

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
FEBRUARY 5, 2015
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 Sheriff Larry Sims:

Sheriff Sims thanked council for allowing him to be here. He said over the last year or two our biggest issue is the heroin situation. He said he can't get into a lot of details, but they are trying to do a couple of different things. Sheriff Sims said we are trying to do more concentrated efforts locally, attacking the dealer aspect. He said the drug task force this last year made 164 arrests throughout the county and 72 of those were responsible for trafficking in heroin. He said sometimes it is hard to see the local impact on the local users. He passed out a year-end report and said it contains the common things they track. He addressed felony cases and said the 600 cases were largely property crime. Sheriff Sims said they were able to knock off a state wide burglary ring last year. He said they were coming out of Dayton and hitting Verizon stores all over the state including Warren County. He said everyone probably saw on the news about the tragic murder we had in Wayne Township and he said both those individuals were convicted. He said one is serving life and the other received the death penalty. Sheriff Sims said they issued almost 3100 carry and conceal permits last year. He said the report tells what the K-9 units were involved in last year. He said they have a community service aspect and this is large portion of their visibility. He said they provide self-defense training to women. He said they provided for 50 under privileged kids with the opportunity to attend Camp Joy and those kind of things are funded through drug forfeiture money. Sheriff Sims stated concerning the jail, they are near or at capacity most of the time. He said last fall the commissioners did commit to funding a jail consultant and we are in the process of getting someone to work with the architect. He said it is probably at least eighteen months out before they would be close to breaking ground. Sheriff Sims said the heroin issue is as big a problem with jail issue as it is in the communities. Sheriff Sims said last year they began a pilot program to try to pull some of these individuals out for treatment purposes and they are using a vivitrol drug, not really a narcotic, but has been going on for six to eight months and we are starting to see some benefit. He said it is an eighteen month process with the drug and the program. He said they have also added video visitation. He said they can access from

home and there are pro and cons to that. He said they receive so much free visitation time but they can have a larger visitation time for a small fee. Sheriff Sims said they were active with the response to active shooter training through all the county schools.

Smith asked if you take heroin once are you addicted and Sheriff Sims said a lot of them have gotten there from their use of prescription drugs. He said it is extremely cheap to get on the street. Smith asked when someone has the conceal carry, is that information provided to law enforcement and Sheriff Sims stated it is available if you are driving a vehicle registered to you, as soon as the license plate is run it alerts the officer that you are a carry conceal permit holder. He said the actual data base of permit holders is not a public record. Smith said he would like to thank him for the partnership with South Lebanon and they have done a good job.

Mayor Lawhorn said he would like to thank the Sheriff and Sgt. Boylan and the crew, they do a good job every day.

4. Mayor Lawhorn opened the floor to the public:

Joe Johnson – 106 W. Forrest – said the trees are destroying the sidewalks around his property and asked they be cut down this winter. He said he wants it on record that he has told council twice. Discussed the trees and issues. He asked if Tony and the guys could fix a pot hole when they see them and the mayor said they can fix a pot hot whenever they see them. Gary said once a week they have been getting cold patch and said we do them as we notice them and as people point them out. Joe said there is one in front of SLAP that he hit.

5. Mayor Lawhorn presented an ordinance adopting the Ohio Basic Code for 2015. He said we do this every year for our police and court to use. A motion to suspend the reading rule was made by Smith, seconded by Allen, all yeas. A motion to adopt Ordinance 2015-01 was made by Boerio, seconded by Smith, all yeas.
6. Mayor Lawhorn presented an invoice for the Drug Task Force in the amount of \$2,535.00 for 2015. A motion to pay the invoice was made by Smith, seconded by Atkins, all yeas.
7. Gary Vidmar stated council has his reports for their review. He said if there are any questions he would be happy to answer them. He said they include the personnel committee meeting minutes, monthly crime stats, and he said he also included some training courses offered to council members. He said it is not real clear as to what and why it is required and he will talk with RCAP, which is the agency that has these requirements established for our

grants. Boerio said it says the grants fund up to 50% and that could mean zero and he feels it is broadly worded. Gary explained the training courses are required for the funding of the water line projects. He said the grant Boerio is referring to is a grant available to use this RCAP agency to perform our studies. Mayor Lawhorn said EPA uses RCAP and we have used them before.

8. Mayor Lawhorn said he and Sharon have discussed an issue with the Duke Energy and Cincinnati Bell invoices. He said if they wait to come to council then they are late and would result in large late fees. He said we are asking to be able to go ahead and pay those timely without coming to council. A motion to allow them to be paid timely without coming to council made by Smith, seconded by Allen, all yeas.
9. Mayor Lawhorn asked council to take a few minutes and review the bill list for approval. Smith asked about an invoice for Choice One Engineering for a survey of the community center and asked when that was authorized and asked if it came before council. Gary stated he authorizes many things for Choice One. Smith asked why we surveyed the community center and Gary stated that was a discussion in executive session and we can talk about that in executive session. Smith said paying a bill is not a privileged item for executive session. Gary said it was a result of the agreement of council in the discussion in executive session. Smith said council cannot make any agreements in executive session, whatever discussion is in executive session, has to come before this body and the body authorizes it, you can't cut a deal in a private meeting. Atkins said he remembers the meeting they are talking about and there was discussion but there was never an agreement made in executive session. Gary said he discussed what was the next step to take as a result of that discussion and you all agreed for me to take that step and that bill resulted from that step. Smith said no one took action in an executive session that he remembers, or voted on anything in there. Mayor Lawhorn said nothing was voted on in executive session. Smith said you can inform people, but if you are going to do something based on what happened in executive session you simply come out and vote on it. Smith asked what is going on with this issue and Mayor Lawhorn said apparently it has to be discussed in executive session. Smith asked Bruce McGary to advise the council. Bruce said it is his understanding this relates to an executive session under 121.22G2 regarding the acquisition or sale of real estate and we can add that to item number seventeen tonight. Smith asked at what point does the public get informed of what is going on. Mayor Lawhorn said when council passes something out here that is when they get informed. Mayor Lawhorn said they don't get informed on anything that goes on in executive session. Smith said you can't cut deals in executive session, you discuss it and then this body comes out and this body is elected to do the bidding for the community. Smith said he will take another look at this and that he does not know what is going on with this community center but it doesn't look

good, whatever is going on the public should know about it.

Riley asked about the boiler repair bill and didn't we have a bill last meeting and he was told we are having problems with it.

A motion to authorize the payment of the bills was made by Boerio, seconded by Riley, all yeas.

10. Bruce McGary informed council that he filed the suit against Mary and Wash Pennington for the public improvements in Shepherd's Crossing.
11. Boerio said there appears to be a large number of cracks in new pavement in Homestead and he thinks that is something to keep an eye on. Gary said he is aware of that and has taken steps to take care of it. Bruce asked if there is warranty on the work and Gary said yes.
12. Smith said he has an observation, when you had the personnel meeting, the Sunshine Law, is pretty clear about having more than three council members present, and wants to make sure the village doesn't have an issue. He said if you have three members of council on a committee and at a meeting, no other members of council can be there. Smith said he thinks three council and the mayor constitutes a quorum. He asked Bruce to clarify for council having more members of council at a committee meeting. Bruce stated a standing committee that has three council members on it has to comply with the open meetings act. He said he assumes those meetings are published in whatever format that the village uses to publish those meetings. Bruce said the last personnel meeting, he believes the mayor attended and the mayor said Steve did too. Bruce said he guesses Steve was here for informational purchases and Steve said yes, he just wanted to hear. Smith said it puts a position with those three members and fourth member, they could actually come to an agreement, a meeting of the minds, it is just something we historically have never done and he thinks we need to be cautious. Bruce said if it is a pre-arranged gathering of those members to be there, then it could be problematic, but as far as someone attending the meeting, he doesn't think that violates the open meetings act. He said if it is planned for those people to be there, maybe it creates a perception so the way around that is just to publish if council members want to attend, do a publication for council as well. Smith said Clearcreek went through an issue with meetings and anyone could take something to court, so he wants to keep this clean, if you have the meeting, just the three members attend. Mayor Lawhorn said if the general public has a right to come to that meeting, he has the right to come to the meeting. Smith stated we are not talking about the general public, we are talking about council members. Mayor Lawhorn stated public was here too. Smith said they should be here. Mayor Lawhorn said he is a citizen of this village and he can come to that meeting too. Smith said when you hold a position, it is a little different and the mayor said it is

not any different. Mayor Lawhorn said he would say you are trying to violate his rights of not being able to come to that meeting if the general public can come. Smith said we are talking about the state statutes, we are not talking about rights. Bruce said he can look at it, but if the council feels like they want to come to personnel committee meetings, there is an easy fix, you publish that it is a council meeting as well. Bruce said he does not know if that is necessary and said Clearcreek was completely different. He said Clearcreek was having pre-meeting meetings. Smith said Bruce is their counselor, so he is asking for his advice. Bruce said he will look at it and see if it has been a problem. Atkins asked so any committee meetings need to be published and was told yes they are published on the door. Mayor Lawhorn said or make the committees two people. Bruce said regardless of the number of council members on the committee, the fact that it is a standing committee and if a majority of that committee is coming, it is a pre-arranged meeting with the purpose of conducting the business of that committee, then it should be published to meet the public meetings act. Smith said this is just good criticism so we don't get any issues, just simply make sure we follow the rules.

13. Smith stated Atkins and himself met, Steve was tied up. We tried to meet on the park. He said he couldn't leave a message when he called the mayor, he couldn't get in the building. He said they talked about the water feature and will meet again, and Steve should be able to attend. Smith said they looked at the size of the facility and the size of the park. He said Atkins had a good idea, because of the size of the water feature, we have to make sure we don't put too many components in the park and not have enough room for the actual use of it. Mayor Lawhorn stated, since he hadn't gotten anything, he asked the engineer to put something together. Atkins said what they have is kind of vague, all we have is pictures, don't really have prices or anything. Mayor Lawhorn said there were estimates, you either use fresh water every time or recirculate. He said the estimate for fifty foot diameter water pad is \$100,000 to \$150,000. Smith said they wondered how far the equipment has to be in the ground, because part of that was a cemetery. Smith said we were going to recommend bringing someone like that in and let council look at it as a whole.
14. Riley said he wants to thank the guys for the snow removal in town.
15. Sgt. Boylan said they are trying to pick a couple days a month to post overtime and have the guys go out and be a bigger presence and trying to be more visible. Mayor Lawhorn said he knows we have problems like all the other communities, heroin is cheap. Riley asked what the price is and Sgt. Boylan said ten to twenty dollars a cap.
16. Mayor Lawhorn wished Steve Riley a belated 50th birthday.

17. Mayor Lawhorn asked for an executive session under 121.G1 for the purpose of discussion of personnel employment and compensation. Atkins asked if we are adding the other issue about the community center and the mayor asked if he wants it added and Atkins stated yes. Bruce said that would be under 121.22G2, acquisition or sale of real estate. A motion to go into executive session for the above purposes was made at 7:12 p.m. by Boerio, seconded by Smith, all yeas.
18. A motion to return from executive session was made at 7:40 p.m. by Boerio, seconded by Riley, all yeas. Mayor Lawhorn stated there was no action taken.
19. Allen made a motion to start the process of a job creation for the Village of South Lebanon, seconded by Boerio, all yeas.
20. Smith said in reference of the ordinance to raise the tax commissioner to \$17.82, he makes a motion to allow that, seconded by Allen, all yeas. Mayor Lawhorn said this is the first reading of the ordinance. A motion to allow a second reading at the workshop was made by Atkins, seconded by Allen, all yeas.
21. Smith said he thinks council needs to consider a raise for the employees, at least look at a cost of living, he believes it has only been 1% for the last couple of years. Atkins said he believes they are waiting on the evaluations. Mayor Lawhorn said Gary is going to a seminar on merit raises and he wants to wait until he attends that to do the evaluations. Gary said he thinks the village needs to consider merit raises instead of the standard of living raises. Smith said in a small group that tends to pit one employee against another. Smith asked if it will be retroactive by taking this long and Gary said that would be council's decision. Smith said that is his position, not decision.
22. A motion to adjourn the meeting was made at 7:45 p.m. by Smith, seconded by Atkins, all yeas.

Sharon Louallen, Fiscal Officer

Lionel Lawhorn, Mayor