

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
OCTOBER 3, 2013
6:30 P.M.**

1. Vice-Mayor Atkins 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. Vice-Mayor Atkins opened the floor to the public:

David Lapp – McKinley – stated he wants to ask about Maryan Harrison reporting that the village does not intend to go forward with the certified local government CLG. She heard from the Ohio Preservation office that it was decided not to go forward by the village and he said he understood there was an ordinance passed to go forward with that and he wants to know what the status of that issue is. Gary Vidmar stated it is on the back burner for future consideration. Right now he says there are a lot of higher priority items we are dealing with for the summer and it is on the back burner for consideration this winter. David asked if the ordinance was still in affect and Gary said he does not believe we have rescinded it. David said so when the Ohio preservation said you were not going forward with it, by that, you meant at this point and Gary said he does not know who she may have spoken with and he has not had any conversations with the State. David said he raised that issue because in the village hall administration issue, he thinks we are interested in historic preservation, and considering we are the oldest settlement in Warren County. His question is what is the plan going forward for historic preservation and that we are not just demolishing buildings. Gary stated this is not the appropriate forum for that and this is just for you to ask questions, I don't think I am in a position to answer them. Madison stated that he is interested in that as well and just hearing this kind of raises an eyebrow with myself because in fact we had discussed this and I thought it was taken care of. He asked Gary did we not pass a resolution and that we were moving forward. Gary said he is aware of the resolution and it was before his tenor here and didn't know what the timing of that was. Madison said to his knowledge the historical society is not a part of this village nor under the direction of the village and if it is properly formed and brought before council and there is something that needs to be adopted to help you be considered as that, we certainly are here to hear that and participate in that and I would encourage that.

4. Scott Doughman – Forrest Ave. – said he is a citizen and resident of South Lebanon and acting founder of the Greater South Lebanon Chamber of Commerce. He said he has a State of Ohio certificate for a charter. He said pursuant to collaborative government and pursuant to historical preservation based on the historical origins of trade such as real estate, such as historic value, such as property value and such as the mingling of the town's development over time and going forward into the future. He said the chamber was formed to develop values and resources of South Lebanon as a part from council, as a privatized but not for profit organization. He read some agenda request for council and said the agenda has six points and he will table point 6 for a later time but will make a comment on it in lieu of Gary Vidmar's responses to David and council's responses to David's questions. He read the agenda as follows: He said he would call upon Warren County Emergency Management director to also encourage appropriate time for more people to speak on this topic of the administration building proposals, applications and/or acceptances and what it means to the town. He said appropriate amounts of time should be provided in excess effort not in de minimis. He said the appeal number one following that remark, will be for qualifications of grant based on hazard severity not significant enough beyond special hazard to compete on a a federal impact statement required for federal action and grant. He said appeal number 2 for qualifications of grant – violation of this to public safety to move site of police operations away from central location and park safety. Appeal 3 – by acceptance of grant if applied for by Warren County Emergency Management and awarded by Federal Emergency Management the Village of South Lebanon is in violation of Ordinance 2010-16 based on above appeals. Appeal which I will table for further discussion is South Lebanon's administration potential violation of historical district collaborations in lieu of prior interests based on South Lebanon Ordinance 2012-05, which came prior to the qualifications for grant discussion and by declaring allegedly potentially direct interference by passing an historical society's administrative action and the administrative actions upon that society.

Resolution 2013-30 was presented for rescinding Resolution 2013-23 in its entirety and directing the administrator to notify the Ohio Emergency Management Agency (OMEA) mitigation branch, the village is withdrawing its FEMA Hazard Mitigation Grant Application and declaring it an emergency. A motion to suspend the reading rule was made by Madison, seconded by Evans, all yeas.

Allen stated she would like to make a comment. She said back in March when it was looked at we looked at the pre-application and some of us may not have understood the complete impact of what that grant would entail. She said we knew we were outgrowing here. Allen said four of five years ago when zoning started up here on the hill we looked at maybe something

there then and we are outgrowing this building. We want to continue to grow because if we don't we are not going to get any of those restaurants up there we intended to because that is determined by growth. She said that is why Chic-Fil-A has not built because we have not got to that point that we anticipated and that is why they said they have not built yet, because the growth is not there yet. She said personally she would like to have the building here in the valley and she said she has looked at a couple of things here in town and does not know if it will ever work but is worth a look. She said it will cost \$750,000 for a new building and we are going to have to have one in the future and by rescinding this we are giving back \$212,000 that when the time comes we have to have a new building we are going to use tax payers money and we have to consider that as a person sitting here with responsibility to each tax payer of South Lebanon. She said her understanding is if we apply for this grant we have to use it in two years if we are awarded that and I was confused and thought at first we could decide if we wanted to use it or not but that is not the case, we have to use it in two years. She said if you look at the projected growth our developers are looking at the old Siemens building and all these businesses. She said she does not want this building to go away and I would love for the police department to move here because that one back there needs to go. She said it is a hard choice and we have to do what is best for the village and if we take that grant this

building has to be razed. She said W.C. Emergency said something about we could do something else to mark the building.

Mike Bunner said there are things to do to honor the people and the effort put forth for this building. He said you can reclaim a lot of the materials and can use cornerstones and plaques. He said when this is green space you can do whatever you want and nothing that says you can't put a memorial here. He said this is not a Warren County initiative and we are we are not telling you guys you have to do this. It is extremely important if you go forward that we do not de-obligate this money because the affect will go throughout the county and affect our future grants.

Madison asked if the \$212,000 part of that would be spent in the demolition of these two buildings and Mike Bunner said it is for council to decide the \$212,000 is just for the acquisition of the buildings.

Boerio said to be clear on this, we have been told in the past if this grant is awarded we still have the opportunity to turn it down but now I am getting the impression that is not the case. Mike Bunner said you absolutely can turn it down however, I have to measure the affects, it goes back to there are five other projects out there that we pushed off to move forward with this one and if we de-obligate \$212,000 back to FEMA it will be a huge black eye on the county and show that all our other applications are going to get bumped down on the priority list. It could have been used some

place else. Boerio asked if there was such a thing as a waiting list so that maybe someone is just below the cut off and waiting to see if something like this might happen. Mike said if we hold on for two years then they are not going to put that money back in circulation. Boerio said what happens if we get a letter saying we are awarded this money and we turn around and say we are turning it back. Mike stated if the grant is still open it will go back into the grant funds and FEMA will reallocate it. Boerio said there is chance that this money could be used affectively and that we could turn this thing down and Mike said absolutely. Mike said we will not rank high and will probably not resubmit our packet to FEMA.

Atkins stated basically if council does not feel we should move forward with this it would be better to decline it now and Mike said yes. Mike said it would save him and his staff a tremendous amount of work.

Administrator Vidmar said we are the only community in Warren County that submitted for this grant. So should it be recirculated to FEMA there is no other Warren County community that would compete for it so Warren County and South Lebanon would both have a black eye. He said it would reflect poorly on Warren County. Mike said we purposely held off on any others because we prioritized this one.

Madison stated he would like to say he is hesitant to vote to give approval myself because of several reasons. He said the historical value of this building and the use that still remains and also we have no plan, we are accepting money, it is like the cart before the horse. He said we are willing to accept the money but have no idea how we are going to use it. He said it just doesn't make sense to him.

Boerio stated he thinks there are a couple of things about this that concern him and he agrees with Bill and his concern about the lack of a plan and the lack of a master plan in the community. He said to his way of thinking the issue of the historical significance of this building should be part of a master plan for the community and not rolled up in the of a specific project. He said historical issues should be part of a master plan. He said the bigger issue and if you look at the data the Village of South Lebanon population in 1970 was about 3000 and we have had a 50% growth in those ten years and has put a burden on this building and I don't know if this growth is going to continue. It would appear someone thought there was going to be a lot of growth because if you look at the water contract in the next ten years we are going to grow by 30%. So someone thought the growth was going to happen because it is implemented into the system.

Madison stated there was a science behind this, a method to the madness, it was generated in part by our past engineering staff that has been changed

recently to a very small engineering staff. I understand the knee kick to go to that small engineering staff, because it was cheaper, however, this engineering staff does not have the breath that our last one had. As far as I know they have not given this village any type of projection to put this village on and the past one did. He said he has been here two terms and during this last term we have invited an engineering firm to give us the cost of updating the elementary. He said yes there was thought and with the change in administration, with the new mayor, some of the idealism and that concept has been diluted. He said you are right, you see this village position itself for growth. He said we are smack dab in the middle of 71 and 75 growth and we are not going to be missed. He said he would like to grow with a master plan as you have said, but under the new administration I have not seen that, it may be there and maybe just not shared with us. He stated he is not comfortable agreeing to this money and not knowing how we are going to allocate it.

Boerio said he tends to agree with many of the things Madison stated and one of the things that concerns him is that this growth will no doubt occur and the day may come we wished we had that \$212,000. Madison asked what his thoughts were if do take the money and level these two buildings, to me this represents value. He said once we become a city our court system is going to be one of our largest expenses. After you take the money and demolish these two buildings what you have left will you have the money to recreate the space in fact we have just destroyed. This building still has a lot of use. It could be used for a court building. With only maybe \$100,000 left after the demolition of these two buildings where in fact are we. I don't believe we have gained ground. Atkins stated he thinks we should have some kind of plan. Evans asked if it is true if we accept that grant money that we cannot use that money on any other building within the flood plain and Gary stated this has been an educational process for him. He said this building is maxed out and we cannot add one person to the building and the individuals working in this building now are already squeezed and limited. He said there is a high risk of flooding to this building and personally I don't have knowledge of floods that have occurred here other than very early in its existence. I have been told by staff that many times they have been forced to come to the building in the middle of night and lift things off the floor. If you think about the risk this building has with equipment and public records in it that is a concern. The growth we agree on there will be need for a building much larger than this. He said in respect of the flood plain, we are very limited in this part of the community where we can build a new building or renovate a building. The ordinance Mr. Doughman referred to that the village passed several years ago regulates the construction of a building in the flood zone and it is very costly. So to your question they don't dictate to us where we spend the money other than these buildings have to be razed, but, as far as projected location of new building that is up to you as council. Evans thought in the paperwork it says

we cannot use this money to rehab any building in the flood plain. He asked could it be used across the street and Gary said in his memo he said any time we renovate a building we have to follow the regulations. He said the only requirement for the grant is for these two buildings to be razed. Allen asked if in razing these buildings do we have any options left for Moving Ohio Forward and Gary said he does not know. Bruce said he thinks that ship has sailed because they reallocated the money communities did not use to others and we adopted some legislation that supported that. Bruce said if there is another round the first part of it was 100% but the second part had some match to it.

Allen said she has lived here all her life and this building has quite a bit of history behind it but to say this building has historical value, people came together and built it with donations of money and labor, but as far as historical to me it does not have it. The site itself, the ground, yes but this building itself does not hold historical value to me. The people that did it, those are memories that is the historical value for me. I would love to see police department come in here but I just don't see us giving away \$212,000. Atkins said he agrees with Bill that we need a plan first and Allen asked if he would want people to come in and draw up all these plans and spend that money and then say we are not going to take it. Atkins asked could we even do it in two years and she stated she thinks we can. She said we have to determine the location and the cost. She said we can't get the court system in here now we had to go to two court dates and Madison said when we are a city it will be five days a week and Linda said you have to look at the cost of that too. Mike said to clarify the time line that two years starts once the grant is awarded and is still probably six months out. The only thing that has to happen in that two years is this has to be returned to green space. Madison said that is two years six months to take everything we have in place, eliminate it, and have a fully functioning administration building that can carry this village and it has not even been thought up yet. He said to him that is not responsible leadership. Allen said tonight we are here to determine if there is a need and Madison said there is a need but again let's project what we are destroying, what is this building worth in square footage and then try to recreate that with the money we are going to have left. Boerio stated he has a concern that let's say it costs a million dollars for the whole project, and you subtract \$200,000 and now you are looking for \$800,000, in the mean time we have a water problem and are going to owe \$60,000 next year so does the village have the wear with all to go forward with both of these things. Can we continue to pay the penalties in the water while we are trying to put up this building. He said he is concerned about that and Atkins said he does not think we have the money to build the building. Evans said the CDS report said to start public input for a campus, so in three years we have done nothing are we going to do nothing in the next three years. Madison stated he wished someone would bring something before this body, we are not the

investigative piece, we are the legislative piece. Evans said he would like to see the administrative building in the two story school building. He said he read that somewhere that you can't use the \$211,000 in the flood plain. Vidmar said that is not the case. Evans said we can't relocate over there, how can the other people be over there and we can't. Vidmar said there is a need for additional parking, there is not sufficient space on that property for the parking required by code. Atkins asked if it has to be on that property and was told it could be across the street. Vidmar stated he had conversations outside this meeting where we brought up the corner of Broadway and High. Boerio said if you read the CDS report it recommends that a master plan be developed and three years have gone by and it has not been done. Evans said he does not think he ever saw this before. Allen asked if it was discussed or tabled and Evans said it was never discussed again. Vidmar said one of the first things he noticed when he got here is that the village does not have a comprehensive plan, which was appalling to him that this village has gone through this growth without a comprehensive plan and he has taken steps to move forward with that. Madison said you have been here less than a year, and there was one being built and with the change in administration we had an election and the mayor came on and that whole process came to a complete stop. He said it was in the works and had been looked at and again we had an engineering firm that came out and looked at two buildings and gave us some costs. Madison said looked like it would be somewhere about twice the square footage to rehab that building than to put in place a new building and then we had the economy downfall and in fact Bearcreek had allocated some land to us that was never legally done so when they dissolved that dissolved as well. He said so there has been one misstep after another and he believes that has been driven by the economy and changing of the administration. He said it is not like we were not thinking about, it we certainly have. Vidmar said it is on his mind and has begun putting things together because that takes time.

Madison said he wants to clarify that this resolution we are voting on tonight will in fact cancel, terminate, and withdraw our application and Atkins stated that is correct. Allen stated if you vote yes you will be rescinding and if you vote no you will not. A motion to accept the termination and proceed with the withdrawal of the FEMA grant was made by Madison, seconded by Atkins, Allen – nay, Atkins – yea, Boerio – nay, Evans – nay, Madison – yea. Bruce raised the issue that Randall was called for a vote and he is acting as mayor and he does not think he gets a vote tonight. Sharon stated that we had that issue before and it was determined that he does not give up his vote and Madison stated he agrees that is what was determined. Bruce said he is sitting as mayor pro tempore and he will take a look at that and does it even matter and was told no it does not, resolution did not pass 3 to 2.

5. Administrator Vidmar stated the policy and procedure manual came to you late because after it was received it did not contain all the changes that we had made. So we are asking that you take the next couple of weeks to review that before we ask you to approve it. He said if there are any other changes you are welcome to do that at this time.
6. Atkins asked if we have a policy as to where campaign signs can be put out and Gary said there are regulations in our zoning code but they are very broad because it becomes more of a constitutional issue than zoning issue. Gary asked if there was a specific question he had and Atkins stated it came to him that you had told somebody there was a specific place they could be put. Gary stated no sir. Atkins said someone came in and asked if we had anything in place and somebody told them no and you came out and told them we did. Gary said the zoning code does have some regulations concerning campaign signs but are very broad. He said if there is a specific question you have I would be happy to answer it. Atkins said they asked if there was any kind of policy in affect where a campaign sign could be put and this is somebody else running for election, in another position, and they were told no and you came out of your office and said that there was. Gary asked who told them no and Atkins said the person that they asked, he is not mentioning names. Gary said he has only had one conversation, and if it is the person he is thinking of, he did tell them that there are some zoning restrictions. He said there was no specific questions beyond that as to what those restrictions were.
7. Atkins asked if all the water meters are being read every month like we discussed in the past. Gary said to his knowledge yes we are. Atkins said he knows for a fact that his has been estimated and he found that out when his bill went up ridiculously high and they said it was because it had been estimated for a few months. Gary said he would look into that. Atkins said he knows it has been across the table before that all meters are to be read every month and council agreed. Atkins stated if it happened to him, who else has it happened to? Madison stated most of that conversation was based around reading the meters every month to get a solid base on the usage of this village.
8. Atkins asked if Morgan's black top situation is taken care of on his drive and Gary stated we are getting prices on that now. Randall said he has been asked by several people, when you come Morrow Road over the top of the hill, if that could be striped because people especially at night are having trouble seeing. He said coming into town on Pike could use some striping as well. Gary said that is part of our water line project that will go along Pike Street so that will all get repaved and striped. Atkins asked about Duke Energy and if they had been contacted about King Avenue and Hobart and Gary said we call them every couple of weeks and it is on their plan to repair.

9. Atkins said with the upgrade to administration building for safety for our employees and his way of looking at it we have left Ann wide open. He said she was more secure before we started. He said she has door to lock every night that does no good. Gary said we actually had a conversation with staff including Ann and we all agreed that we were not going to put a shutter there. Randall said this did not come from staff, this came from view and Gary said the reason to secure that lobby was for more than security obviously it was to also make it more attractive. He said the final design is one we made together. Randall said when it came to us here, I understood it to be for security reasons for our employees and Gary said that was one of the reasons. Atkins said he personally feels that we have her wide open to everybody and she collects money every day and he thinks the smaller window she had before was more secure and he thinks we need to look at it.
10. A motion to adjourn the meeting was made at 7:25 p.m. by Madison, seconded by Allen, all yeas.

Sharon Louallen, Fiscal Officer

Lionel Lawhorn, Mayor