

**VILLAGE OF SOUTH LEBANON
SPECIAL MEETING MINUTES
APRIL 22, 2013
6:30 P.M.**

1. Mayor Lawhorn called the meeting to order at 6:30 p.m. with the Pledge
2. Linda Allen - Present Glenn Holloway – Present
Randall Atkins – Present Bill Madison – Present
Dean Evans – Present Jeff Sturtevant – Absent
3. Mayor Lawhorn stated the purpose of the meeting is the business from the April 18th Regular Meeting.
4. Mayor Lawhorn stated there is no public present.
5. Minutes presented for approval:

Workshop – March 7, 2013 – Motion to approve made by Allen, seconded by Atkins, all yeas.

Regular – March 21, 2013 – Motion to approve made by Allen, seconded by Madison, all yeas.

Special – March 28, 2013 – Motion to approve made by Allen, seconded by Evans, all yeas.
6. Administrator Vidmar said council passed a resolution authorizing Allegier for demo of the building on Main St. but he explained a basement was not in the bids. He said he sent it back to the two low bidders and re-bid with the basement and removing two trees and Allegier was still the lowest bidder. He explained the Moving Ohio Forward Grant still covers the cost. Discussed the trees.

A motion to suspend the reading rule was made by Evans, seconded by Allen, all yeas. A motion to adopt the resolution was made by Evans, seconded by Madison, all yeas. Mayor Lawhorn stated for the record this is Resolution 2013-14.
7. Gary stated we have bids on a new sound system since the current one is non-operating. He said we received two bids and the low bidder, both Sharon and I preferred. They seemed to have good knowledge of the equipment and appropriate system for our needs. Discussed digital recording and use of computer for recording.

A motion to suspend the reading rule was made by Evans, seconded by Allen, all yeas. A motion to adopt the resolution was made by Atkins, seconded by Evans, all yeas. Mayor Lawhorn stated for the record this is Resolution 2013-15.

8. Mayor Lawhorn presented a resolution authorizing the transfer of funds. Sharon explained that with the new sound system and office furniture for Gary there is a need to transfer funds around to cover the expenses. A motion to suspend the reading rule was made by Allen, seconded by Atkins, all yeas. A motion to adopt the resolution was made by Allen, seconded by Evans, all yeas. Mayor Lawhorn stated for the record this is Resolution 2013-16.
9. An ordinance was presented amending the appropriations to reflect the transfer of funds just passed. A motion to suspend the reading rule was made by Atkins, seconded by Madison, all yeas. A motion to adopt the ordinance was made by Atkins, seconded by Evans, all yeas. Mayor Lawhorn stated for the record this is Ordinance 2013-04.
10. Solicitor McGary explained that council adopted an employment agreement and reflected non-residency. He stated he drafted an ordinance for the position and not specific to Gary. He said secondly there is another issue on the agreement that he cannot expend funds or enter into contracts without council approval. He said the statute provides that an administrator can expend not to exceed \$50,000 and can enter into contracts. He said one paragraph says council has to approve and another says they don't. He said he did an ordinance both ways so council can choose one/none/or both. Mayor Lawhorn said day to day business can not function without spending money. He said he would never agree to \$50,000 without council approval. Discussed the increase per the statute.

Madison stated we are a small village and though we have grown financially the residents hold us accountable and certainly under certain circumstances, but if it is not broken, don't fix it. Bruce explained per the agreement we don't allow any. Holloway stated he thought the amount was \$15,000 and a discussion was had concerning the raises in the amount. Atkins stated he is not big on \$50,000. Gary said he would like council to consider the \$25,000 because it would be impossible to conduct business if you can't buy even a pad of paper. Allen asked is this a total amount or per purchase. She was told this is per purchase. Gary said his practice is to bid out all major purchases and needs the ability to sign contracts and spend money. Bruce said a procurement policy of three bids and acceptance of the lowest and best bid is how the county does it. Gary stated many of our expenditures are from grants and the grant requirements are for bids and council approval. So he stated it may be incumbent of an administrator to get council

approval. Allen stated she thinks \$25,000 is fair and a discussion was held by council. Holloway said if the ORC says \$50,000 are we okay to make it \$25,000 and Bruce said the ORC contradicts and if you diminish the amount that should not be a problem to exceed it would be. Holloway asked if Gary would converse with Sharon and she explained council passes the appropriations and he would be required to get P.O.'s and stay within the amounts council has approved for spending. Madison said he still thinks \$25,000 is a lot for one person to have ability to spend.

The ordinance was presented by title only with modifications to include authorization for administrator to spend up to \$25,000 without council approval and change to Gary's employment agreement to include this and administrator not having to live within the village.

A motion to waive reading rule was made by Allen, seconded by Holloway, Allen – yea, Atkins – yea, Evans – yea, Holloway – yea, Madison – nay. Motion to adopt the ordinance was made by Holloway, seconded by Evans, Allen – yea, Atkins – yea, Evans – yea, Holloway – yea, Madison – nay. Mayor Lawhorn stated for the record this is Ordinance 2013-05.

11. Mayor Lawhorn presented Bruce McGary's invoice in the amount of \$1650.00 for approval. A motion to approve payment was made by Atkins, seconded by Allen, all yeas.
12. Gary stated we have an application to re-zone property behind Target. He said it went before planning on April 11th and they voted unanimously to allow it and agreed with the development to the west of the property it should not be developed as residential. Atkins asked who is on that board and was told that Larry Sargeant nor Jerry Haddix were on it. Mayor Lawhorn stated Larry Sargeant wants to build a new gun store on that lot. Gary stated council needs to set a public hearing and suggested June 6th at 6:00 p.m. All agreed.
13. Mayor Lawhorn stated council all received in their packet an attorney/client privilege opinion for their information. He explained council would have to vote to waive that confidentiality and then it becomes public record and Bruce can go over it with council. Bruce stated if it is public then it may give someone fuel so council needs to give it some thought. Holloway said at this time he would not say to open it up. Mayor Lawhorn said he would put it out there. A discussion was held and it was decided to let council read it closer. Mayor Lawhorn said at the next regular meeting they will vote on it one way or another.
14. Bruce informed council that Union Township was approached by the Food Pantry to allow a garden plot. He said the township is willing but

the village would have to consider that water would be used and the township does not pay for their water. It is up to council if there is no charge for usage. He stated that Fred said he would fill a tank once and they could water from that. Holloway stated if Fred brings a tank and the meter is read before and after then should not be a problem. The mayor said since the food will be used in the Food Pantry he thinks the water should be waived. Bruce said they have to look at the fact the township does not pay for water. Madison asked if that policy is by ordinance and Bruce said the mayor told him. A discussion followed.

15. Sgt. Boylan said he was going to introduce the new deputy but he he had a call. He stated we have a good crew here. Sgt. Boylan asked about solicitation and discussed our transient vendor ordinance. Bruce will review.

Sgt. Boylan said the township is looking at purchasing a Tahoe for the department since the sheriff got the commissioners to agree to pay for the one deputy again. Mayor Lawhorn said the township will buy the Tahoe and we will equip it. Their only request is that somewhere on the vehicle it says Union Township.

16. Council member Holloway said he would like to know what the hold up is on employee wages. He stated this is April and we do wages at the end of the year for the next year. Mayor Lawhorn said Gary is is getting to know the employees and has only been here a couple of months and too soon to make a judgment. Holloway said our guys do a good job and different than other employees. Discussed laborers need to do many jobs and the mayor said he does not agree they do more than any other employees. He said we have good workers. Holloway said he does not want Gary to take this wrong but he has been a here couple of months and can't make a judgment. Madison said Bob did evaluations and was a trusted employee and raises are always given or not a certain time and we have not done that. Bill stated if there is a reason we are not doing that then council needs to be aware of why. We need to give our employees something. The mayor said some people get no raises. Madison said we need to communicate something. Holloway said he does not look at what his employer does but at our employees. Madison said rather than ignore it we need an executive session and discuss it. Gary said he would appreciate the opportunity to judge performance and he is considering a different health insurance and it may change. He said insurance also applies to wages. He said he needs to June 1st to judge and then decisions would need to be communicated and retro. Holloway stated he will make a motion soon and if it gets a second then the vote will happen and the employees will know they have not been forgotten.

Allen said we need to look at the package as a whole and what other municipalities are doing.

17. Madison asked about the forwarding of emails from the web site and that they not come through his personal email. The mayor said Gary is working on that. Gary said May 6th he will be updating our IT. Madison said we need to make certain that customer's info has some type of security.
18. Madison asked that when scheduling meetings can we be given alternate dates to re-schedule. Mayor Lawhorn stated that is a reason we should have two regular meetings a month. If a meeting is missed everything stops. Madison said it is nice not to be able to vote sometimes because of the stress in the room. Mayor Lawhorn said issues like that can be tabled. Bruce said he will look into it.
19. Madison asked that sidewalks at the ballpark be looked at and Gary said he and Tony are looking at the issue.
20. A motion to adjourn the meeting was made at 8:00 p.m. by Allen, seconded by Holloway, all yeas.

Sharon Louallen, Fiscal Officer

Lionel Lawhorn, Mayor