

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
OCTOBER 19, 2017
6:30 P.M.**

1. Mayor Smith opened the meeting at 6:30 p.m. with the Pledge.

2. Randall Atkins – Present Bill Madison - Present
Jim Boerio – Present Steve Riley – Present
Sue Johnson – Present George Teasdale - Present

3. Mayor Smith opened the floor to the public.

James Hudson 5563 Wetherly Dr. – Mr. Hudson stated that he wanted to draw some attention to the speeding problem in the Wynstead Subdivision. Since the closing of Cochran Rd. and the opening of Wynstead to Zoar Rd., people will cut through to/from work. Mayor Smith stated that we would be happy to look into the problem.

Steve Phillips 730 Claude Ave. – Mr. Phillips thanked the Mayor and Administrator Haddix for tending to the wash out problem in front of their house.

Mayor Smith closed the floor to the public.

3. Mayor Smith presented Emergency Resolution 2017-51, authorizing the Fiscal Officer to transfer funds to complete Fiscal Year 2017. Mayor Smith asked if any discussion needed by Council. Hearing none, a motion to suspend the three reading rule was made by Boerio, seconded by Madison, all yeas. By title only Resolution 2017-51, a motion to adopt made by Madison, seconded by Boerio, all yeas.

4. Mayor Smith held the first reading of Resolution 2017-52 approving and authorizing to execute a fiscal year 2018 Community Development Block Grant (CDBG) application. Mayor Smith asked Haddix to cover. Haddix stated that the CDBG applications are due to the County on January 4th. Last year, we applied for Lebanon Rd. from Pike St. to Corwin Nixon Blvd.; however, that project wasn't funded. This year, we are proposing to simply do repaving and re-striping for the same section. The total estimate is \$91,580 and we're requesting \$70,000 from the County and the remainder to be paid through CVT funds. Madison asked why the sidewalks aren't included. Haddix stated that the funds are not available. Riley asked if it is possible that the Township could also apply for a grant to add to it. Mayor Smith stated that we've reached out to the Township. Mayor Smith presented by title only approving the Mayor and Fiscal Officer to execute Fiscal Year 2018 Community Development Block Grant (CDBG) application and further authorizing the Village Administrator to process the

application without delay to the Warren County Office of Grants Administration, first reading.

5. Mayor asked for a motion to allow the Fiscal Officer to send an amended certificate to the Warren County Auditor. Mayor Smith asked Fiscal Officer Armstrong to cover. Armstrong stated the two special revenue funds have received additional revenue, which is needed to appropriate. Mayor Smith stated that with the additional businesses coming online in River's Crossing it has changed the amount of revenue. A motion was made by Madison, seconded by Teasdale, all yeas.
6. Mayor Smith asked for a motion to approve the invoices for payment. A motion was made by Boerio, seconded by Madison, all yeas.
7. Mayor Smith asked for motion to approve the September Financial Statements. A motion was made by Madison. Boerio asked Armstrong about a check written to Gametime for \$158.30. Armstrong said it is replacement part needed in the playground. Haddix said for the rock climbing wall. Seconded by Boerio, all yeas.
8. Mayor Smith asked for a motion to approve the Solicitor's invoice. A motion was made by Riley, seconded by Teasdale, all yeas.
9. Mayor Smith held the second reading of Ordinance 2017-10 accepting for public maintenance Stone Ridge Blvd., Parkside Dr., and Lakeview Ct. in the Stone Lake Subdivision. Teasdale said that he has a question. When we were talking about doing the snow removal last year, there was a concern that the roads weren't up our standards in terms of no curbs and they are narrower. Mayor Smith said that we haven't had any issues. In fact, one of our smaller trucks works well since they don't have curbs and won't have curbs. Teasdale asked looking into the future; you don't see us having a problem. Mayor Smith said no, we have done it for two years now.
10. Mayor Smith said that he wanted to report on a couple of items. We had a chance to tour the Powder Plant today. You definitely come away with a different view than going in. It is a monumental task for the individuals involved to bring this landmark back. We want to schedule a tour for Council to do a walk through. It is remarkable that the developer is willing to take on such a huge undertaking.
11. Mayor Smith said we have fixed the road behind Kohls so there is an alternate route now.
12. Solicitor Revelson said that he just provided Council with a packet to review for our next meeting on November 2nd, and at which time I will ask for a vote. Solicitor Revelson stated that over 100 municipalities are challenging HB 49. House Bill 49 states that a business filer can elect to file their net profit tax return

through the state centralized collection system and would no longer file it locally. The State would process the return, take a small fee, and then kick the money back to the local municipality. Madison asked Revelson for the advantages vs disadvantages. Revelson said that we would still receive the money but if you look at the cover letter in your packet, it goes over the disadvantages. The bad thing is when HB 5 passed in 2015, it said that if you want to collect municipal income tax, you have to do it this way and if you don't you will lose your ability to collect income tax. There is a provision in there that the State added on to the statute for this new centralized collection system. Madison asked if this affects only smaller municipalities. Revelson stated it affects all municipalities. Mayor Smith stated the larger the tax the higher the fee. Solicitor Revelson stated that this is a lobbying effort of legislators and CPA's. Revelson said that there is a lot of information in the packet, which is why I didn't ask for a vote today. Revelson said that our Tax Department would lose the ability to audit and with all businesses filing in one centralized location that the audit function would not be as strong as if was done local. Atkins asked if it could take longer to receive the revenue. Armstrong said that the income would be distributed monthly but the actual accounting would be forwarded semi-monthly making it difficult to apply payments correctly. Mayor Smith said this challenges our rights based on the constitution of Ohio or Home Rule. Solicitor Revelson said in the packet is a cover letter, news article, questions I asked to the gentleman from the firm Frost Brown Todd that is filing the litigation, and slides from a local tax group. The cost to join the litigation is according to the size of the municipality. I think our cost would be \$1,000 for the retainer but could be more than depending on the time involved. For the meeting on November 2nd, I will present an emergency resolution and if you choose to approve then we will join the litigation. Mayor Smith and Madison thanked Revelson.

13. Haddix reported that we had the final meeting for the MMM/48 project. Due to the utility relocation, the project is postponed until spring so they are wrapping up and winterizing it. At the end of next week, they will have the intersection back open in the the original traffic configuration. Construction will resume in April.
14. Haddix said that River Road will open back up by the end of the year. Last week, Neil Tunison, County Engineer contacted me regarding 627 Mason-Morrow-Millgrove. He is working with the property owners to get a right of entry to the property which is necessary to the project. He mentioned that the property owners expressed a desire to access public water. Haddix said that in order to expedite the project he recommends allowing the property owner to have access to Village water. Atkins asked if they will have to pay a tap fee. Haddix said yes, along with a non-resident utility rate. Mayor Smith stated that this would be an exception to our policy. Our policy is that annexation is a prerequisite but since the County contacted us we can assist them to allow the water hookup. Boerio asked if there is water there. Mayor Smith stated the service line is 150 feet away. Boerio asked who is going to pay for this. Mayor Smith said the County. Haddix said it is a minimal cost. Mayor Smith asked for a motion to proceed as an

exception to our policy. A motion was made by Boerio, seconded by Riley, all yeas.

15. Haddix said that we met with the Kings Local School District to continue the dialogue regarding the Powder Factory.
16. Haddix stated that the bids for windows at the administration building are due November 1st.
17. Haddix reported that Duke hit an electric service line and said that it is our responsibility. Riley asked where this is at. Mayor Smith said it is where we transferred the line from the Community Center and put in new electric which is underground and incased in concrete. When Duke made the bore for the gas line at the new building, they bored through the concrete into the conduit. Mayor Smith said that we need to fix it and the cost will be about \$4,500.
18. Haddix said that next Monday milling will start in Stonebrook. Jurgensen will be putting no parking signs up.
19. Haddix said the Fellowship Tract League has started their 10,000 sq. ft. expansion project.
20. Haddix stated that there is a Special Meeting next Thursday, October 26 at 6:30 for the rezoning of 383 S. Main. In addition, we will also have the final plat and development agreement for Wynstead 4A.
21. Haddix said that Trick-or-Treat will be on the 31st from 6:30 – 8:00 pm.
22. Bill asked Solicitor Revelson about his research on the group home. Revelson said he did not research it at this time.
23. Riley asked about the rehabilitation house going in on King Avenue if it is going to be run as a business. Haddix said it will be a residential facility with no treatment being administered. Riley asked that some of the residents have noticed that people are moving because they are concerned. Haddix said that it's group residential facility and according to our zoning code they can have up to four non-related individuals on each side of duplex. Atkins said that he has heard the same comments that residents are very upset and thinking about moving. Madison agreed and said that it why he asked our Solicitor to look more into this. Haddix said I believe this facility will be ran well. Madison said that if I lived next door and had kids that I would be very concerned. Atkins asked if they have to get permission from the Village for this facility. Haddix said as long as it is ran as residential. These folks have already completed treatment. Atkins said that it has to be running as some sort of business. Haddix said that it is a non-profit. Riley stated that they are looking into another location so this is going to be an on-going problem. Atkins asked will these individuals pay rent or is the organization

allowing them to live there. Atkins asked Revelson if he would dig into this. Madison said as a community I don't mind opening our arms for those in need but there would be a better place for this type of facility on the outside of the community instead of in the middle of a residential area. Mayor Smith asked for Solicitor Revelson to research this further. Atkins stated that it is our responsibility to protect our citizens. Madison said there is several things at stake and this needs to be investigated further. Revelson said that he would.

24. Atkins asked if Revelson if he had a chance to check on the sewer for the Power Factory and if the County is going to honor the agreement. Revelson said that he will check.
25. Boerio asked Sgt. Boylan with Halloween approaching the Goddard School has a party and they park on both sides of the street, which creates a safety hazard. Can they be politely asked to park only on one side of the street, not in front of fire hydrants or stop signs. Sgt. Boylan stated a fire lane would need to be established.
26. Boerio said that we talked sometime ago about repairing pavement on Lebanon Road and if there is anything new on it. Mayor Smith said we rented a DuraPatcher and will be working on it. Atkins asked how long we have had the DuraPatcher. Mayor Smith said just this week. Riley said that the guys are using a little too much gravel.
27. Atkins said that he noticed guys in town doing pump maintenance. Mayor Smith said the pumps are from 1986 – 1987 and one from 2001. Flygt is the Cadillac of pumps and we will be getting quotes for upgrades.
28. Johnson asked about speed bumps for Shepherd's Way. Mayor Smith said that he went up there and it is a dead end street. Johnson said the residents have concern for the children. Atkins said there is speed issues throughout the Village. Atkins said that we may need to look into budgeting for another officer.
29. Mayor Smith asked for a motion to adjourn the meeting. A motion to adjourn the meeting at 7:30 pm was made by Madison, seconded by Riley, all yeas.



Nicole Armstrong, Fiscal Officer



James D. Smith, Mayor