

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
OCTOBER 17, 2013
6:30 P.M.**

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

2. Linda Allen - Present Dean Evans - Present
Randall Atkins – Present Bill Madison – Present
Jim Boerio – Present Jeff Sturtevant – Absent

3. Mayor Lawhorn opened the floor to the Wolfpack :

Jeremy Blanton – Kings Mills – passed out a sheet of statistics. He stated most are familiar with where we have been from a historical prospective. He said there has been discussion concerning the continued existence of the Warren County Wolfpack in South Lebanon. He said most is driven by cost and fees associated with the use of the fields. He said most of the discussions have been handled by others of the organization other than himself and he has been asked to represent today for a couple of different reasons. He stated he is an original founder of the organization and we brought it here with two teams and 24 kids in 2009. Jeremy said the handout gives an idea of the timeline of when they came and the things they have done for the community and relationships with the local businesses. He said he thinks it is important before decisions are made to remember there was no organized baseball being played on the fields when they came and had not been for three years. He said the fields were in very poor condition when they came. He said there have been things done by parents, village and Reds Assoc. He says three other organizations are now playing on those fields. Jeremy said there are approximately 3300 visitors to South Lebanon because of the Wolfpack in a three month period. He said those are visiting this community that have no other reason to come other than the baseball games and will not come here if the games are not here. Jeremy said he thinks it is important for council to understand the relationship between the Wolfpack and the village. He said he is proud of that relationship and not like what is going on around us. The outcome is three different ways and I know you have a letter in front of you by the administrator and I would say that is one option and there are two other options. First we pay some costs for support and second and our more favorable is to leave it the way it is.

Gary stated when he prepared the MOU and the memo it was done with Tim Gevedon and he indicated it needed to go to his board. He said at the time he drafted the letter it was not agreed upon by the board. Jeremy said his recommendations are his and not the boards they have not agreed to

anything and would like to see things stay the same. Jeremy said this letter that was written has some verbiage and some positioning taken, and I have not talked to Gary, but I would say we need to be careful the way we say some of the things to make sure we are stating things appropriately. He said he started this and really wants it to be here. Mayor Lawhorn asked if more discussion should take place before there is a presentation to council and Gary stated he has not had the opportunity to speak with him at all and in fairness to the organization I am new so there is a lot of information I am not privy to. He said he is trying to point out the cost the village incurs and I might not have documented everything done by the organization but think I have factually assessed the cost from the village perspective and it is council's decision if we continue to spend that level of money. Jeremy said backstops were not requested by us and done outside of our organization. Discussed other municipalities are charging and the quality of those other fields and stated he is proud of what we have here. Mayor Lawhorn said in the 1970's and 1980's we rented the fields and did the maintenance. he said the town did nothing and now the town mows and has buildings for use. Jeremy said some of the costs in Gary's report don't make sense like the \$4000 and if I was going to charge for what it costs and they have to be maintained whether we are here or not. Jeremy said 60% finance is from fees and 40% from fund raisers. Madison asked what are the differences and Gary said he talked about what he estimated the cost of maintenance in the twenty week use and he thinks it is roughly \$20,000. He said we talked about a fee schedule that would be affordable for the Wolfpack and it was determined that they would like not to pay a fee but provide their own volunteers to partner with the village to maintain the fields. Bill asked what type of maintenance are we asking them to do, because fencing and some things are our responsibility. Gary said we would be responsible for buildings, etc. and they would cut grass and drag the fields. Tim Gevedon said the figure was \$4000 if the village drug the fields three times a week and mowed one time a week and that leaves us with three or four days to figure how to get the fields drug and so forth. He said we don't want the parents to have that expense. Madison asked what are you used to and Jeremy said what is proposed in the last section is not very different from now, mowing once a week and the village was not mowing more than once a week and maybe twice once in a while and to be honest the village wasn't dragging the fields every day anyway so coaches would do it. He said some of it is concerning around the structure and requirement of liability and we should make that change. Madison said then your issue is our posturing and Jeremy said there is a cost to us to get ready equipment wise because we don't have the equipment to drag the fields and we would have to have a landscaper to cut the grass. Jeremy said he was somewhat taken aback by posture. Jeremy asked Gary how he came up with \$1000 a week cost and Gary said the superintendent told him how we use the employees and I know

how we pay our people and the benefits, so that is how I arrived at that figure. Jeremy said he has a hard time wrapping his head around a thousand dollars a week. Madison stated the Wolfpack gives a huge benefit to our community. He said there are a lot of young families and could potentially become residents to this community as well as utilizing our businesses. He said he is not opposed for them to share some kind of costs but certainly we have to maintain those fields no matter what. We have to mow them and keep them presentable and Wolfpack has put South Lebanon on the map and I hear a lot about it throughout the county and that is worth something. I know you can't put a price on it but has said a lot about how South Lebanon has hosted this sports team and puts the spotlight in a gracious manner and has said volumes about South Lebanon. He said he would hate to end that.

Mayor Lawhorn said he would like Gary to talk with them more before it is presented to council. Atkins said he thinks we can come up with something. Boerio asked how many residents from South Lebanon are playing on your teams. Jeremy said about 80% live in Warren County and a smaller number are from South Lebanon and most are from Kings or Little Miami School districts. Boerio asked what other people are using the fields and Jeremy said Cincinnati Siege, Riverdaws and Tony Ledford's softball team. Boerio said the families pay a fee and asked how much is used for administration costs and Jeremy said no coaches are paid, board members are volunteer so the only costs are uniforms, equipment, and the umpires are paid. He said we are part of South West Ohio League, which is the second largest in the world. He said in his age group there are 83 teams of 15 year olds playing in the Greater Cincinnati area. Mayor said he believes the fields are dragged every day except weekends because he has seen our guys do them. He said they mow twice a week and it is an expense. Gary and Jeremy agreed there have been all the discussion that could be. Jeremy said when you put pen to paper there are things that get forgotten in the six year relationship we have had.

4. Mayor Lawhorn opened the floor to the public and no one spoke.

5. Minutes presented for approval:

Workshop – September 5, 2013 – Sharon corrected David Lapp's name - motion to approve made by Allen, seconded by Atkins, all yeas.

Public Hearing – September 19, 2013 – motion to approve made by Evans, seconded by Allen, Atkins – abstained – he was absent - all others yeas.

Regular – September 19, 2013 – motion to approve made by Evans, seconded by Allen, Atkins – abstained – he was absent - all others yeas.

6. Ordinance 2013-13 was presented adopting the new personnel manual. Atkins said he has questions. He said on page 21 it says the administrator will recommend raises, is this giving the administrator that authority or does council still hold that authority? Madison stated you can't trump the ORC, council still has final approval. Gary said it is only for him to make the recommendations based on his evaluations for the people he works with every day, council still has the same approval power.

Atkins said there is something referring to the village enforcing direct deposit, is that something we are thinking about doing? Sharon explained Clemans Nelson inserted that to allow the village to have that option.

Atkins said on page 28 it is confusing in the third paragraph are we allowing them to carry over time now but it says it will be paid out and it was stated only 80 hours.

Atkins said on page 29 on the sick time payout when retiring it looks like it has been added to only pay out maximum of 240 hours and the old one did not have an hour restriction so why was that added. Mayor Lawhorn said the county has that restriction and Atkins said that did not come across the table. Linda said Clemans Nelson put that in there and Atkins said we did not limit the hours. Atkins said this was not in the discussion with council and so I want to know why it was changed. Atkins asked was that done by someone because it was not discussed.

A motion to waive the reading rule was made by Allen, seconded by Boerio, all yeas. A motion to adopt Ordinance 2013-13 was made by Boerio, seconded by Madison, all yeas.

7. Resolution 2013-31 was presented to approve for the purchase of 15 E. Broadway for back taxes in the amount of \$5474.39. Discussed the original talk of donation from owner but now requesting the tax bill just paid to be paid. Bruce stated this is not the final council will make decision after a closing in verified. Boerio asked if the property is in the flood plain and was told yes and could be used as parking lot for the village. A motion to waive the reading rule was made by Evans, seconded by Madison, all yeas. A motion to adopt Resolution 2013-31 was made by Allen, seconded by Atkins, all yeas.
8. A resolution was presented for a first reading adopting a memo of understanding with the Wolfpack Organization. Gary said he thinks he has explained this and not sure any additional conversations would make a difference. He said he is surprised that Jeremy has never been in to introduce himself or have a conversation with me, all were with Tim. He questions why he waited until tonight to present his case, he said he wishes he would have taken the time to meet with them earlier so he could have heard his

words on the matter. Gary said he is at a disadvantage because he is not a resident and is new to the village and don't know the history. Gary said his decision was based on his feedback both from Wolfpack and our entire public works staff. Even though Wolfpack might take exception to that, he has been given that information and I know what we pay those people so I don't think it is fair for them to question the dollars because they don't know what we pay our people or what the benefits are. He said he believes the numbers to be factual to the extent they can be. He said he acknowledges they have done things and I am here to be a good steward of the village's money and that is why I believe that with all the other responsibilities this village has such as roads and we need to come with other ways to come up with revenue or cut expenses. He said we only have five employees to maintain this village all summer and one person to maintain those fields. He said we have emergencies that take them away from the fields and then when Wolfpack comes and the fields are not mowed or dragged they get upset. Mayor Lawhorn stated we have only seen Tim Gevedon and not Jeremy before. Atkins asked what we drag the field with and Evans asked could we allow them to use our equipment and Gary said he was told there would be a liability issue. Madison asked about part time help to keep the fields up and discussed that would be more of an expense. Gary said it is interesting that they can't answer the question of how many players are from South Lebanon. Madison said there was not much of interest in the fields before them and maybe we can put it back at them to support our youth. Gary said he can ask them point blank how many are from South Lebanon and tell them council wants that information before they make a decision. Allen said we need to look at what cost we incur if no one was using the field because we still have to maintain it anyway.

9. Gary reviewed Memo #46 stating he was asked questions at the last meeting he could not answer and wanted to address those concerns. First he stated the reason for estimated utility bills a couple of months is addressed. Second he said he addresses the request to pave the balance of Morgan Road, which is done. Atkins stated he received a call and they said it turned out nice and they are happy with it. He said we talked about the village not having a comprehensive plan and I am explaining here that I have begun taking steps to work with the Regional Planning Commission to draft a comprehensive plan with the understanding that there is a definite need for this community, with or without that grant application, to have a plan. He said particularly if we decide to do something with these facilities it needs to be done in a broader frame with a big plan. He said we will be setting up a steering committee of a number of folks from the community to help in that process. He said lastly he talks about an update to the Homestead development and that First Financial has finally offered to pay for the completion of the public improvement in that subdivision. He said they have offered a specific amount of money based on the estimates that have been provided early on. He said we are now conducting a public bid process to confirm what the

actual cost of that work will be before I come back to you for your authorization to proceed with that work. He says because the estimates were done several months ago that they may come in higher so we may need to negotiate with First Financial before we arrive. He said he thinks it is good news after three years to step up and offer to do something.

10. Gary said a few weeks ago we received an application from AT & T to modify an existing tower that is at 3474 Lebanon Road. He said they want to build a small communications building that will house added equipment. He said they want to add something on the tower. He stated he understood that to be a zoning application that would be reviewed by the planning commission so we went to that process and subsequently I discovered that there was an actual ordinance in 2001 specifically written for telecommunication towers which created a whole special permit application process called a special use permit. It is lengthy and essentially gives council the authority to review the application and make the decision. This is to existing towers and new towers rather than the planning commission alone. Gary said what he is asking council tonight is do you want to be the body that reviews the plans but my recommendation would be to give me authority to do the review and then bring to council with a recommendation for your approval. He said another group met with him from Verizon that want to build a second tower on the same site. Gary said he thinks this ordinance was written with a consulting firm that is in the business of reviewing applications for towers. He said it requires a deposit of \$8500 to pay a consultant to do the review. He said this consultant was looking for business. Madison said that was a period of time cell towers were going up everywhere. Gary said cell towers need to be controlled differently because of their intrusiveness. A motion to allow Gary to do the review and bring to council was made by Atkins, seconded by Evans, all yeas. Discussed the deposits associated with the applications and the reasoning behind them.
11. An invoice for Solicitor McGary was presented in the amount of \$1485.00 and Bruce said he thinks something was put in this a second time because it should not be that much. It was presented it will not be more than \$1485.00 but might be less. A motion to pay the invoice was made by Allen, seconded by Boerio, all yeas.
12. Allen wished candidates good luck in the election.
13. Sgt. Boylan reported the SUV is close to being complete and it will be presented at a meeting. Mayor Lawhorn said that the township has paid for the vehicle and village is equipping it and they gave the vehicle to us and said if we can get some recognition for the village, township and Sheriff Department that would be great and he asked that the sheriff attend.

Sgt. Boylan said they believe it is a transient stealing from vehicles. He reported narcotics being grown on Riley and an arrest on McKinley for heroin.

14. Mayor Lawhorn stated that Sharon, Gary and I had a meeting today about the water fund and I am here to tell you the water fund is slowly going broke. He said in the next month or so we will be presenting something to council to try and counteract what is happening. He said we have to do something about it because the costs are overriding what we are bringing in. He said we cut it to the bone when we made cuts the last time but it is still going down. It had been holding its own going back and forth but Sharon gave me the news today, she did not want to hold it on her shoulders by herself, and I am glad she didn't. He stated we are going to look at it and get some recommendations. Discussed the sewer is still growing even with added costs from water increase before, so we will have to look at what we can do. Allen asked for an estimated amount the water penalty might cost us in March and Gary said \$50,000. Gary stated he is meeting with Cincinnati Water Works and asking them if they will be willing to renegotiate any of the terms of the agreement and they are. He said in a meeting Wednesday they presented a new proposal that changes that take or pay schedule. He said in the end they still end up with same amount but in a more gradual fashion that could be more affordable to the village. Gary said he met with the engineer today and we are going to work with them to prepare a three to five year assessment of the water and sewer funds so we see what it will look like if we continue under our current agreement and at our current rates to determine what we need to do for the water fund to remain solvent. Madison said looking at the rate structure, currently we have one rate structure that we bill both residents and businesses and that to me is unfair. Bill said when you get over the standard rate the water is cheap and residents seldom go past that and our businesses are getting water for nothing. Mayor Lawhorn said he talked to Cincinnati Water Works about that before and they said you don't want to raise your business water rates. Atkins said if the businesses are using most of the water we can't keep doing this to the residents. Madison said we shouldn't over burden the businesses but we have a standard rate for residential and it is based on how much a residential person would use and if they go over that it is fairly cheap. He said commercial are going to go over that. He said how can you bill my family for water and bill a business the very same when they are going to use five to ten times capacity. He said that to him is not fair. Mayor Lawhorn said he would like to see the minimum 3000 be a usage instead. Allen asked are we able to change the agreement for Cincinnati Council to make the increase decision. Gary said it would be addressed in the new agreement and would be a more gradual increase. Madison stated that usage was based on growth and nobody has grown so I don't see why we should be punished and I think that would stand up in court.

15. Mayor Lawhorn said some things came up in the last meeting and he wishes the people that have the South Lebanon News were here but I am going to state some things and they can read it in the minutes. He said he was absent on October 3rd and he is the senior advisor at his church and every year we take the seniors to Gatlinburg. He said it is a year in advance appointment and I am doing it again next year and he has done it for ten years and will continue to do it. He said the compensation for the meeting he missed he will not get paid for that is built in a resolution for pay and I do not get paid for that meeting. He said the compensation he does get was set by council in 2011 and is a lot but more than I think it should be and I have stated that before and since my election. Mayor Lawhorn said there was a question about the voting when the mayor is not here and per Ohio Revised Code 733.24 the mayor has no voting authority except in a case of a tie. He said the appointment of a council member came up too. He said 731.34 says that the appointment of council member is decided by council and if not done so in thirty days the appointment will be made by the mayor and council made that appointment and the village administrator had no legal authority to be involved in the process and he was not. Mayor Lawhorn said the other thing that came up is that I had the road paved in front of the First Baptist Church. He said that was a CBG grant applied for in 2011 before I was mayor. So if I got that done I am pretty good – I had nothing to do with that. It was for them so they can read it in the minutes.
16. A motion to adjourn the meeting was made at 7:56 p.m. by Allen, seconded by Atkins, all yeas.

Sharon Louallen, Fiscal Officer

Lionel Lawhorn, Mayor