

# COUNCIL AGENDA



**Village Council Meeting**  
**6:30 P.M. Thursday, November 5, 2015**

**Village Administration Building**  
**99 High Street**  
**South Lebanon, Ohio 45065**

	Agenda Items
1.	<b>Call to Order</b>
2.	<b>Roll Call</b>
3.	<b>Pledge of Allegiance</b>
4.	<b>Guest Speakers</b> A. None
5.	<b>Open Forum</b>
6.	<b>Approval of Meeting Minutes</b> A. None
7.	<b>Emergency Resolutions/Ordinances and Third Reading of Resolutions/Ordinances</b> A. Third Reading-Ordinance Approving Zoning Map Amendments at Rivers Crossing South Development from R-3PUD and I-1 to R-3 totaling 76.810 Acres B. Third Reading-Resolution to Rescind Resolution# 2013-23, Withdrawing FEMA Hazard Mitigation Grant Program Application – 1 <sup>st</sup> reading 5/21, 2 <sup>nd</sup> reading 6/4
8.	<b>Village Administrator Reports (non-legislative)</b> A. Memo re: Village Transparency Measures
9.	<b>New Business</b> A. Second Reading-Ordinance to Amend the Village of South Lebanon Income Tax Ordinance, Effective January 1, 2016 B. Second Reading-Resolution Authorizing Sale of Vehicle on Govdeals.com C. First Reading—Adoption of Warren County 2015 Hazard Mitigation Plan D. Request Motion to Approve Indigent Funeral Expenses for June O’Neill E. Motion to approve invoices to be paid
10.	<b>Old Business</b> A. None
11.	<b>Committee Reports and Communications</b> A. None
12.	<b>Council Member Comments</b>

13.	<b>Village Administrator Comments</b>
14.	<b>Village Solicitor Comments</b>
15.	<b>Warren County Sheriff – Sergeant Boylan’ s Comments</b>
16.	<b>Mayor’s Comments</b>
17.	<b>Executive Session</b> A. None
18.	<b>Adjournment</b>

Members of the public may address Council during the Open Forum segment of the agenda and shall be limited to five minutes each. After the speaker concludes remarks Council may comment or ask questions at that time. The Mayor may at his or her discretion restrict duplicate testimony on a particular subject.

***The next regular Village Council Meeting will be on Thursday, November 19, 2015 at 6:30 PM.***

**VILLAGE OF SOUTH LEBANON, OHIO  
ORDINANCE NO. 2015-\_\_\_\_**

**AN ORDINANCE APPROVING ZONING MAP AMENDMENTS TO CERTAIN PROPERTIES IN THE VILLAGE OF SOUTH LEBANON, CONSISTING OF 47.972 ACRES FROM R-3 [SINGLE AND MUTIPLE FAMILY RESIDENTIAL DISTRICT] WITH A PLANNED UNIT DEVELOPMENT OVERLAY TO R-3 [SINGLE AND MUTIPLE FAMILY RESIDENTIAL DISTRICT] , 20.971 ACRES FROM I-1 [LIGHT INDUSTRIAL DISTRICT] TO R-3 [SINGLE AND MUTIPLE FAMILY RESIDENTIAL DISTRICT], AND 7.867 ACRES (OF A 42.789 ACRE PARCEL) FROM I-1 [LIGHT INDUSTRIAL DISTRICT] TO R-3 [SINGLE AND MUTIPLE FAMILY RESIDENTIAL DISTRICT], FOR A TOTAL OF 76.810 ACRES**

**WHEREAS**, on July 30, 2015, HPA Management Group, LLC, as Agent for the Owner, Lebanon Mason, LLC (“Applicant”), filed an application for Rezoning 111.490 acres in the Village of South Lebanon including rezoning 34.68 acres of a 42.789 acre parcel from I-1 [Light Industrial District] to B-2 [General Business District], and rezoning the remaining 7.681 acres of the 42.789 acre parcel along with a 20.971 acre parcel from I-1 [Light Industrial District] to R-3 [Single and Multiple Family Residential District], and rezoning a 47.972 acre parcel from R3 PUD [Single and Multiple Family Residential District with a Planned Unit Development Overlay] to R-3 [Single and Multiple Family Residential District], in order to develop a mixed-use development to be known as Rivers Crossing South; and,

**WHEREAS**, in accordance with Section 15.7.7 of the Village of South Lebanon Zoning Regulations (Zoning Regs), on August 18, 2015, being within the required 60 day time period, the Village Planning Commission, heard the aforementioned Rezoning Application and issued its recommendation to the Village Council that the zoning amendment be granted, as requested; and,

**WHEREAS**, in accordance with Section 713.12 of the Revised Code and Section 15.7.8 of the Zoning Regs, the Village Council scheduled the Rezoning Application for a public hearing; and,

**WHEREAS**, prior to the said public hearing, the Applicant modified, in writing, the rezoning application by reducing the total acreage from

111.490 to 76.810 acres (specifically, Applicant withdrew the request to rezone 34.68 acres from I-1 to B2); and,

**WHEREAS**, the Village Council held the public hearing on September 24, 2015 at 6:00 P.M., after publication and other proper notice thereof, to consider the recommendation of the Planning Commission to amend the zoning map by rezoning the following identified properties, to-wit:

<u>Owner(s)</u>	<u>Property Address</u>	<u>Parcel No.</u>	<u>Acreage</u>
Lebanon Mason, LLC	-0- W. Mason- Morrow-Millgrove Rd. Lebanon, OH 45036	12-01-151-004	47.972 ac.
Lebanon Mason, LLC	1151 W. Mason- Morrow-Millgrove Rd. Lebanon, OH 45036	12-01-151-006	20.971 ac.
Lebanon Mason, LLC Morrow-Millgrove Rd. Lebanon, OH 45036	-0- W. Mason-	Pt.-12-01-151-002	7.867 ac. of 42.789 ac.

**WHEREAS**, upon considering the recommendation of the Planning Commission, a copy of which is incorporated by reference herein, and testimony received during the public hearing from the Applicant (and no other persons having testified), the Council finds the process has been in accordance with Article 7 [Amendment Procedures], and adopts the recommendation of the Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of South Lebanon, Ohio, at least three-fourths of all members elected thereto concurring:

**Section 1.** That the Council does hereby amend the official Zoning Map of the Village of South Lebanon, Ohio, as follows:

<u>Property Address</u> <u>Classification</u>	<u>Parcel No.</u>	<u>Acreage</u>	<u>Zoning</u>
-0- W. Mason-	12-01-151-004	47.972 ac.	from R-3 PUD

Morrow-Millgrove Rd. Multiple Lebanon, OH 45036			to R-3 [Single & Family Residential]
1151 W. Mason- Industrial] Morrow-Millgrove Rd. Multiple Lebanon, OH 45036	12-01-151-006	20.971 ac.	from I-1 [Light to R-3 [Single & Family Residential]
-0- W. Mason- Industrial Morrow-Millgrove Rd. Multiple Lebanon, OH 45036	Pt.-12-01-151-002	7.867 ac. of 42.789 ac.	from I-1 [Light to R-3 [Single & Family Residential]

**Section 2.** Upon the expiration of this Ordinance having been fully and distinctly read on three different days, and the period of referendum provided by law (the effective date being 30 days after the date of adoption), within fifteen (15) days of the effective date, the Zoning Administrator shall amend the Official Zoning Map to reflect the zoning changes in accordance with Sec. 15.7.14 [Zoning Map Amendments] of the Zoning Regs.

**Section 3.** That the Council is acting in its legislative capacity in approving this Ordinance.

**Section 4.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

**Section 5.** That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Approved this \_\_\_\_ day of October, 2015.

Attest: \_\_\_\_\_

Sharon Louallen, Fiscal Officer/Clerk Lionel Harold Lawhorn, Mayor

First Reading – / /2015	Effective Date – / /
/2015	
Second Reading – / /2015	
Third Reading– / /2015	
Vote - ____ Yeas	
____ Nays	

Prepared by and approved as to form:

BRUCE A. MCGARY  
VILLAGE SOLICITOR  
SOUTH LEBANON, OHIO

By: \_\_\_\_\_

Date: \_\_\_\_\_

**VILLAGE OF SOUTH LEBANON, OHIO  
RESOLUTION NO. 2015-\_\_\_\_**

**A RESOLUTION RESCINDING RESOLUTION # 2013-23, AND FURTHER  
WITHDRAWING ITS APPLICATION FOR THE HAZARD MITIGATION  
GRANT PROGRAM (HMGP) FILED WITH THE OHIO EMERGENCY  
MANAGEMENT AGENCY (OEMA) MITIGATION BRANCH, AS THE OHIO  
HAZARD MITIGATION GRANT ADMINISTRATOR FOR THE FEDERAL  
EMERGENCY MANAGEMENT AGENCY (FEMA)**

**WHEREAS**, the Council passed Resolution No. 2013-23, on July 15, 2013, thereby authorizing the Mayor and Fiscal Officer to execute on behalf of the Village, and further authorizing the Village Administrator to process, an application for a Hazard Mitigation Grant for the demolition of the existing Village Administration Building and the adjacent Village building currently used as the South Lebanon Post of the Warren County Sheriff's Office; and,

**WHEREAS**, the said application was applied for by the Village Council as a sub-applicant (with Warren County Emergency Services being the applicant) to the OEMA Mitigation Branch as the Ohio Hazard Mitigation Grant Administrator for FEMA; and,

**WHEREAS**, the Warren County Commissioners approved the said application to OEMA on 10/08/2013 via Resolution No. 13-1470 and the said application was filed with OEMA, but no grant has been awarded to the Village to date; and,

**WHEREAS**, the Village Council has continued to debate its desire to participate in this Grant Program, and now desires to rescind Resolution No. 2013-23, and further to withdraw its application from the said Grant Program.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of South Lebanon, Ohio, at least a majority of all members elected thereto concurring:

**Section 1.** That the Council does hereby rescind, in its entirety, Resolution No. 2013-23.

**Section 2.** That the Village Administrator shall request that Warren County Emergency Services notify OEMA without further delay that the Village has rescinded its application.

**Section 3.** That the Council is acting in its administrative capacity in adopting this Resolution.

**Section 4.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

**Section 5.** That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this    day of                    , 2015.

Attest: \_\_\_\_\_  
Sharon Louallen, Fiscal Officer/Clerk    Lionel Harold Lawhorn, Mayor

Rules Suspended: / /2015 (if applicable)	Effective Date - / /2015
Vote - ____ Yeas ____ Nays	
First Reading - / /2015	Effective Date - / /2015
Second Reading - / /2015	
Third Reading - / /2015	
Vote - ____ Yeas ____ Nays	

Prepared by and approved as to form:

BRUCE A. McGARY  
VILLAGE SOLICITOR  
SOUTH LEBANON, OHIO

By: \_\_\_\_\_  
Date: \_\_\_\_\_



## MEMORANDUM

**To:** Mayor & Village Council  
**From:** Jerry Haddix, Village Administrator  
**Date:** November 3, 2015  
**Subject:** Transparency Measures

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In recent years, there has been a movement to increase transparency and accountability at all levels of government. The purpose of this movement is to ensure that all levels of government are being operated with the public's best interests.

With advances in technology, there are very simple steps that we take to join in on this movements. Here are the immediate steps we can take:

- 1) Post all Council meeting audio recordings on the Village's website. This can be done by simply converting the WMA files to MP3 files and uploading the files to our server; and
- 2) Participate in the Ohio Treasurer's "Checkbook" program where all financial transactions of the government are readily accessible to the public. With our use of the UAN system, this should be a seamless action.

In the future, additional measures to be taken could include live video streaming of meetings.

Let me know if you have any questions or need additional information.

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## MEMORANDUM

**To:** Mayor & Village Council  
**From:** Jerry Haddix, Village Administrator  
**Date:** November 3, 2015  
**Subject:** Income Tax ordinance

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The full version of the proposed Village income tax ordinance is available on our website.

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**VILLAGE OF SOUTH LEBANON, OHIO  
RESOLUTION NO. 2015-\_\_\_\_**

**A RESOLUTION DECLARING CERTAIN ITEMS OF VILLAGE PROPERTY NOT NEEDED FOR PUBLIC USE, OR OBSOLETE OR UNFIT FOR THE USE FOR WHICH THE ITEMS WERE ACQUIRED, AND FURTHER AUTHORIZING THE VILLAGE ADMINISTRATOR TO SALE SUCH ITEMS USING [GOVDEALS.COM](http://GOVDEALS.COM)**

**WHEREAS**, in accordance with Resolution No. 2015-\_\_\_\_ the Village entered into a contract for the calendar year 2015 with [Govdeals.com](http://Govdeals.com) to sell tangible items of personal property belonging to the Village which are not needed for public use, or is obsolete or unfit for the use for which each item was acquired; and,

**WHEREAS**, upon the recommendation of the Village Administrator, the following tangible items of personal property belonging to the Village should be declared by the Council to not be needed for any public use, obsolete or unfit for the use for which the items were intended:

- 2008 Ford Crown Victoria  
Serial #2FAFP71V08X132249

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of South Lebanon, at least a majority of all members elected thereto concurring:

**Section 1.** That the Council declares the following items of tangible personal property belonging to the Village not needed for any public use, obsolete or unfit for the use for which the items were intended:

- 2008 Ford Crown Victoria  
Serial #2FAFP71V08X132249

**Section 2.** That the Council authorizes the Village Administrator to cause the following items to be sold by [Govdeals.com](http://Govdeals.com) as long as the item sells for the minimum bid (or no minimum bid, if no bid is listed below):.

<u>Item</u>	<u>Minimum</u>
<u>Bid</u> 2008 Ford Crown Victoria	\$1,000.00

**Section 3.** That the Council is acting in its administrative capacity in adopting this Resolution.

**Section 4.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

**Section 5.** That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2015.

Attest: \_\_\_\_\_  
 Sharon Louallen, Fiscal Officer/Clerk    Lionel Harold Lawhorn, Mayor

First Reading –    /    /2015	Effective Date –    /    /
Second Reading –    /    /2015	
Vote - ____ Yeas	
____ Nays	

Prepared by and approved as to form:

BRUCE A. McGARY  
 VILLAGE SOLICITOR  
 SOUTH LEBANON, OHIO

By: \_\_\_\_\_  
 Date: \_\_\_\_\_

**VILLAGE OF SOUTH LEBANON, OHIO  
RESOLUTION NO. 2015-\_\_\_\_**

**A RESOLUTION ADOPTING THE 2015 HAZARD MITIGATION PLAN AS  
THE OFFICIAL HAZARD MITIGATION PLAN OF THE VILLAGE OF  
SOUTH LEBANON**

**WHEREAS**, the Village of South Lebanon, Warren County, Ohio is most vulnerable to natural hazards which may result in loss of life and property, economic hardship, and threats to public health and safety, and

**WHEREAS**, Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) requires state and local governments to develop and submit for approval to the Federal Emergency Management Agency (FEMA) a mitigation plan that outlines processes for identifying their respective natural hazards, risks, and vulnerabilities; and

**WHEREAS**, the Village of South Lebanon acknowledges the requirements of Section 322 of DMA 2000 to have an approved Hazard Mitigation Plan as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funds; and

**WHEREAS**, the Warren County 2015 Hazard Mitigation Plan has been developed by the Warren County Emergency Management Agency in cooperation with other county departments, and officials and citizens of the Village of South Lebanon; and,

**WHEREAS**, a FEMA-required public participation process consistent with the requirements of DMA 2000 was conducted to develop the Warren County 2015 Hazard Mitigation Plan; and

**WHEREAS**, , the Warren County 2015 Hazard Mitigation Plan recommends mitigation activities that will reduce losses to life and property affected by both natural hazards that face the County and its municipal governments.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of South Lebanon, Ohio, at least a majority of all members elected thereto concurring:

**Section 1.** That the Warren County 2015 Hazard Mitigation Plan, a copy of which is attached hereto, is hereby adopted as the official Hazard Mitigation Plan of the Village of South Lebanon; and,

**Section 2.** That the respective officials and agencies identified in the implementation strategy of the Warren County 2015 Hazard Mitigation Plan are hereby directed to implement the recommended activities assigned to them.

**Section 3.** That the Council is acting in its administrative capacity in adopting this Resolution.

**Section 4.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

**Section 5.** That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this day of \_\_\_\_\_, 2015.

Attest: \_\_\_\_\_  
Sharon Louallen, Fiscal Officer/Clerk    Lionel Harold Lawhorn, Mayor

Rules Suspended: / /2015 (if applicable) /2015	Effective Date – / /2015
Vote - ____ Yeas ____ Nays	
First Reading – / /2015 /2015	Effective Date – / /2015
Second Reading – / /2015	
Third Reading – / /2015	
Vote - ____ Yeas ____ Nays	

Prepared by and approved as to form:

BRUCE A. McGARY  
VILLAGE SOLICITOR  
SOUTH LEBANON, OHIO

By: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/2015

## MEMORANDUM

**To:** Mayor & Village Council  
**From:** Jerry Haddix, Village Administrator  
**Date:** November 3, 2015  
**Subject:** Indigent Funeral Expenses

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A few weeks ago, I was contacted by Bethesda North Hospital re: a Village resident, June O'Neill, a resident of the Cedars Apartments, who had passed away on August 31, 2015, and had not been claimed by any family members. After much investigation, I located one relative, a daughter, and was able to contact her. She relayed to me that she didn't have any funds to take care of her mother.

Per our Ordinance 2002-20 as well as Section 9.15 of the Ohio Revised Code, I had the daughter complete an Indigent Burial Application and determined that the deceased and the daughter met the qualifications for an Indigent Burial.

I have contacted Tufts Funeral who quoted a price of \$598 for cremation services. I am requesting a motion to authorize the expenses for these services.

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ORDINANCE NO. 2002-20

AN ORDINANCE FOR INDIGENT BURIALS AND  
DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of South Lebanon, Ohio at least two-thirds of all members elected thereto concurring to wit:

**SECTION I:** A pauper or indigent person dies as a resident of the Village and no person or any other authority is chargeable with the duty of disposal of the corpse or of defraying the cost of such disposal, or if the person otherwise chargeable therewith is indigent and unable to defray such cost, the Village Administrator shall call cause such corpse to be buried or otherwise properly disposed of. The Village shall pay charges relating to the burial of such pauper or indigent person not to exceed a maximum of \$750.

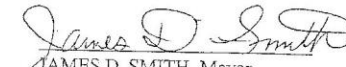
**SECTION II:** A person who is otherwise chargeable with the duty of disposal of a corpse shall execute an affidavit of indigency listing their inability to pay for burial of said pauper or indigent person.

**SECTION III:** The expenditures hereby authorized shall be reduced by the amount of any grants or funds received from any other source.

**SECTION IV:** Village Administrator shall provide at the grave of the person a stone or concrete marker on which the pauper's or indigent person's name and age, if known, and date of death shall be inscribed.

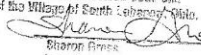
**SECTION V:** This ordinance being deemed necessary for the health, safety and welfare of the residents of the Village of South Lebanon, specifically to insure sufficient funds to pay for indigent burials, this ordinance is deemed to be an emergency.

Dated: October 17, 2002

  
JAMES D. SMITH, Mayor

Attest:

  
Sharon Gross, Clerk-Treasurer

**CERTIFICATE OF POSTING**  
I, Sharon Gross, Clerk-Treasurer of the Village of South Lebanon, Ohio do hereby certify I possess a true and accurate copy of this ordinance as recollection, summary of ordinances or resolutions, or statement, order, proclamation, notice or report of any public places within the Village as authorized by Section 731.25 of the Ohio Revised Code and Ordinance 99-03 of the Village of South Lebanon, Ohio.  
Date: 10/18/02   
Sharon Gross  
Clerk-Treasurer  
Village of South Lebanon,  
Ohio



### **9.15 Burial or cremation of body at expense of township or municipal corporation.**

When the body of a dead person is found in a township or municipal corporation, and such person was not an inmate of a correctional, benevolent, or charitable institution of this state, and the body is not claimed by any person for private interment or cremation at the person's own expense, or delivered for the purpose of medical or surgical study or dissection in accordance with section 1713.34 of the Revised Code, it shall be disposed of as follows:

(A) If the person was a legal resident of the county, the proper officers of the township or municipal corporation in which the person's body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.

(B) If the person had a legal residence in any other county of the state at the time of death, the superintendent of the county home of the county in which such body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.

(C) If the person was an inmate of a correctional institution of the county or a patient or resident of a benevolent institution of the county, the person had no legal residence in the state, or the person's legal residence is unknown, the superintendent shall cause the person to be buried or cremated at the expense of the county.

Such officials shall provide, at the grave of the person or, if the person's cremated remains are buried, at the grave of the person's cremated remains, a metal, stone, or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

A political subdivision is not relieved of its duty to bury or cremate a person at its expense under this section when the body is claimed by an indigent person. As used in this section, "indigent person" means a person whose income does not exceed one hundred fifty per cent of the federal poverty line, as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the person's family.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Effective Date: 2007 HB119 09-29-2007

# COUNCIL AGENDA



**Village Council Workshop Meeting  
7:00 P.M. Thursday, November 5, 2015  
Village Administration Building  
99 High Street  
South Lebanon, Ohio 45065**

	Agenda Item
1.	Call to Order
2.	Roll Call
3.	Pledge of Allegiance
4.	Guest Speakers A. None
5.	Open Forum
6.	Village Administrator Reports (non-legislative) A. Report by Tony Ledford, Superintendent
7.	New Business A. None
8.	Old Business A. None
9.	Committee Reports and Communications
10.	Solicitor's Comments
11.	Warren County Sheriff's Department Comments
12.	Council Member's Comments
13.	Mayor's Comments
14.	Adjournment

Members of the public may address Council during the Open Forum segment of the agenda and all will be limited to five minutes each. After the speaker concludes remarks Council may comment or ask questions at that time. The Mayor may at his or her discretion restrict duplicate testimony on a particular subject.

*next Village Council Workshop Meeting will be on Thursday, December 3, 2015 at approximately 7:00 PM.*

