sheriff's office. Nick said if there is any violation of the law, confronting somebody, following somebody, appropriate actions will be taken. We don't want anyone going out and causing a disturbance when the main goal is to prevent crime. Nick said any questions about ideas you might have, I suggest you contact the Sheriff's office. He said there has been a lot of talk about Citizens on Patrol, he said this is something the Sheriff's office does not encourage for people to drive around and look for crime. He said you don't need to be driving around alone at night. He said if you are letting your dog out at night, that is a good time to look around, do you see anything, do you hear anything. If you would be driving to Kroger late at night and see something, call it in. You can contact newspaper delivery people and have a talk with them, ask them if they see anything to call it in and give them the information to call the Sheriff's office. Nick said they encourage to watch around your own home. He said there are proper ways to report. He stated they don't want people calling 911 all the time because they saw John Smith walking down the street and he may be up to something. He said if you think something is going on you do need to report it. Nick said the people who organize these are responsible to come up with agendas and are to contact the Sheriff's office and let them know time and place of meetings and one of us will attend those meetings. He said we will say you can't do that or that is a good idea. Nick said they fully support people who want to help out with their community but on the other hand, we don't want people to have the impression they can go out and make arrest and fight crime. He stated they don't want anyone to get hurt.

Mayor Lawhorn asked if the Sheriff's office provides training prior to the neighborhood watch starting? Nick said that is where the meetings come in to play. He said they come to the meetings and talk with them and help with how they handle things such as phone trees, emails, etc. He said we all have our eyes and ears and a gut instinct already, we don't need to really have training on that. Nick asked what would you think somebody would need trained for? Mayor Lawhorn said you gave us a brief on how it works and what to expect, but to give it all at one time. Nick said it won't be all at one time, the organizer of the meetings will come up with

agenda and that is where we would come in and say that is a good idea and this is how you go about it. If we say this is a bad idea and you can't do this, then they shouldn't be doing it. Mayor Lawhorn said in other municipalities where there is a neighborhood watch, does the Sheriff's office endorse those? Sheriff Sims said he is not currently aware of any we have in the county, but where the Sheriff's office has role, is to provide that liaison, and when I think of training, I think of instruction and training on the can do, cannot do. He said it is their responsibility to attend the first meeting and make sure everybody does understand what the expectations of that group is and the limitations. He said to make them aware of issues that can come from people doing things beyond their authority. Sheriff Sims there can be some materials and educational things we can also provide because he would envision a neighborhood watch is recruiting people just to just be more alert from their very own homes and yards but it typically starts in just one neighborhood. He said it is the ability to share information to make people more aware and then they can call if they see something. He stated that is what he sees their responsibility being and providing instructional training so nobody gets hurt or hurts somebody. Sheriff Sims said they know it is frustrating when you see things and you feel pretty strongly what is happening because law enforcement is restricted on what they have the legal right to do and sometimes justice doesn't move as quickly as we want and we feel that same frustration. He said they don't want people to think they can push that along faster. He said he knows there have been many watches over the years but does not know of any actively going along right now.

Nick said historically there have been a number of neighborhood watches. He said anywhere you see the signs somewhere in the past there has been a neighborhood watch. He said what keeps them going are the monthly meetings and people lose interest over time. Mayor Lawhorn said we were told at the last meeting Stone Brook had one but I have never heard or seen and you have never been contacted by them. Nick said a couple of retired deputies could have set that up at some time. Sheriff Sims said he has been at meetings over the years and sat in people's homes and talked with them and don't know that would be a formal neighborhood watch. He said it starts with your own house and then when you are out and about keep an eye on your neighbor's house, which is really what it is more designed to be about.

Mayor Lawhorn asked if anyone has questions for the Sheriff.

Maryan Harrison said historically there was a neighborhood watch in South Lebanon. She spoke about the fact that with the kids starting school and catching the buses, they are finding syringes. She asked should they contact the Sheriff's office every time they find one? Nick said he would recommend calling, just for the disposal of them. He said

the non-emergent number is 695-2525 for that dispatch. Sara Wilson said that is one of the things we need, you may not need a citizens on patrol, but when you take a walk, just pay attention to your surroundings is what we are trying to get people to do. Come out of their homes and get to know each other, because it is out there, it is everywhere.

David Lapp said the street where he lives is a major concern. He said this morning, there is a person on his street they all know is using drugs. He said he hears him on the phone saying meet me at this place, could be a drug deal about to happen, do I do anything there? Nick said the only thing you could do is call and report that and it is not the sort of thing you wait a couple of days and say you think that guy is dealing drugs. Nick said if you see or hear something, call right away. Nick said you would be surprised how many calls we get referring to last week. Nick said if you see something suspicious then call the non-emergent number and report it right away unless it is a current criminal act. Sheriff Sims said the information we can continue to get will provide us a better opportunity to get into those places legally. He said if you hear he is meeting someone that may be information we may be able to eventually use. He said he knows it is frustrating but this information cumulative helps us.

Scott Doughman said he has a question about self-regulating communications come up and he has spent some time working with the neighborhood watch to discuss the topics of statements of vigilante type things from random people or reports on topics in neighborhoods that are not appropriate, you can't talk about other people's property. He asked is it appropriate for administration of a neighborhood watch to monitor on line communications regularly? He said meaning Facebook and email. Nick ask if you are asking about looking at others Facebook, because the thing about Facebook is if you don't have it set on private then it is open for everyone. Scott said it is people reporting of neighborhood activity as a specific home, a specific event, and a specific set of circumstances, that is not appropriate to be posting, where if they have that information they should be calling the police, correct? Sheriff Sims said they should call the police, not knowing specifically what you are talking about, if I am going to routinely make statements that 123 Main St. at Larry Sims house he is a drug dealer and drug user and need to keep an eye on him, then certainly they can be held liable for that for slander and all kinds of civil actions that can be taken. Scott said one of the points he makes is where the people's own organization have a greater capacity than governance of the town, is to self-regulate its own communications, such as Facebook and emails so they don't say the wrong things in a public forum when it has to be referred to the police. He said to ask the people who administer in the name of the watch, to monitor those kinds of communications he thinks is very good. Scott said the way to report a specific event is not to make hear say, it is to call the police and say this happened and not get involved with

the criminal process. Sheriff Sims said he would not be a component at all about some Facebook conversation about the neighborhood drug user, he does not think that is an appropriate way to handle it and he would not approve nor endorse such a thing.

Scott said his point is that the capacity to look at reporting on line inappropriately is with the neighborhood watch and not with council. Nick said here is the thing with a neighborhood watch, you are talking about a government body and here is what you have is a group of people who are just watching out and reporting it to us. He said a neighborhood watch is not designed to form a separate government within a village. Nick said to govern the social media or emails, you see it all the time, somebody is saying something inappropriate, either ignore it or block it. Sheriff Sims said Scott said something in the end that made him curious, and maybe I misunderstood, but it almost sounds like there is some concern on your part, that someone outside of the neighborhood watch was monitoring this conversation on Facebook. Scott said no, the point of a vigilante, one of the first words that came up in this whole discussion, he does not believe there is a concern of the people organizing the watch or the participants but can be a concern of random citizens wanting to participate, who haven't been trained and it is not council's job or it is the actual organizers job to monitor their own sites for appropriate sharing of information. Sheriff Sims said he is not sure he gives a blanket agreement to what he is saying because he thinks council has a concern, just like anybody else, that there is not somebody stepping outside their bounds of their authority. Sheriff Sims says he does not see them having any less of a concern that the group of people working in your community as a neighborhood watch, if those people are behaving or acting inappropriately. He said they could certainly report those things to the Sheriff's Department to have them intervene, especially if the neighborhood watch people are doing stuff they shouldn't be doing. He said he does think there is a vested interest, even on council's part, to make sure they are protecting the rest of the neighborhood from any type of activity that is inappropriate. Scott said so there should be a partnership and the Sheriff said he does not disagree with that, there should be a partnership. He said he would not say it was inappropriate for any of them to be aware of maybe something that is not being properly handled.

Boerio asked if there is any statistical data indicating the effectiveness of neighborhood watch programs in reducing crime? Sheriff Sims stated he does not have any data here today, but he certainly would be willing to look to see. He said he thinks he can't link to the neighborhood watch per say, but he thinks common sense would tell you if you have people willing to call the police every time something is going on or they spot things, I think common sense would tell you it is going to be affective. He said to what degree, it is hard to say but he will look into that and

see if they can find some data. Sara Wilson stated you can pull out statistics, but as far as what we are trying to accomplish, is for those who want to be aware and be active, we want to give them that outlet. She said what is a success, she said success to her is coming to the meeting and listening and learning something. She said whether that shows up on a piece of paper or it doesn't is another question. Nick stated as the Sheriff said, common sense would tell you if you have a good partnership and people are calling then that would reduce crime. He said bad guys don't like to do things when we are around. He said we get a speeding complaint, when we get there we might catch one or two but not as much when we are not there. Nick said if we are getting calls and constantly responding to that area, criminals are going to move to a different section and then if they start calling about that area then we start responding to that area.

Mayor Lawhorn thanked them for coming and stated it has enlightened him and as always Sheriff, you are always welcome here. He said we have a next speaker and if the Sheriff would he asked him to stay and listen. He said Cindy Mathis. Sara Wilson said excuse me mayor, and Mayor Lawhorn said no, Cindy Mathis. Allen said she signed in. Sara stated she just has a question.

4. Cindy Mathis – 834 Shawhan Road, Morrow OH – stated the reason she is here tonight is because she witnessed a drug deal right in the middle of street, during the day. She said her passenger was with her and witnessed it also. She said she did not realize what was going on because she was going somewhere. Cindy said they were so bold and did it in the middle of the road, they couldn't even pull over. She said a young gentleman came up to the vehicle, they exchanged the drugs for the money, looked at it and gave thumbs up, went back and go down the road not three or four houses and he is flagged down. She said apparently the dealer didn't have time for this so he is hollering out his number three times. She said her passenger wrote down his phone number and she wrote down part of the license plate. She stated she went directly down to the police station, because she knows not to call 911. She said she got dispatch and gave them the description, address, etc. and said if they go there now they are higher than a kite. She said she was put on hold and it seemed like forever, but was probably ten or fifteen minutes, she sees a police car going up towards Family Food Mart so she said forget this and hung up and took off for the police car. She said when she got in front of the Family Food Mart the police had turned around and was coming back this way so she flagged him down. Cindy said he came in and he rolled his window down and she told him her name and what she had witnessed. That they had just witnessed, literally just saw a drug deal and if they will go there right now, they will find them higher than kites. She said the officer said he knew the house and vehicle she was talking about and yes we have it in the report. She said she asked him please just go there right now. She said she had not heard a word and

two days later went to the post office and she is talking about it and they said right straight in front of the post office, the same vehicle Cindy was describing, and they saw the same thing. She said right in broad daylight in front of the post office. Cindy said she called the police and the officer, it was a lady, and she came to talk to her and she said I just witnessed one two blocks down, Cindy said the police officer witnessed one. Cindy said a day or two later while at the bank and she is talking to the person and she said there was a woman coming through the drive through, she was so high, she couldn't get her eyes open or her head up. Cindy said she said something has to be done. Mayor Lawhorn said he hates to cut her off but you are telling us about everyone else and that is hear-say and we are only interested in what you saw. The mayor said maybe the Sheriff can give you some light on that. Cindy said she wants to know what is going on and she was not looking for this and we have so many young people out there and these drug dealers are coming from Dayton and Cincinnati and coming into our town, South Lebanon. She said the little guys don't have to go there they are coming in. She said we need help. Cindy said she has two grown kids that are drug addicts, recovering drug addicts, but they can't stay in town because they don't have to go anywhere the drug comes to them. Cindy said it feels like our hands are tied. Sheriff Sims said you need to call and he can't speak to any of the specifics because he doesn't know anything about it so it is hard for him to draw any conclusions. He said to take action to get into that individual's house just because you saw it and for us to be able to have probable cause for a judge to sign that to get into that individual's house is a big leap. Sheriff Sims said as he said earlier, it is going to take a combination of things that point us in the direction of who this person is. He said there is no question that we have had communications with our drug investigators and it may not seem like it, but they are trying to get an opportunity to get into these places. He said they have rights just like you and you certainly wouldn't want us to just coming into your house because a neighbor down the road said I saw her hand this package and it was drugs. He said it probably was drugs but you don't know that and Cindy said she knows it was drugs. Sheriff Sims said that is the standard we have to use and you don't know it was drugs and Cindy stated she she knows it was drugs. Sheriff Sims said there are thresholds we have to reach in order to be able to get into these homes and as frustrating as it is, you still have to call and report this license plate number, you still have to allow us to gather enough information that gets us legally into these homes. He said that drive through person that saw someone high, she should have gotten on 911 right then and called and let someone get behind her, that would have been an easier task to accomplish than getting into someone's house because residents saw what they thought was a drug deal. Sheriff Sims said he says that with all due respect, they trying to get into these people's homes, trying to get these people arrested but it doesn't work that way. Cindy said what bothers her is they have the shot now and when you overdose they give you a shot and one girl has overdosed

two times and if they would have just followed up on what I told them, they wouldn't have had to use that second shot, how many more shots are you going to give her? If you aren't going to wake up with the first shot, what makes you think she is going to wake up after that second shot, she needs rehab. Sheriff Sims stated that is something he doesn't have any authority or control over any of that. Mayor Lawhorn stated he thinks the Sheriff has answered that appropriately, and he would like to say the same thing, he is sure she saw a drug deal, but to say those things passed were drugs, they can't say that until they have them, field test them. He said he is not doubting it was a drug deal, it goes on in this town a lot, and a lot of other places too. He said the lady at the bank should have called because now they have probable cause to do a lot more than what they could have done on yours. Sara Wilson says she has a comment and Mayor Lawhorn states she cannot answer from the audience and Allen says to the podium. Mayor Lawhorn states no and Allen says not from the audience. Sara says excuse me sir and Mayor Lawhorn says no, no you are not to speak and Sara says she was saying she was sorry, pardon me. Cindy asked should she sit down and Mayor Lawhorn stated if she was done.

Mayor Lawhorn asked if anyone else wants to approach council and no one came forward.

Mayor Lawhorn thanked the Sheriff for coming, and said he didn't want to get him stuck on that but there is things and I hope that people understand, it's just like watch program, the same thing. He said they are going to see drug deals happen, get the information and call, they have to be able to build the case and be able to do something. Sheriff Sims said you need to call and he does get the frustration and he just asking that you keep calling, keep calling. Nick said if you notice a pattern like always in the afternoon, give us that information too.

Sheriff Sims said they will come anytime if there are questions, they want to make sure that we are answering those.

Sgt. Boylan said he wanted to add, they had a call where a guy had a needle and blood coming down his arm. He said when the officers got there obviously he had already used it. He said there is more than one way to do it and we were able to arrest him for littering because he threw his cigarette butt down and went to jail for littering. He said sometimes we have to go a different route to get there. He stated most of the users as soon as they get it, it is gone. Sgt. Boylan said the typical dealer, we don't have dealers. He said we have users that may get an extra cut to sell to get his next one, but a true dealer, we really haven't seen, he said he is sure we may have a few. He said people in the vehicles, getting the license plates and stuff like that, is really useful for us. Sgt. Boylan said that is the kind of stuff the neighborhood watch could help us with by giving us that information. He

said in the long run that will help, because it is frustrating for us not to be able to grab these guys and run them out of town.

5. Mayor Lawhorn presented minutes for approval:

Regular meeting – July 3, 2014 – motion to approve made by Boerio, seconded by Allen, all yeas.

Workshop meeting – July 3, 2014 – motion to approve made by Boerio, seconded by Riley, all yeas.

Regular meeting – July 17, 2014 – motion to approve made by Allen, seconded by Boerio. Atkins and Riley abstained because they were not at that meeting, all others yeas.

6. Mayor Lawhorn presented Resolution 2014-17 for the third reading authorizing a software hosting and maintenance agreement with E-Gov Link. He asked if there were any questions and there were none. A motion to adopt Resolution 2014-17 was made by Allen, seconded by Riley, all yeas.
7. Mayor Lawhorn presented Resolution 2014-18 authorizing a cooperative agreement amendment for a CDBG grant. Vidmar explained it is presented as an emergency because we have been asked to execute this document by no later than August 29<sup>th</sup> and there is not sufficient time for three readings. He said the CDBG program, we have gotten a lot of funding for many projects over the years. A motion to waive the reading rule was made by Boerio, seconded by Atkins, all yeas. A motion to adopt Resolution 2014-18 was made by Boerio, seconded by Riley, all yeas.
8. Mayor Lawhorn presented Resolution 2014-19 to allow the transfer of funds from the General Fund to the Water Fund in the amount of \$52,482.72 for the local match of the East/West Waterline Project. Mayor Lawhorn stated on July 15, 2013, the village passed Resolution 2013-22 to enter into that project and council at that time voted to pay our share out of the General Fund due to the Water Fund's condition. He said now we are moving at least the first payment from the General Fund and that is what we are asking for. A motion to suspend the reading rule was made by Allen, seconded by Riley, all yeas. A motion to adopt Resolution 2014-19 was made by Atkins, seconded by Allen, all yeas.
9. Vidmar informed council that a dedication plat has been approved by the

Planning Commission and is ready to record. He is presenting this matter for informational purposes only and to inform you it is not unusual for a community to require council approval for this type of action since it's right-of-way, government owned property, that you all have authority over. Gary said our zoning code book only requires Planning Commission approval. Gary said he wants to state as we revise the zoning code, we will be taking this in consideration and making the change in the next addition of the code to ensure council is given the authority to approve right-of-way dedications. He said in this case the developer donated the land, there was no purchase of that land. He said after tonight we will get this dedication plat recorded.

10. Gary stated concerning Shepherd's Crossing and the public improvements, he said it is an unfortunate situation we are facing on that project due to the health conditions of the developer. He said we are taking the actions necessary that we can legally to pursue the necessary fund to try and get those necessary improvements completed. Gary said it might take a considerable amount of time, there is a performance bond in place and will be a lengthy process to collect on that bond, but it is enforceable. He said there will be a deficit in the funds but we feel there are reasonable options to help fund that difference and are pursuing them. He said the developer's attorney and family are willing to cooperate with us and realize it is their obligation to complete these improvements. Mayor Lawhorn stated this is an ongoing process and between Gary and Bruce, we will do the best we can for the village and the residents up there. Allen asked how much of Shepherd's Crossing is in South Lebanon and Gary stated all of it. Mayor Lawhorn asked if we have accepted the street and Gary so no, that is where this all started, we can't accept it until the public improvements have been completed.
11. Vidmar said he has a memo of understanding, not a binding agreement, that is why there is no legislation. He said we have long had a relationship with the Warren County Soil and Water Conservation district and they provide a number of services to this community as well as other communities and townships throughout Warren County. Gary said he has been told the services have never been done formally in writing, yet these townships and ourselves pay significant fees each year for these services and in South Lebanon it is in the range of \$13,000 to \$14,000 each year. Gary said he felt it was appropriate to formalize this in a written form. He said the detention pond in the Rivers Edge subdivision, they are working with us on now. A motion to support the MOU was made by Atkins, seconded by Allen, all yeas.
12. Mayor Lawhorn presented an invoice for Bruce McGary for additional

services beyond his contract through August 20<sup>th</sup> and the total is \$1030.00. A motion to pay the invoice was made by Boerio, seconded by Riley, all yeas.

13. Vidmar informed council that he apologized, he has been remiss, and have not been providing council on a regular basis with minutes from the BZA and Planning Commission. He stated he will begin doing that and this packet he has provided council will all the meetings that have been held in 2014 and the minutes that have been approved. He said going forward he will be continuing to provide council with those minutes to keep council informed as to what those agencies are doing.
14. Sgt. Boylan has presented everyone with stats for the first seven months of 2014. Sgt. Boylan spoke but multiple conversations and paper shuffling made it inaudible.
15. Riley said with the neighborhood watch thing, many people don't know the 695-2525 number and asked if we should put it on the sign in the front of the building. Mayor Lawhorn asked what number he would want things reported to and Sgt. Boylan stated anything active should be reported to the main dispatch. He said anything beyond that is fine to email to him. Discussed the numbers and how to make them available. Mayor Lawhorn said we could also put it on our website and Gary said it could be put on utility bills also.
16. Johnson asked Gary about her request to look into McKinley and King Ave. and that you see orange cones, stuff is not getting done. Gary stated that they have been addressing higher priority things and that is on our list. Mayor Lawhorn said some of the things she may be talking about is where CG&E or others have done work and have to come back. He said the problem is they are out sealing and mowing this time of year. Discussed the trimmer being used and that we share rental with the township.
17. Aktins asked if the swing came in yet and Gary said no.
18. A motion to adjourn the meeting was made at 7:40 p.m. by Allen, seconded by Atkins, all yeas.

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Sharon Louallen, Fiscal Officer

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Lionel Lawhorn, Mayor