

**VILLAGE OF SOUTH LEBANON  
REGULAR MEETING MINUTES  
DECEMBER 19, 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 – Present
3. Mayor Lawhorn opened the floor to the Public:  
  
Scott Doughman – 260 Forrest Ave. – stated he wants to thank the South Lebanon Post Office for fifty years of service to this town. He said the current location was dedicated in 1963. He said it is imperative for council to know that support from local municipal government in the ongoing negotiations of long term leases is in the interest of the town.
4. Minutes presented for approval:  
  
Regular – November 7, 2013 – motion to approve made by Evans, seconded by Atkins, all yeas.  
  
Workshop – November 7, 2013 – motion to approve made by Boerio, seconded by Evans, all yeas.  
  
Regular – November 21, 2013 – motion to approve made by Atkins, seconded by Evans, all yeas.
5. Ordinance 2013-15 was presented for the second reading concerning compensation for full time village employees.
6. Gary said the village has received CDBG grants on several occasions. He said we have the opportunity to apply for the grant in 2014. Gary said in order to prioritize the projects for this grant, Choice One was asked to update our pavement management study done in 2010. He said it focused on five roads at the time that were considered to be in the worst condition and are currently in the worst condition. He said of those five there are two that have rated below fifty by ODOT standards. Gary stated the two being presented for application consideration is Zoar Road and Forrest Avenue. Discussed the match percentage and what makes us competitive. He recommends 20% for Zoar Road and 10% for Forrest Avenue. Gary said he is asking for it to be passed as an emergency because the application deadline is January 3<sup>rd</sup>, so in order to meet that deadline we are asking for your authorization this

evening. Mayor Lawhorn said through prior experience, the more we match the better chance it is for us to get that project. He stated 10% match won't get us anything and we would be so far down on the list. He said he recommends we do the 20% match because Zoar Road, as we all know is in terrible shape. He said he does not look for us to get anything for Forrest Avenue with a 10% match. He said a lot of places put up 50% and they have the money to do it. Mayor Lawhorn presented Resolution 2013-41 authorizing the CDBG application. Madison asked could we appropriate a higher match for Zoar Road. He said this is a road that definitely needs attention, it is no longer a rural road it has become a village road. He said his second question is will this include lighting, because this road desperately needs lighting. Madison said along Zoar Road it is dark and when it rains it is even darker and when it snows it is even slicker. Gary said we can offer as high as you desire. He said 20% makes us competitive and 30% would make us more competitive. Gary said the match for Forrest Avenue could be more as well. He said the current estimates we do not have lighting included. Mayor Lawhorn asked Sharon if she thinks we will have the money to do that and she stated she would recommend staying with 20% for a comfort level in case of emergencies. She stated Skip is correct that typically with our 20% we have gotten them. Madison asked about adding lighting and Gary stated he can get an estimate and we would have time to get that before the 3<sup>rd</sup>. Boerio said if you look at the history of this grant program, is it your experience that 20% will get you into the level and will we be above the cut line. Discussed some put in 50% and would be above us. Gary said they rate the projects on a ten point system and our engineer feels we will rate very well because of the condition of the road. Atkins asked how long Gary had been working on this project and Gary said he has been working on this about two weeks. Atkins said it seems like we are passing a lot of emergency legislation and think we need to get things more in advance because it seems we are passing a lot of things by emergency. Bruce recommended the title be reread and amend with 20% on both projects if council desires. Boerio stated if you increase the match to 20% on Forrest Avenue you are still leveraging the village money four to one. He said if the money is there, he would recommend doing it. Sturtevant asked if we would get both and was told we could. Allen asked what are the chances if we raise both matches of us not getting Zoar Road and getting the other one, because we need Zoar Road. Sturtevant stated he does not think Sharon is comfortable with the 30% match and she stated that if this is decided it will be appropriated going forward and earmarked out of the budget. Discussed and decided a total match for both projects would be 40% and the engineers will determine the best breakdown. Bruce stated the resolution will read that the authorization for the mayor and fiscal officer to execute a 2014 CDBG grant application for two village public works projects for a total of 40% local match for the two public works projects and further authorizing the village administrator to process the application without delay for the percentages allocated for

each project as determined by the village administrator and declaring an emergency. Sturtevant asked could it say the administrator and fiscal officer so the two can work together. Mayor Lawhorn said he and the fiscal officer do the signing. A motion to suspend the reading rule was made by Madison, seconded by Sturtevant, all yeas. A motion to adopt Resolution 2013-41 was made by Madison, seconded by Atkins, all yeas.

7. Mayor Lawhorn stated the next order of business is an intergovernmental agreement between Warren County Transportation Improvement District to manage the project on St. Rt. 48 and Mason Morrow Milgrove Road intersection. Gary said the village has talked about this project for some time and the project is on schedule for 2016. He said the project is in the design stage and getting ready to move into right-of-way purchasing. He said in 2012 council adopted a resolution 2012-24 which supported two grant applications for this project, both of which we received. The grants totaling 2.8 million dollars. He said of the 3.5 million dollar total of the estimated cost 2.8 is being funded by federal grants. He stated the balance must be funded by the village. He said when the project was first anticipated, the TIF was intended to fund the village's share. He said this before the recession and before the development came to a halt. Gary said we are not confident that there is enough TIF revenue currently in that Rivers Crossing development to fully fund the village's share. We are hoping there will be enough to fund part of that share but no guarantee. He said the village remains committed to that project by the resolution and with the grants we have received. Gary said we must come up with the match of \$700,000 dollars. He said the TID was formed to assist communities such as ourselves to plan and fund these projects. He said they helped us get the grant money we received. He said we also have the opportunity to use their managerial services through the Warren County Engineer's office. Gary said before council tonight is an agreement with TID for them to provide the managerial services to us to help us manage this project over the next three to four years. Gary said they would like a commitment from us this evening in order to keep the project on schedule. Mayor Lawhorn restated Gary's comments and said the reason we need to go forward with that project is it is the second worst intersection for accidents in Warren County. He said the reason we need to hire TID to manage this project for us is because ODOT won't deal with us because we don't have the engineers. Mayor Lawhorn said the fee they are charging us is \$105,000 and takes us to 2018 and they have already been working on this project for a year. The mayor said we will still be involved but they will handle the engineering and manage the project. Madison asked if we hire TID to manage this project how much control does this council have over their decisions. Mayor Lawhorn said they manage it but we still will be involved but actually ODOT dictates the project. Madison asked if there is anything on the table now that shows what that intersection is to be.

Mayor Lawhorn said that was done by LJB when the project was started and Madison said he just wanted to make sure it change somehow. Mayor Lawhorn said studies have to be done over so things may change but as far as the intersection and what it is drawn to be will not change. Discussed the TIF and projected development and if that will bring more money into the TIF. Discussed projects that are projected to be paid from the TIF. Bruce stated for clarification that TID is not Warren County. He said it is a council of governments and Warren County is a member just like this village is a member and the county engineer is the secretary of the TID.

Resolution 2013-42 was presented to enter into the TID agreement. A motion to waive the reading rule was made by Allen, seconded by Evans, all yeas. A motion to adopt Resolution 2013-42 was made by Atkins, seconded by Allen, all yeas.

8. Mayor Lawhorn stated we have a resolution authorizing the mayor and fiscal officer to renew the village insurance with the Ohio Plan for the year 2014. This also authorizes the payment of the premium. Sharon stated this is our liability insurance and basically we had a small increase this year, the last four years we had a decrease. She said we do get a \$4000 credit for the magistrate and myself for attending seminars. She said we have been with them a long time and they respond quickly and take care of all of our issues and are easy to work with. She said the renewal is affective January 1<sup>st</sup>. Bruce stated he would add you only recently received the billing from the insurance. Sharon said she usually receives the renewal costs in November but the insurance company forgot to send it out and she had to contact them and wait on them to get it to her. Resolution 2013-43 was presented to renew the village liability insurance. A motion to suspend the reading rule was made by Madison, seconded by Allen, all yeas. A motion to adopt Resolution 2013-43 was made by Boerio, seconded by Evans, all yeas.
9. Mayor Lawhorn said council had discussed giving the full time village employees a bonus of \$100. A motion to give the bonus was made by Atkins, seconded by Evans, all yeas.

Mayor Lawhorn stated we also discussed giving the employees the full day off with pay on Christmas Eve. He explained the offices are closed a half day on Christmas Eve and I am recommending that we close the whole day and pay the employees. Atkins asked could we just not make that permanent instead of having to pass this every year. It was decided to look at making the change to the manual. A motion to give the entire day off with pay on Christmas Eve was made by Sturtevant, seconded by Madison, all yeas.

10. Mayor Lawhorn presented Bruce McGary's invoice for professional services for authorization in the amount of \$1180.00. A motion to pay the invoice was made by Atkins, seconded by Evans, all yeas.
11. Atkins said he would like to make the change in the manual to permanently give the employees the entire day off Christmas Eve.
12. Evans stated that where ATT has been running their lines we need to check sidewalks and everything because they have had heavy equipment all over. Discussed that they took our pavers up without authorization and actually had no communication with the village prior to their work. Gary stated they have worked here and surrounding communities without a permit. He said we have communicated with them over the last couple of weeks and we have been cooperative with them so as not to stop them. He said we have sent them an invoice for the sewer line damage and they assure us they will take care of everything that may have been damaged. He said we are working on a better permit process. Bruce said he happened to be in the village a week ago and went into the township and discovered they had abandoned their activities because of the snow and I happen to be in control of some property in the township, and they decided to park all their equipment and supplies on my client's property. He said he was in contact with ODOT and they had no permit with them as well. Boerio stated he believes these people are pretty arrogant and he would like to see Gary make sure that all property that has been disturbed gets repaired and even private properties.
13. Madison stated that this being his last meeting, he has been proud and privileged to serve the community. He said he would like to recognize Glenn Holloway a long time servant of the community and I believe this community has been a better place to live because of his service and dedication. He said he certainly misses Glenn, he was a good friend.  
  
Madison stated he has one final request for the financial officer. He said he would like to flag the ordinance that was set forth for this council's salary for the auditor's to look at. He stated the reason why is he believes that ordinance was flawed when we changed the ordinance in the third reading, so I don't think it is worth the paper it is written on. I believe the appropriate thing to make that valid would be to read another three times after the changes. He said he may be wrong, but he would like the auditors to take a look at that. He stated it has been a pleasure and he would like to thank everyone else on council for working with him.
14. Mayor Lawhorn stated he would like to thank Bill and Jeff for your contribution to the Village of South Lebanon. He said he knows they have had some spirited discussions but I think we both were doing the things we felt were right for the village. He said it has been a pleasure

to work with both of you. Sturtevant stated it has been an honor and his first experience in politics and it has been fantastic and I think the village has come a long way since I moved here ten years ago. Mayor Lawhorn said he wants to thank Jim Boerio for stepping in and I think he has done an excellent job and hope to see him here again. Jim stated he appreciates the comments and the opportunity to serve the people of South Lebanon. He said it has been an interesting experience and very educational.

15. Sgt. Boylan said he presented council with a couple of other documents that he discovered they have available. He explained the breakdown.
16. Mayor Lawhorn said he wishes everyone a Merry Christmas and hopes everyone has a Happy New Year.
17. Bruce McGary stated he wanted to thank the village for the Christmas dinner and he thought the food was excellent.

He said he wanted to bring to the council's attention that I had filed a lawsuit against a sexual offender that has been dismissed today because he verified today with the sheriff's office that not only did she move out of the Village of South Lebanon, but out of the State of Ohio.

Bruce said he will add, which he didn't expect to say but he will, one of the things Sharon provided me tonight, one of the services the village provides this is an update for law books. He said they are important books and he does use them and I can assure you I do use them. He stated the reason he brings it up is the comment made by Bill. He stated before we completed those three readings that was the source I relied upon and verified, and I have a copy from that book, that ordinance or resolutions amended during the course of an enactment need not be read on three different days. The only way it could possibly be required to be read after the amendment on three different days is if there was enough in the ordinance that constituted substantial material change to the provisions of the ordinance, which I do not believe happened. He said he wrote the ordinance and researched that issue before we did it on the third and I know Bill indicated he did not know if that was accurate or not but I can certainly tell you that if some audit looked at that provision I would defend that zealously for this village and I would site for the State Auditor cases including Weaver vs Mt. Vernon, Logan Natural Gas vs the City of Chillicothe, which are cited in support of that proposition of law.

18. Mayor Lawhorn said he is going to ask for a motion for an executive session per Ohio Revised Code 121.22G1 to discuss personnel discipline. A motion to go into executive session was made at 7:30 p.m. by Allen, seconded by Atkins, Allen – yea, Atkins – yea, Boerio – yea, Evans – yea, Madison – yea, and Sturtevant – yea.

19. Mayor Lawhorn stated there was no action taken in executive session. A motion to return from executive session was made at 7:55 p.m. by Atkins, seconded by Sturtevant, Allen – yea, Atkins – yea, Boerio – yea, Evans – yea, Madison – yea, and Sturtevant – yea.
20. A motion to adjourn the meeting was made at 7:57 p.m. by Madison, seconded by Allen, all yeas.

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Sharon Louallen, Fiscal Officer

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Lionel Lawhorn, Mayor