

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
JULY 15, 2013
6:30 P.M.**

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

3. Mayor Lawhorn opened the floor to the public:

Wesley Holloway – For those who do not know me, Glenn was my Dad. He said he would like to say thank you very much for all the support and everything from the town. It meant a lot and I really appreciate it. He stated he would also like to be considered to fulfill the rest of his father’s term. Wesley said it would mean a lot to him and would be his honor and privilege to have the opportunity and would mean an awful lot and again thanked everyone for their support on behalf of the whole family.

Madison said he would like to recognize Wesley and thank him for coming. Bill said in looking at his family and the service that they have provided this community. You look at your grandmother who started out here on council and when she left her son Glenn stepped in and your mother, Becky has given service to the community on the school board. He stated your grandmother also ran the food pantry many years here in town. I can think of no one that deserves or would represent this community better than yourself. He said that position is fitting for you and I as a council member nominate you for that position. Mayor Lawhorn said we are going to hold off that we have a place in the agenda for that and we are going to let it go until then, business first. Madison stated again I am a councilman sitting here in a meeting and I have made a nomination for Wesley Holloway to take his father’s place on council.

4. The following minutes were presented for approval:

Special – June 6, 2013 – motion to approve made by Allen, seconded by Evans, all yeas.

Workshop – June 6, 2013 – motion to approve made by Evans, seconded by Atkins, all yeas.

Special – June 13, 2013 – motion to approve made by Evans, seconded by Allen, all yeas.

Regular – June 20, 2013 – motion made to approve by Evans, seconded by Allen, all yeas.

5. Mayor Lawhorn stated the next order of business is the selection of a nomination of an interim council member for the remainder of 2013.

Mayor Lawhorn asked Solicitor McGary to explain how this is done and what the law says. McGary stated council is vested with the authority to appoint the replacement when you have forfeiture. He went over the qualification that all council members have to meet. He stated that if council does not appoint the position by July 24th it defaults to the mayor.

6. Madison restated he nominated Wesley Holloway to fill his father's seat for the remainder of that term. Jeff Sturtevant said he also nominates Wesley. Linda Allen stated she also has a nomination and that she spoke with Mr. Boerio and asked him to come on to the council since he did not have any interest in running full time and that could be an issue and we discussed it so I nominate Mr. Boerio. Mayor Lawhorn asked if there were any other nominations and there were none. McGary said we have heard from Wesley and though he did not state it, I assume he meets all the criteria. Mayor Lawhorn said he needed to ask Jim if he would accept. Mr. Boerio asked for clarification for public office and that he is an officer of the homeowners association in Vista Pointe. So if I am correct that does not mean a public office then I accept. McGary stated to call the roll and they can vote for either one.

Atkins said he would like to say that nothing against Wesley and he is sure he would make a good council person, but he thinks if you are running for the election that if this board appoints someone running for the election it would appear we are backing that person up. He said he is not sure that would be good for the board to do so that is how he stands on it so he votes for Mr. Boerio. Evans stated he agrees with everything Randall said and he votes for Mr. Boerio. Sturtevant said he already spoke and votes for Wesley Holloway. Allen stated she agrees that Wesley would be a wonderful council person, your family has served this community for so long but politics as they are as a candidate can help you sometimes and they can hurt you. Sometimes issues can take a toll on your campaign and I personally would love to see you make that your spot, we would love to keep you on council really and truly. She stated she nominated Mr. Boerio and she votes for Mr. Boerio. Madison said his vote is for Wesley and again I would say as far as him running for council I think is good. He said someone showing an interest would benefit by filling this seat. Not only would help them get prepared for their term if elected and just coo berates that they do in fact have an interest in serving their community. Atkins said he thinks it would be bad because it would be like we were indorsing a certain individual. Allen

said Wesley's name is out there and sometimes high political issues can hurt your campaign. Allen said congratulations and thank you for pulling your application.

Mayor Lawhorn stated he made recommendations to council that the appointment not be anyone running for election because it would be a step up and that is why they looked for someone that wasn't and then the election is wide open and it does not give anyone a leg up.

McGary stated to take an official roll call vote. Allen – Boerio, Atkins – Boerio, Evans – Boerio, Madison – Holloway, Sturtevant – Holloway.

7. Mayor Lawhorn swore James Boerio in as council member and asked him to take a seat.
8. An ordinance was presented for the third reading for compensation of four council seats. For the record it is Ordinance 2013-21. Solicitor McGary said there should be discussed some amendments. Bruce stated as he mentioned at the workshop the way the ordinance is drafted there is a statute that addresses the issue of missing meetings. He said he found 705.13 relating to salaries and attendance of council. He said it provides for each absence from regular meetings unless authorized by 2/3 vote there shall be deducted a sum equal to 2% of such annual salary. Bruce said there is nothing in the ordinance that deviates from that statute. He asked council if they by 2/3 vote to amend it and stated that council can modify the language to make that exception. McGary explained if adopted in the current state if a council member misses a regular meeting there is a deduction of 2%. If you want to modify that it needs to be done as long as 2/3 vote for the modification. Allen asked if the 2% would apply to the one monthly meeting missed not annually and was told yes. Bruce said you know your compensation and multiply by 2% and that would be the reduction for each meeting missed. Discussed you have to attend workshop to be paid and that the new ordinance does not address that. Decided the regular and workshop are combined in the new ordinance so there is no additional compensation for the workshop. Allen said she thought the workshop was to be left as it stood and asked council what they thought. Evans said he could accept a no show no compensation clause. Mayor Lawhorn said he is wanting council to change both meetings to regular meetings. The mayor said you can see how much business we have tonight and I think we can do part as workshop and part as regular Bruce said we could do that. Allen said it needs discussed.

Sturtevant asked why are we personally referenced in this ordinance and why does it not just say the four seats up and not our names on it? Bruce asked how would you identify those four seats as opposed to the other two.

Jeff stated we have one person named here looking down on us right now wondering why his name is on there too. Bruce said his guess is it would suffice to say the terms that expire. Allen said we need to discuss the 2% if we are going to modify it. Evans said he will say it again no show no compensation and Allen said she thinks most would agree with that. She also said like someone said there are things we do that we don't get compensated for. Atkins stated he thinks we should waive the 2% and to not be compensated for committees. Allen said she thought that was what we talked about. Mayor Lawhorn stated this does not affect two of you and Linda said she understands that. Bruce stated that Dean and Linda even under the old ordinance are still affected by the statute of 2% reduction. He said it was never enforced but should be. Evans said he would also accept the modification and was told he can't concerning his pay. Atkins said he makes a motion to modify the language in the ordinance read three times to deviate from and not enforce the deduction provision of 705.13, seconded by Allen. Allen – yea, Atkins – yea, Boerio – yea, Evans – yea, Madison – abstain, Sturtevant – nay.

Sturtevant stated he makes a motion we scrap the whole thing and just put the no show no pay and I think we are treading into some stuff that in the end is going to cost us more money, seconded by Madison. Atkins said we have to have something passed. Mayor Lawhorn said what he is doing is asking for a different amendment waiving the 2%. Sturtevant said current ordinance with amendment of the no show no pay. Jeff said keep old pay ordinance with the no show no pay and this one goes away. Mayor Lawhorn said it can't go away. He said there has to be one done by August 2nd by law. He said you can amend this with what you just said. Bruce said you already made motion to modify so I would be adding language and what should happen is after council has a chance to discuss it fully that it be put to a vote. Jeff stated the issue he has here is that we are asking the current council to decide on four seats and a future council to decide on the two remaining seats. Mayor Lawhorn said it is the only way it can be done and Jeff said he understands that. Mayor Lawhorn said the law says it has to be done five days prior to the petitions being turned in. Madison said he thinks he would amend that statement and say the law requires if you are going to change it it must be by that deadline, there is nothing in there that says you have to. Mayor Lawhorn said he thinks it says compensation has to be set by. Madison and Sturtevant both stated it is already set. Bruce read the legislative authority shall fix the compensation and bonds of officers, clerks except as otherwise provided by law. Pertaining to council it says the legislative authority shall in case of elected officers fix their compensation for the ensuing term of office at a meeting held not later than five days prior to the last day fixed by law for filing as a candidate for such office. Mayor Lawhorn said we have voted and the motion to modify to omit or void Section 705.13. He asked if there are any other modifications. Boerio asked for clarifications.

He asked what is the general purpose of this ordinance and the mayor said council sets the compensation and the law tells when that has to be done so we have to by August 2nd five days prior to the date we have to pass a compensation ordinance to be in effect for the incoming council seats. Jim asked is it considered that this ordinance is going to save the village money and was told by the mayor it will save some money. Jim asked if we have an estimate of how much. Sturtevant said he asked for that information and we did get a document that basically stated how much we were over paid and then I asked for some opposing documentation as to the financial status of the villages we are being compared to. He said it is one of those you get what you pay for kind of thing. Jeff stated I watched this balance sheet go from when I started a million something to five million dollars and I am not a fan and I don't think it really saves you anything. Mayor Lawhorn said Waynesville was brought up and you brought it up too that they are on fiscal watch but Amberly Village is not under a watch and I guarantee that their income and expenses are more than ours and they do not get near what we get. Sturtevant said he is just saying he got a document almost the very next day after one person came to the podium and said we were all overpaid and that was the opening statement, and then following that was basically a document stating how much we were over paid. Mayor said it was a comparative and that is all it is. Mayor Lawhorn stated that with that comparison the council and mayor are paid too much. Jeff said that again does not address the issue what are you getting for what you are paying. Mayor Lawhorn said he does not agree with that and Sturtevant said we will have to agree to disagree I guess. The mayor said we are talking about some cities too. Sturtevant said when you reduce people that have served and don't serve and maybe come back to serve and the mayor said they have to be elected to even worry about it. We are not setting this for or against anybody these are the people that are going to get elected. Jeff said in the future maybe someone misses this cycle and then comes back in two or three more and we are messing with OPERS, with their retirement. Mayor Lawhorn said they better check on their retirement because it reduces their Social Security by 2/3. Mayor Lawhorn said he said from day one that council and mayor was paid too much. Jim asked how much is this going to reduce a starting council person and let's say a new person fills this seat. Compared to what that person would get right now and looking at what this person will get under this ordinance. Allen stated she made \$3,025 a year. She said for her second term she would get about \$1300 more. Jim said it would actually raise her pay and she said according to the agreement we do have a ceiling on fourth term you have a ceiling it goes with Lebanon. She said any person no matter how many times they get elected there is a cap. She said we compromised at point we thought would be a fair ceiling. She said we figure that could save the village depending on the results of the

election it could save up to \$18,000 to \$20,000 a year. Atkins stated that I don't have a problem with and it will reduce mine by \$125.00 a month. Mayor asked Dean if this was in effect in two years what would it reduce his by and he said he would gain. Lengthy discussion was held concerning comparisons. Evans said there are four people running for these seats that would accept \$375 or less a month and Atkins said if you are going to do it you do it to serve your community not for the money. Allen said we had a lot of conversations about what you bring to this job and first of all I think we all want to do what is best for the people of South Lebanon. She said we have to look at what is fair and asked do you really feel some of these salaries are fair. She said she knows this is her first term and she is at the bottom of scale but being at the top would not affect her decision. Jim said so this ordinance could save the village as much as \$18,000 a year. Mayor Lawhorn stated we can't say who will come into office. Linda said that is due to the longevity clause. Jim asked is there any way this could result in the village losing money and Bruce said Jim is at a disadvantage because he has not seen the existing ordinance. Bruce explained with the longevity clause the scale went beyond that and the person this would have impacted would have been Glenn. He said Glenn had twenty years and under the longevity pay was would have made his pay a lot higher than what this ordinance does. Jim said so in order to see a significant cut you would have to be well beyond the cap which is twelve years. Jim said it appears to me that unless you have somebody that is well beyond the twelve year cap this is not going to affect compensation very much. Mayor Lawhorn said it just depends on who gets elected.

9. Mayor Lawhorn asked if council was satisfied with the ordinance with the removal of the 2% decrease for missed meetings and the council member names removed. A motion to accept Ordinance 2013-21 was made by Allen, seconded by Evans, Allen – yea, Atkins – yea, Boerio – yea Evans – yea, Madison – abstain because I am against modifying the council pay at all and I participated in some of it but due to discussion that took place in executive meeting I feel there is a flaw in this process, Sturtevant – nay.
10. Ordinance 2013-7 was presented for the third reading concerning the zoning amendment. Madison asked if this went through zoning and the board was okay with this and was told yes. Allen asked for clarification that was there a discussion that planning and zoning commission had the authority to approve without bringing to council. Gary stated there is a planning and a zoning and the planning by terms of our zoning code has authority to recommend a zoning map amendment such as this to council for its vote on this ordinance. Bruce stated this is only a recommendation to the legislative body and the jurisdiction is the body of council. A motion to adopt the ordinance was made by Atkins, seconded Sturtevant, all yeas.

11. Resolution 2013-22 was presented approving the Ohio Public Grant application for the East/West Water Line project. Gary explained this is the grant we spoke of before. Our water system has been reassessed by Choice One Engineering and they were able to reduce the scope of the project however the new estimate was higher than Brandstetter Carroll's estimate. The village share has gone up. Madison asked for details and the benefit of this project. Gary said we have 4" pipe and it does not provide adequate pressure so the intention is to change these to 8" lines. Mayor Lawhorn said last year we did not do one because we did not have the money in the water fund and this one again the money would have to come from the general fund. He stated he questioned was it really needed and they convinced me it was. Gary explained that this is an estimate and the bids can come in less. Boerio asked that since the village share has gone up is there comfort that the money come from general fund and he was told yes.

A motion to waive the reading rule was made by Sturtevant, seconded by Madison, all yeas. A motion to adopt Resolution 2013-22 was made by Madison, seconded by Atkins, all yeas.

12. Resolution 2013-23 was presented to authorize process of application for the Hazard Mitigation Grant Program. Gary stated that several weeks ago he was approached by Warren County Emergency Management to discuss a directive they had received from FEMA as a result of the most recent Hurricane Sandy. They were to inspect properties in the village that may have been damaged in the past by tornados, floods, etc. and this a directive that has come from the federal government. After discussion and study over a period of time they began focusing on this building and the sheriff post next door as two potential properties that could be eligible for this grant. They submitted a pre-application and we have been short listed as a result. Maximum amount would be about \$211,000 and no guarantee we will receive it. We could receive less than that, however, not applied for until October there is much work that needs to be done to put the grant together and I wanted to confirm it is council's pleasure to pursue. If we were to obtain that grant there may be a match to either construct a new facility or make necessary modification to this facility to lift it out of the flood zone. He said it was the agency's recommendation we consider a new location because they felt that would make us as competitive as possible as opposed to modifying this building. Madison asked if there is a time line on spending the money and Gary said he will ask. Bruce stated that this is just for application and there would be another faze to accept the agreement and those questions would be answered in that agreement and Madison said that is fine but if we had to spend the money in a year my thought was why waste time applying.

A motion to suspend the reading rule was made by Sturtevant, seconded by Atkins, all yeas. A motion to adopt Resolution 2013-23 was made by Madison, seconded by Sturtevant, all yeas.

13. Resolution 2013-24 was presented to allow changing phone service and internet service to Cincinnati Bell. Gary stated in April when we were studying a new computer system I began studying our phone bills and we discovered we were being billed for some phone lines that were actually disconnected. In addition our internet service was basically a low rate service so I went out to get proposals from Cincinnati Bell, Centurylink, and Time Warner. You have the results in front of you and Centurylink was non-responsive and difficult to communicate with and ultimately never submitted an accurate proposal. If Cincinnati Bell is selected the savings over three year contract is well over \$17,000 from what we are paying today for an inferior system. Fiscal Officer stated she wanted to clarify I wasn't paying phone bills for phone lines there is a second page on one bill that has a service cost of a couple of dollars, just so you know I was not paying for phone lines we didn't have. Gary said thank you for that clarification, she is accurate.

A motion to waive the reading rule was made by Evans, seconded by Sturtevant, Madison abstained due to Cincinnati Bell being his employer, all others yeas. A motion to adopt Resolution 2013-24 was made by Atkins, seconded by Evans, Madison abstained due to Cincinnati Bell being his employer, all others yeas.

14. Resolution 2013-25 was presented authorizing a development agreement for Woodknoll Section II. Gary said the zoning requires a development agreement. He said to his knowledge the village has not had a standard agreement so the solicitor and myself created the template. Atkins asked if there is anything in there about how late they can work up there. After discussion Sgt. Boylan stated the noise ordinance takes care of that and neighbors should call dispatch. A motion to waive the reading rule was made by Allen, seconded by Evans, all yeas.

A motion to adopt Resolution 2013-25 was made by Evans, seconded by Atkins, all yeas.

15. Mayor Lawhorn held the first reading of Ordinance 2013-08, which adopts the 2012 edition of the International Property Maintenance Code.
16. Mayor Lawhorn presented and invoice for Bruce McGary in the amount of \$300. A motion to pay the invoice was made by Sturtevant, seconded by Allen, all yeas.

17. Administrator Vidmar reminded council that the personnel manual review needs to move forward. Boerio agreed to take Glenn's spot on the Personnel Committee and they will schedule a meeting. Discussed Gary's recommendations concerning vacation and Atkins stated we can't do that they get to keep their vacation. Discussed the pay being bi-weekly and Evans said some employees have voiced dissatisfaction with the bi-weekly pay schedule. Atkins asked how much of a strain is it on you and she stated it has always been that way and that is what they prefer and it does not matter if it is Monday, Tuesday, or Wednesday things can happen. Atkins asked if she is having trouble getting paperwork on time and she stated that she does get everything on time and if she has issues they wait until later in the day and I pay vacation checks early as well as Monday holidays and basically they work with me too so it is what they prefer. Mayor Lawhorn said he spoke with Sharon and she does not have a problem and if she needs it changed she will let us know.
18. Solicitor McGary stated he wants to advise that the motion to have the Hamilton Township Police Levy case was awarded so it will come back to Warren County. He said the motion to have Hamilton Township pay attorney fees was denied.
19. A motion to adjourn the meeting was made at 8:04 p.m. by Allen, seconded by Madison, all yeas.

Sharon Louallen, Fiscal Officer

Lionel Lawhorn, Mayor