

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
JUNE 20, 2013
6:30 P.M.**

1. Mayor Lawhorn opened the meeting at 6:30 p.m.
2. Linda Allen - Present Glenn Holloway – Absent
Randall Atkins – Present Bill Madison – Present
Dean Evans – Present Jeff Sturtevant – Absent

3. Mayor Lawhorn opened the floor to the public:

Adam Johnson – South Lebanon Historical Society – asked who does the village fireworks and was told Rozzi. He stated that a friend is associated with Prestige and if the village would use them it would cost no more and the society would get free fireworks at their festival. He said it would last 30 minutes and that he thinks our display now is shorter. Mayor Lawhorn stated that our current display is 30 minutes.

Adam said they would like to petition council to pay the societies yearly insurance until they get their Federal ID number. He stated it is \$450.00 and they are struggling right now. Mayor Lawhorn stated they would not make a decision tonight.

Adam also asked if TOGA ghost hunters would be able to spend a night in the two story building. He said someone from the society would be with them. Mayor Lawhorn stated they would need to get information to our administrator for review by him and the solicitor.

Adam said he would like to see an updated sign at the bike trail directing to local historical sites in town. Gary stated that ODNR manages the bike trail and he suggested they contact them.

Adam then asked if they would be permitted to have a haunted house in the two story building for 2014 and would like permission so they could begin planning. He again was told all that needs to be presented to the administrator for consideration.

Madison stated the sign at bike trail sounds like a good idea and maybe council could have it moved to our park property. He said after they contact the state maybe they could present council with an idea.

Adam also asked could they put a tent at the bike trail to sell bottled water and chat with people and let them know our history. Mayor Lawhorn

explained that ODNR regulates that area and we had to get a permit to put a sidewalk from parking lot to bike trail and have a permit for sewer line that runs under the trail. He stated we have to do what they say.

Madison asked had they gotten office space at the community center yet and was told yes.

Kelly Kairn – 313 E. Pike – thanked council for allowing the planting at the skate park for Cody Casada. She said she was told the stones had to be pulled because of insurance and asked could the village request to allow them and Mayor Lawhorn stated we cannot have those in the park.

Kelly asked about getting pole lights for the skate park and the pavilion. She said she is aware the parks close at dusk but it would help with vandalism. She said maybe there would be a grant or something and the mayor said we looked into the pavilion at one time but it was decided they close at dusk. Mayor Lawhorn said Gary will research it.

Kelly also asked about getting a port-o-let and re-cycle bins. Gary stated we have to clean up the trash in the park because they don't even use the trash cans. Linda Allen stated maybe the park could be named for Cody.

4. The following minutes were presented for approval:

Workshop – May 2, 2013 – motion to approve made by Madison, seconded by Atkins, all yeas.

Regular – May 16, 2013 – motion to approve made by Evans, seconded by Atkins, all yeas.

5. A resolution was presented authorizing the medical insurance be changed to a HSA policy was presented. Mayor Lawhorn asked if council had time to review and Atkins asked if a discussion was held with the employees. Gary stated as part of the process the insurance agent met with employees and spouses and went over the plan. Gary said the plan is lucrative and affordable and will save the village money. He said current deductible credits will be credited toward the new plan. He explained the account is theirs and if they leave the money goes with them. Atkins asked if there will be a max for the accounts and Gary said the village will contribute 50% each year and the accounts if not used will just increase. Discussed network verses non-network. Gary said it is still with Anthem and after the deductibles are met the new policy pays 100% versus current 80/20 plan.
6. A motion to waive the reading rule was made by Allen, seconded by Atkins, all yeas. A motion to adopt the insurance resolution was made by Evans, seconded by Allen, all yeas. For the record the resolution number is 2013-18

7. A resolution was presented to allow the fiscal officer to submit the 2014 budget to the auditor. A motion to waive the reading rule was made by Allen, seconded by Atkins, all yeas. A motion to adopt the budget resolution was made by Atkins, seconded by Evans, all yeas. For the record the resolution number is 2013-19
8. A resolution was presented to change the July meeting dates. The workshop from July 4th to July 1st and the regular from July 18th to the July 15th. A motion to waive the reading rule was made by Allen, seconded by Atkins, all yeas. A motion to adopt the resolution changing July meeting dates was made by Atkins, seconded by Evans, all yeas. For the record the resolution number is 2013-20
9. An ordinance was presented for the first reading to approve a zoning map amendment changing property from R-1 to B-1.
10. Administrator Vidmar reviewed his memo. He informed council he is studying all the leases for the community center and the solicitor has studied them as well. Gary said they believe the lease documents to be inadequate and are going to update the document as they renew. He said Sharon has been tracking on a spread sheet income verses costs. Per the old documents the village is responsible for maintenance and utilities and we are operating in the red. He stated the income is insufficient to cover the utilities alone. Gary said we need to consider the structure and even though they are non-profit and provide a service to the community with the economy he feels it is prudent to consider they pay the utilities. He said these are his suggestions and he would like a motion to continue working on this. Allen asked the status of the leases and was told Food Pantry has expired as well as Word of Deliverance and Mt. Zion but the latter two have a one year renewal per their old contract without changes so they would not be addressed until 2014. A motion to continue researching this issue was made by Atkins, seconded by Evans, all yeas. Madison said the Food Pantry provides a great service and I would not want to see us put a hardship on them and maybe we could relax it a bit for them and Atkins agreed.
11. Gary addressed the policy/procedure manual and his recommendations sent to council. Atkins stated the suggestion about carrying over vacation is fine but he does not agree with them only being paid a portion should they leave. He stated they earned it and they should get it. Madison stated we usually have a sub-committee review this and meet with Clemans Nelson and I would like to see council control this. Discussed that Clemans Nelson made legal updates and Gary stated these are merely suggestions. Madison stated past practice was to have sub-committee meet and would like council to maintain control and Mayor Lawhorn said it is not written in policy anywhere that it be done that way but council can do it however they want because they

have to pass it in the end. Madison stated it is not written anywhere that we give the township their water for free either. Bruce said he wants to review it as well and the mayor said it is council's decision. Allen made a motion to take the review to the personnel committee, seconded by Madison, all yeas.

12. Ordinance 2013-06 was presented amending the appropriations for an amended certificate. Sharon explained we added the TIF and Woodknoll Section II fee bond and so an amended certificate was sent to the county and now the appropriation ordinance has to be amended as well. A motion to suspend the reading rule was made by Madison, seconded by Allen, all yeas. A motion to adopt Ordinance 2013-06 was made by Atkins, seconded by Evans, all yeas.
13. An invoice was presented paying CompManagement for our 2014 MCO. A motion to pay the invoice was made by Madison, seconded by Allen, all yeas.
14. An ordinance was presented for the first reading by title only setting compensation for four council seats. Mayor Lawhorn stated copies were in the packets and asked if council had read.

Council member Madison said he had some comments after having time to compose his thoughts and said he has some issues with this compensation. He said the issue is that council was called to an executive session to deliberate the new incoming council compensation. He said what place, motivation or meeting does it carry to discuss the compensation of the former mayor's incoming "high end" of the scale. There was a specific reference to his high end scale. What is the motivation and what is the reason for mentioning the mayor's incoming high end scale. He asked why was it brought up and included in the deliberation of the new incoming council's compensation. He said these are several questions he can't answer. So he stated he would explain, in starting the new council's compensation deliberations one of the elected officials stated "Jimmy is running for council and there is a good chance he will win and he will be making the high end scale and that is too much". In return the mayor replies and agrees. This is along with other remarks. He said this is a repeated pattern and you can take this back to when the election was completed Skip ordered our employees not to talk to the former mayor and again in a past executive session Skip and Dean deliberated on whether or not to allow the former mayor to attend a sub-committee meeting. Again what does discussing whether or not Jim or for that matter any general public have any relevance for being discussed in an executive session. Again in that session our solicitor studied the issue and came back with his findings during the session and stated public was not allowed and later, after the executive session, he recanted and advised us the public could attend these meetings and whether they were allowed to speak

was part of our ongoing policy. He said in both these executive sessions it was deliberated with regard in a direct relation to the subject matter with our past mayor. In both cases the motivation in both cases was punishment and a violation of his civil rights. Bill stated in good conscious he has to say this, an individual is complicit in a crime if he or she is aware of an occurrence and has the ability to report the crime but fails to do so and as such the individual allows the unlawful behavior to carry out despite the possibility of being stopped by them directly or by contacting the authorities. Thus making them an accessory to the crime rather than an innocent bystander. He said that goes for everyone on council and that all have been given executive session rules and laws and we have discussed them in formal meetings. He reminded that in a general council meeting he brought to light and warned I would not have anything to do with these unlawful deliberations. Again I am totally opposed to it, in my opinion this council is being lead down a path of doom due to ill feelings toward our previous mayor. We are being asked to put in place measures to punish him. I can think of no other reason why his name is being brought to bear during more than one executive session where he is pointed out and discussed. Bill stated as he said in the prior meeting he will leave and have nothing to do with it.

Mayor Lawhorn asked did he understand there will not be a quorum and nothing can be done by the date. Madison said it is flawed and many statements were being made and not audible.

Solicitor McGary said we will take no action on this tonight and schedule a special meeting to address the issue within the time period. He said this requires three readings and we have this stretched out over the next two meetings. Mayor Lawhorn said he read this while Bill was here by title and there is no action and Bruce agreed this would be the first reading.

Council member Atkins asked that one thing be changed and that is the last paragraph that refers to "mayor" should say "any elected official". McGary said it was for clarification because the rest of the ordinance refers to council but that we can look at it. Mayor Lawhorn said he wanted to make it clear when he talked to Jim Smith on the phone that he was telling our employees what to do and I told him not to be telling them what to do and not call them and don't call them and if he wanted something done to contact the administrator or myself and not tell the employees what to do.

15. Discussed no quorum to adjourn the meeting and Bruce said the mayor could go ahead and take comments from council as usual because they are just comments.

16. Council member Atkins asked Gary to look into the corner of Hobart and King Ave. where Duke Energy has done some work and it needs repaired.
17. Mayor Lawhorn said he did have something to bring up but it would take action and it was he thinks both meetings should be regular meetings. He said we cannot conduct business by waiting a month and if we had not had a quorum tonight Sharon would not have been able to file the budget in a timely manner by law. He asked those that are left to think about it.
18. Gary said there are properties that have failed to sell at sheriff's auction. He said by statute the village has ten days to acquire those properties by paying the back taxes. He explained where the properties are located. Discussed the back taxes owed. McGary said this is after two sales and no bids. He said municipalities can acquire these properties or they will be forfeited to the state. When the property goes to the state the taxes go away. With no quorum you cannot give us any direction.
19. Mayor Lawhorn declared the meeting closed due to Bill Madison leaving At 8:05 p.m.

Sharon Louallen, Fiscal Officer

Lionel Lawhorn, Mayor