

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

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

Maryan Harrison – Historical Society – asked if maybe council could vote for allowing TOGA to film and become a fund raiser for the society. Every year we have a festival and we decided to make it later because of health issues due to the heat. It will be October 26th and we contacted Jeff Sharp to see if the school would be available and he said it was as long as the village had no problem with us using it. She stated all vendors sign a hold harmless agreement.

Courtney Griffin – Mary Lane Extension – stated she has an issue with the street sweeping. She said the days and times should be more regulated. She said she received a citation for parking her vehicle on the street and the no parking sign was not visible from my window and it had not been there for for 24 hours. When I talked to someone from the village about when the street sweeping normally occurs she could not provide a concrete answer. The signs say no parking today and sometimes they are placed the day before and people return home and wonder if this was for that day. When I asked why the signs were not more detailed I was told it would be too expensive. The ticket was \$90 and I asked for written copy of the rules and was told there are none. I was also told I cannot park my second car in my own driveway because it crosses the sidewalk and would also be an offense. She stated if signs were consistent on days and sides of the street non-compliance would no longer be an issue. Mayor Lawhorn said he has received a lot of complaints and there is a question about the timely manner of the signs going out. Administrator Vidmar stated he would get her number after the meeting and after I talk to our public works superintendant and have more information. He said there is a consistent week every month but the company delayed a week and we were not notified. Madison stated this is meant to be for the community not harassment. Mayor Lawhorn agreed and said if there is a problem we need to look at the process. Gary stated he will investigate it. Madison said we have consistency in street sweeping for years and how long have we been citing for these because as far as I know we have not cited for this. Atkins stated if she can't park in

her driveway, where are they supposed to park. Madison said \$90 is excessive how about \$5 to say this is something we are going to enforce. Mayor Lawhorn stated we need to look at it. Bruce stated when she comes to court to ask for a pre-trial. Madison asked if there was something we can do so no one has to miss work. Bruce said he will look into it and said he can nulle a complaint but would like to talk with the Sheriff's office first to make sure it is a first offense and not a chronic behavior. Mayor Lawhorn said it will be taken care of.

Daiying Stead – 415 Mary Lane Circle – asked why the no parking signs are always in front of her house. Madison stated the signs are placed randomly. She also asked about the trash truck coming so early and waking her up. She also asked about a broken washer and was told to set it out and it will be gone.

4. Workshop – July 1, 2013 – motion to approve made by Madison, seconded by Atkins, all yeas.

Regular – July 15, 2013 – motion to approve made by Allen, seconded by Evans, all yeas.

5. Ordinance 2013-09 was presented amending the appropriations. This was created by a developer posting a cash bond for \$5000 to ensure clean clean streets, etc. The amendment is to comply with the amended certificate Sharon filed with the auditor. A motion to waive the reading rule was made by Allen, seconded by Madison, all yeas. A motion to adopt Ordinance 2013-09 was made by Allen, seconded by Madison, all yeas.
6. Ordinance 2013-08 was presented for the third reading. Madison said this is a huge upgrade to our maintenance code and I know it is nationally accepted but I have concerns that this is a historical village and structures here are over 100 years old. He said while this might be fine for a new community we have detailed every nail, every hook, every shingle or crack. So my concern is our compliance and regulation of this. Who will we employ to enforce this and who has the experience to make judgment on these homes. I understand that Gary is enforce this but we go even to hazardous waste so who determines if a property is properly painted or not. He said there has to be a school of thought to this and do we have anybody trained and learned in this to go out and enforce this in our community. He said he can see this getting out of hand. Mayor Lawhorn said yes we have an old town but we can't let those historical buildings go down to nothing. We have one right now on Main Street that is terrible. Everybody that comes to play ball that house is right there and it is falling down. This is not good for our village they need to keep them up. He said he thinks Gary has a good handle on it. Madison said his concern is fairness making sure that the house

on Main Street, what we cite them for is being cited throughout this village. He said some of our residents are senior citizens, fixed incomes and there has got to be an overall school of thought to this. Bill said his opinion is we are getting the cart before the horse.

Gary said he understands and that he enforced the code in Loveland and it was used throughout old and new and it is easier to enforce this code than the old one. The old one leaves discretionary judgment. Because of this completeness and detail makes it very effective. Gary said with the elderly or low incomes we work with them as a community and try to help them with agencies to help them. He said he is not here to fine and not a cop.

Bruce stated have these in Mayor's court cited under the existing code and typically the administrator has handled those until two weeks ago. We had one actually go to trial and it had been pending over a year. He said the hodge podge of these ordinances there were inconsistencies and when we started the trial the individual was cited for one of these ordinances and I had to dismiss it and it did not cost the defendant anything but something has to be done.

Mayor Lawhorn said the one he cited for a year, the village worked for a year to get help and whether she took any of the help that was offered or it was turned down. So it ended up in court. He said it isn't something where we just go out and say here is a ticket go to court and many times they are notified and it is taken care of. Madison stated again his concern is that everyone is treated fairly.

Bruce stated in Section II he put in himself that it can be civilly as well because one comment in court about the property that was spoken of tonight was this wouldn't accomplish anything all we are doing is fining the person and it does not fix the problem. Gary said in that same section the village will have the option to go in and abate the problem with its own forces and bill the property owner for that cost.

Madison stated it mentions a board, so do our citizens if they disagree with our decision to they have a recourse to express their disagreement. Gary said he would determine a qualified person would be doing the work.

A motion to adopt Ordinance 2013-08 was made by Evans, seconded by Allen, all yeas. Madison stated he voted yea but will keep an eye on this.

7. Resolution 2013-26 was presented accepting a contract with Rumpke for garbage pick-up. Gary said we have been with Rumpke for years and they were the only company to bid and actually their rates over the next five years will be lower than current rate. He stated Dean Ferrier is here if

council has any questions. Madison stated Rumpke has done a great job and the dumpsters were a great addition to the community but he stated he has concerns about the larger items. He said we have some rental properties that have folks move out and apparently they don't pick up on regular routes and there must be a method to this. Discussed they do pick up these items but anything upholstered has to be wrapped in plastic. Dean stated they prefer a call ahead because they only have one driver here. Madison said he has talked to some landlords and they act like it is not their responsibility to see that the items are picked up. Discussed ordinance in place. Gary stated a stronger emphasis on recycling. He we have asked Rumpke to send out flyers advertising the recycling and get residents to use it. Discussed when someone moves out and takes the dumpsters and Dean said just a contact that it was missing when they moved in is sufficient and they will be replaced. Dean stated that South Lebanon is at 45%-50% participation in recycling and we hope the mailer will increase that. Gary said council has the option to make the length of of the contract, my suggestion is five years with the rates we have, but you can decide the length. Evans stated his driver has been at his house at 5:30 a.m. for twenty years. Gary said he is not supposed to pick up before six o'clock and Dean stated it was a compliment not a complaint. Boerio said the actual agreement it states consultant and it should say contractor. Madison made a motion to amend the contract changes from 3 to 5 years and also the term "consultant" to "contractor", seconded by Atkins, all yeas. A motion to adopt Ordinance 2013-26 was made by Madison, seconded by Atkins, all yeas.

8. Resolution 2013-27 was presented amending Moving Ohio Forward agreement with Warren County. Gary stated the grant was for \$45,000 to demolish blighted property and we had five or six listed and were only able to do one in the amount of \$27,617. We are asking to reduce the grant to the actual cost we used to free up the money to be used in other communities. A motion to waive the reading rule was made by Allen, seconded by Evans, all yeas. A motion to adopt Resolution 2013-27 was made by Allen, seconded by Boerio, all yeas.
9. Ordinance 2013-10 addressing abolishing the utility review board and shut off policy. Gary stated he found a recommendation from Clark Schaffer Hackett in 2004 to abolish the review board. He said since he has been here the same people are here month after month. He said he thinks these people are taking advantage. He said to handle on a case by case method you can use your discretion and determine a true hardship case. He said he drafted a new policy and you have a copy. He said he feels we don't have a complete policy for payments as well and will come back to you for that. Mayor Lawhorn stated when he attended the board meeting it is the same people every time and they are waiving the penalties and coming back before the board when they are still behind on the last one. Madison asked

what is the alternative because sometimes we would see the same thing when I sat on that board. These people have children and they are still being housed here, what do you do, shut the water off and is that legally possible. Gary said if you read the policy it gives them a time frame to get the bill paid and we are giving the people two different time periods to get the bill paid. Mayor Lawhorn said what he has seen if they do not appear at the review board meeting they are shut off the next day and before the end of the day they have paid the bill and the penalty to be turned back on. Madison said as long as the village has an ear towards the hardship cases that deserve it. He said the other issue he has is for our fixed income folks a teared water rate. He said the county does it with taxes and I think with Gary's expertise he can dive into that and also I don't understand why businesses are using the same tear rate that a residence does. Because a resident does not have the potential to use the hundreds of thousands of gallons that a business does and that makes no sense to me. A motion to waive the reading rule was made by Evans, seconded by Boerio, all yeas. A motion to adopt Ordinance 2013-10 was made by Evans, seconded by Boerio, all yeas.

10. Ordinance 2013-11 was presented to make changes to the personnel manual. Madison said he thought not allowing an employee vacation until they had been here a year was harsh. Discussed and Sharon stated that it had been changed to make it clear to employees and in fact our current manual is correct so this must be a mistake and she will make sure it is corrected. She stated council will get a final draft to actually accept. Madison then stated he thought we had settled the pay day and asked Dean if he had gotten any comments from employees about changing the pay schedule and Dean stated he had been told they do not want the change and Madison said he got the same feed back as well. He asked if that is a huge issue and the mayor said he is leaving it up to Sharon. Sharon stated she did not have issues with Monday morning and actually if I think about it my week progresses and gets busier so Monday morning works. I come in Monday morning and get payroll and withholdings out of the way and when I have to work in the tax department it has never been an issue. I have never not been able to make payroll. She said for her to do it first thing Monday morning gets it off her plate and she moves forward. Evans asked if we can make it a Monday pay day with two day grace period in case you would have a problem and Sharon said the manual gives until Tuesday now for that reason. She said the last time the manual was done I requested the grace period in case. Boerio asked what happens if you are sick on a Monday or Tuesday and Sharon replied the tax commissioner can do it and she has been here thirteen years and never missed a Monday payroll even going through chemo so it is not an issue with me. A motion payroll stay on Monday with a two day grace period was made by Madison, seconded by Evans, Atkins asked why this has to be an emergency. Mayor Lawhorn said we can have three readings if you want. Atkins stated he

does not see this as an emergency. Roll was called to complete the vote and all voted yea. Mayor Lawhorn asked Bruce to explain the emergency. Bruce McGary stated he made it an emergency because the administrator asked for it to be an emergency and it has to meet the criteria of the statute and I felt it met that and the changes made by Kelly from Clemans Nelson are the legal changes and we have a policy in place that is not in compliance. Gary said he asked for emergency that we have had the manual for some time and there was more compelling reason to vote it as an emergency and Bruce stated that he has had litigation before as to whether legislation should have been an emergency or not and a simple solution would we could go back and do as a three reading. Atkins stated he just wanted to make sure we were following the statute. Sharon stated this is you agreeing to the recommendation of changes and then what happens is council receives a final draft to review and make sure your changes are implemented and recorded correctly and then you will actually accept the manual. A motion to waive the reading rule was made by Allen, seconded by Evans, all yeas. A motion to adopt Ordinance 2013-11 was made by Evans, seconded by Allen, all yeas.

11. Resolution 2013-28 was presented addressing a letter of credit reduction for Woodknoll Subdivision. Gary explained a portion of the work has been completed and so a reduction as been requested. Gary said we are retaining 20% so this will become an additional bond for one year after completion. A motion to waive the reading rule was made by Evans, seconded by Atkins, all yeas. A motion to adopt Resolution 2013-28 was made by Allen, seconded by Atkins, all yeas.
12. Ordinance 2013-12 was presented making changes to the first meeting of the month to include a regular business meeting. Madison asked if the auditors are okay with this and was told that we are still having the workshop and he stated he does not want to have to write the auditors a check in four years. Boerio stated he thinks the business meeting should start at 6:30 p.m. and the workshop should follow so that the business meeting should be a specific time that business is conducted. A motion to amend the first meeting of the month to have the business meeting at 6:30 p.m. with workshop to follow was made by Allen, seconded by Atkins, all yeas. A motion to waive the reading rule was made by Allen, seconded by Evans, all yeas. A motion to adopt Ordinance 2013-12 was made by Allen, seconded by Atkins, all yeas.
13. Gary stated he gave council a memo concerning the Historical Society request for ghost hunter access to old school. I do not think it would be wise for the village to agree to this and my reasons are in my memo. He said you can vote or take no action. Allen asked how it would be handled if someone got hurt, would that fall on our insurance. She said her concern is the liability. Bruce said historically the village has used

a memo of understanding for these types of activities. He said he recently drafted a new agreement. Gary said he would want a couple of representatives from the village there as well so it would cost overtime. Discussed liability. Allen asked Maryan Harrison what the potential is for this event. Maryan said they will film and we will have the DVD to sell. Madison asked if there were any other places that they could use because he thinks it would unfair to pay employees overtime, we just can't use tax payers money that way, so ultimately then you would have to absorb that cost so my thought is there must be other historical sites. Maryan said they do have insurance and it is the whole story of the old cemetery across the street. She said one of us or volunteers from council could attend with them. Allen made a motion that this be tabled.

14. Mayor Lawhorn asked for approval of the court clerk attending a seminar at the cost of \$233.99 plus tax. A motion to allow the attendance was made by Atkins, seconded by Allen, all yeas.
15. An invoice for Bruce McGary for professional services was presented in the amount of \$2011.11. A motion to approve was made by Boerio, seconded by Allen, all yeas.
16. The village share for Warren County Emergency Services is \$658.40 and it was presented to council for authorization. A motion to approve was made by Atkins, seconded by Madison, all yeas.
17. Mayor Lawhorn stated everyone received the notice about the Municipal League meeting and he needs to know tonight who wants to attend.
18. Solicitor McGary informed council about the sex offender and she was served by the Sheriff's office and she will be moving. He stated he filed a contempt of court for the Kilburn case for them to pay court costs.
19. Gary said he wants on behalf of the staff , personally thank Dean Evans for his work in the lobby voluntarily.
20. A motion to adjourn the meeting was made at 8:25 p.m. by Allen, seconded by Atkins, all yeas.

Sharon Louallen, Fiscal Officer

Lionel Lawhorn, Mayor