

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
NOVEMBER 6, 2014
6:30 P.M.**

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

2. Linda Allen - Present Sue Johnson - Present
Randall Atkins – Present Steve Riley – Present
Jim Boerio – Present James Smith – Present

3. Mayor Lawhorn opened the floor to Amy McCabe:

Amy stated she is the new branch manager for New Horizons Credit Union in South Lebanon. She stated she moved here from Louisville Kentucky. Amy said she is new to Cincinnati and definitely new to the community. She said this branch has been here two years and has not taken off like expected. She said they are the only free standing credit union within New Horizons, most people think of the credit union for Macy's. Amy said you can open an account with ten dollars in it and that is your savings account and becomes your share of the company. She said credit unions are owned by the stock holders. She said they have lower interest on loans, higher interest on deposits and they have a full service credit union. Amy said they are having a Fall Festival on Saturday from 9:00 a.m. to 1:00 p.m. and said there will be food, games and prizes. She said there will be a drawing for a free Thanksgiving dinner for a family. Amy said she is always in the office if anyone has any questions.

Sara Wilson – W. Pike St. – stated they have a date and time for the first Community Watch meeting. She said it will be Tuesday the 11th from 6:00 to 8:00 p.m. at the Community Center. Sara said she would love to have everyone join them.

Scott Doughman – 260 E. Forrest Ave. – gave a hand out to council and fiscal officer, stating for the record. He stated he would like to submit a copy to Sgt. Boylan and said a memory stick is included with files from public records requests. Scott said the handout is a letter from the Ethics Commission, he said he was invited to give material to the executive director. He said the letter indicates they are not in the position to consider the information as it may relate to that office. He asked if anyone had any questions. Council member Smith asked how the Ethics Commission got involved in this. Doughman stated when it was understood there was evidence from Loveland's attorney, from a public records request he submitted, he said he informed the Ethics Commission of the nature of that material and they invited that the material be submitted, he said you cannot

submit material without an invitation. Doughman said he received this letter six weeks later, which he takes as an opinion, with the recommendation to submit the evidence to the Warren County Sheriff's Office, South Lebanon Post, and so I am following those directions.

4. Administrator Vidmar said a memo was handed out last meeting similar, but we were still making sure there was a clean title before we suggested that you adopt the resolution. He said the solicitor has since completed that and found there was an outstanding mortgage on the property that had not been released and it has been paid off and we are waiting for the bank to actually record that release. Bruce stated he followed up with them today and they are in the process of preparing that. Vidmar said that should be completed next week and the timeliness is important to enable Speedway to get under construction as well as the extension of Corwin Nixon Boulevard. Gary said this is the easement in which the sanitary sewer will be placed that extends from Mason Morrow Milgrove up to the new Corwin Nixon and will serve the thirty plus acres of development that will occur on the West side of St. Rt. 48 and also serve Oeder's property in the future if he decides to develop that. Gary stated that in return for this easement, there was a promise made in the past to grant two taps for water and two taps for sewer fee free. Gary said he may or may not ever use them but that was the agreement offered to Mr. Oeder in the past and will be fulfilled with this agreement. Vidmar stated Mr. Oeder has reviewed the agreement and he agrees with it. Smith stated that is consistent to what we made. Mayor Lawhorn stated that if he does something over there, we will reap the benefits from it. The mayor said it is not costing us anything for the easement, it is thirty foot of easement and would cost a bit of money he believes. Smith said fortunately we already have the water there. Riley asked is this going into that pie shaped lot and Mayor Lawhorn said it goes all the way to Corwin Nixon Boulevard Extension. Mayor Lawhorn said the resolution is approving and authorizing a thirty foot sanitary sewer easement on the property owned by Oeder and Sons Garage Inc. A motion to waive the reading rule for Resolution 2014-25 was made by Smith, seconded by Atkins, all yeas. A motion to adopt Resolution 2014-25 was made by Smith, seconded by Boerio, all yeas.
5. Mayor Lawhorn presented Resolution 2014-26 which would allow a partial reduction in the letter of credit for Woodknoll Subdivision. Vidmar said council has granted three reductions prior and this should be the last one. Gary said the engineer and himself have inspected the work and have assured that the work they are reflecting in this letter is accurate. Gary stated twelve lots have been sold and six homes are under construction and Ryan Homes thinks the subdivision should be sold out by spring or summer of next year. He said they are making plans for the next phase and Ryan Homes is very interested in purchasing additional lots. Allen asked what amount that would leave for the final project and Gary said it would be

\$183,435.50. He said the prices are at prevailing wage, should the village have to complete the project and the developer is using open shop wages that are roughly 15% to 20% lower. A motion to suspend the reading rule was made by Allen, seconded by Boerio, all yeas. A motion to adopt Resolution 2014-26 was made by Allen, seconded by Boerio, all yeas.

6. Administrator Vidmar stated at a meeting in October, council approved a change order in final payment for the completed improvements in the Homestead Subdivision. He said it was significantly under the contractors bid. He said the entire project costs came in well under what we were paid by the bank. Vidmar said he looked at the contract to make sure what happens to the money that remains, to ensure we understand our obligations. He said it is clear that the payment made to us was to also include costs related to engineering, design, bid advertisements and the inspections. He said those numbers are included in his memorandum. Vidmar stated they add up to \$15,634.55 and when added to the payment made to SiteWorx the total payment is still well under what we have been paid. Gary said according to the contract we signed with the bank, we are given twelve months to hold that extra money and at our discretion, we can use that money to maintain those roads and public improvements for the next twelve months. He said whatever money remains at the end of that twelve month period will be returned to First Financial Bank. He stated that he suggests the fiscal officer place those funds into a separate account to be earmarked and separated from our funds to identify it when we draw against it and then we have an accurate remaining balance to be refunded to the bank. Council member Boerio stated he sees \$5000 to remain to complete the cul-de-sac. Vidmar said there is a cul-de-sac connecting Cochran and Homestead Drive and right now it is not continuous through Cochran because it is a through road used as a public thoroughfare. Gary said once Emerald Drive is opened up and most of the subdivision is completed, the idea is that Cochran will be closed and we will complete the circle of that cul-de-sac with curb and sidewalk. Discussed the cost in the future and if \$5000 would cover it and Gary said in all likelihood it will cover it. Smith stated the Ritchey's still have an access and Gary said that is correct. Boerio said if they have an easement, what is going to happen to people that don't have an easement, how are they going to be kept out of there. Gary said there is actually an agreement that gives a certain number of home owners the right to use that road. Bruce said for a period of time until there are some improvements to Zoar Road, it has been a long time since we looked at that. Smith said when Emerald goes in to place, it will be a new collector road and Cochran will disappear as far as a drive through and you will have Emerald, thirty five feet wide. Bruce said he thinks the question is if you have a cul-de-sac that the Ritchey family can use, what stops other people from going through there as well. Boerio said that is exactly his question. Mayor Lawhorn said it looks to him that he has a driveway that comes through there on his property. Smith said theoretically, there is a loop that goes around his property, you would have an access to the new

subdivision and that loop would be terminated and then you would have access to the other driveway. Smith said so theoretically you would have to drive through his property. Boerio said so part of that street will be removed and Smith said there are utilities there so you can't remove the street, but it would be closed off. Smith explained the size and benefit of the new collector road. Smith said if the county picks up that little piece like they said they would when we put the collector in, then we will have thirty foot wide all the way through, Neil Tunison promised that.

7. Administrator Vidmar said you have the monthly payment application for J. D. Contracting and it has been reviewed by myself and the engineer. He said roughly half of this application is being paid by the grant and the balance gets paid from our street fund. Mayor Lawhorn said he would like to add it is not being paid by the street department, it is from the water department. Smith stated he has been watching this contractor put stuff in and he has seen a lot of work over the years, especially repair, repaving and compaction. Smith said he agrees with what Sue said the other day, the road is terrible and when I saw them patching this out of a dump truck, when you repair a road like that, you repair it all at one time. He said he has never seen anybody come in with a temporary repair like that, it had to harden up before they even got it out. Smith asked who is inspecting that. Vidmar said everything you see out there is temporary, there is no permanent asphalt there right now. Gary said everything there will be removed and replaced with permanent asphalt. He said because of the location of those trenches in the main road, we decided, and the contractor himself is paying, to put temporary asphalt down, so there are not open trenches. Vidmar said we can make one final permanent patch so we don't have seams. Smith asked who inspected to make sure compaction was done correctly and Gary said we have an engineer there and have a Class C fill, all ODOT approved. Smith said the cuts across Mason Morrow Road are definitely bad and I have heard more complaints on that than anything. Gary stated he has too but unfortunately that is the pain of construction. Smith said construction is one thing, but some of the practices are a little out of the ordinary in my opinion, they could have made a transition for the cut and anytime the dump trucks hit that compression, you can hear it at the next stop sign, fill it. Vidmar said we all worked with the contractor, including the engineer, and agreed upon the method that has been used. He said maybe it could have been done differently, in hindsight, but he thinks at the end of the day, the permanent asphalt will be a better job. Smith asked how thick the asphalt will be and Gary said it's a specified thickness, eight or ten inches deep. Smith asked if they are going to grind and widen it and Gary said they are going to straighten the edges, because right now some of the edges are jagged and broken. Smith asked if they are coming back and grind a piece and then overlay it and Gary said yes. Gary said there will be a couple of courses of asphalt, a rough grade and then a finish grade of asphalt. Smith said they had enough patch to cover it up and it hardened and they couldn't even use it, he said he doesn't know who

paid for that and Gary said they paid for it. Atkins asked about the completion date and Vidmar said they should be wrapped up next week. Vidmar said they are making their connections and every day we run into problems of unforeseen water lines. Vidmar said they worked up at NAPA the last couple of days and took a couple of days to find some of the connections coming out of those buildings. Gary said there is one service line servicing two or three individual lots that is back in the property. He said again, this is just issues we are dealing with as an older community, we can't fault the contractor for, but it is causing them a lot of time. Atkins said the completion is supposed to be next week, but their final completion is the 24th, is that for asphalt and all that. Vidmar said he hopes the asphalt will be complete next week, there are still some restoration of lawn areas and they may have to come back in the spring to do that, but will seed and straw before winter. He said there will be a guarantee so whatever does not take they will return next spring to finish. Smith asked if there were any leaks in the test and Gary said no. Gary said when we charged the raw water those two tests came back clean.

A motion to approve the payment to J.D. Contracting the amount of \$71,774.63 was made by Boerio, seconded by Allen, all yeas.

8. Mayor Lawhorn presented Resolution 2014-27 for a first reading to approve an amendment to the Sheriff's Department agreement that covers the years 2015, 2016 and 2017. Smith asked if there were any substantial changes and the mayor stated they wanted a continuous contract for those years.
9. Mayor Lawhorn said everyone got a flyer on the New Horizons Fall Festival and they want to work with the village and the residents all they can. He said he and Gary met with her last week.
10. Vidmar informed council that they have approved minutes from the Zoning Board and this is just his policy of handing those out for council review. He said PetSmart and Dollar tree will be opening soon.
11. Atkins asked about the burned house on Pike St. and if we can get them to clean that up. Gary stated he is contacting the owner. He stated he was contacted by one gentleman that has an interest in buying the property but he also is getting in contact with the owner about the property. Smith asked if it has been released and Gary said he does not know. Atkins said even if it has not been released they can clean up the outside, it is on the main drag into town. Mayor Lawhorn said we need to watch that close because he heard it was going for \$10,000 and you know there is no insurance going with that. Smith said you can't build back there based on existing rules and Gary said there are code issues and that is why the gentleman interested in it, when I explained that, I don't think he

pursued it any further.

12. Boerio asked about the repair to Mason Morrow Milgrove, West of 48 between 48 and the Oeder property. Gary said they are working on a repair. Boerio asked if that is going to be a depth repair or just a surface repair. Gary said they are digging it out and there has been a water drainage problem there and now they are widening the pavement there. Boerio asked if when the final course of asphalt goes down, are they going out to the middle of the road and the mayor said they have not gone out that far and have finished some of it. Smith said actually they have done some ditch repair too and it looks pretty good. Gary said Oeder has done some work to his driveway as well. Smith said he thinks Rob dug the ditch and it looks real good. Mayor Lawhorn said we had a real problem with the washing of the pavement and it is all due to water and they put a tile across the road too. Boerio said his comment is the paving appeared to be poor in that area so it needed more than just surface.
13. Smith stated that the letter Dr. Doughman dropped off from the Ethics Commission, apparently Mr. Doughman has gone to many different avenues and I know you are probably investigating from the last allegation aren't you, the emails from Loveland? Mayor Lawhorn said what he gave me, I was asked by the Sheriff's office to postpone my investigation. Smith said the prudent thing to do, to put this to an end, why don't we bring in a special council to look at it, take a look at this whole thing, it is hard to investigate yourself. Mayor Lawhorn said the whole thing was given to the Warren County Prosecutor, and he was going to go over it and say there was no charges filed, correct Bruce. Bruce stated that is correct. Smith said when you see things coming from agencies like the Ethics Commission, this is beyond us. Mayor Lawhorn stated all the letter says is they have no authority and if it was something, that it should be turned over to the Sheriff's office and I think it was at one time. Allen stated yes. Smith said if you read the last item on this thing from the Ethics Commission, consider contacting the local law enforcement because the issues described are potential theft in office. Mayor Lawhorn stated Doughman was the one that reported it or was it you, looking at Mr. Moore. Mr. Moore responded it was him but Doughman went and got more records after he couldn't get what he requested. Mayor Lawhorn said it has been investigated and reported to Warren County Sheriff and reviewed by Warren County Prosecutor and there has nothing happened either way. Smith stated it is not going to go away, he makes a motion to bring in special council and get us out of this, so therefore he made the motion. Mayor Lawhorn stated all he can say is, we have followed procedure and we have used all those available that should be unbiased, the Sheriff's office, Warren County Prosecutor's office and there is no charges filed. Smith said he made motion and council should consider it and they could come back and report to us and put this to bed. Mayor Lawhorn asked for a second and there was none, motion died due to lack of

second. Smith said he will bring the parks up at the workshop and the mayor said he has some information to give him.

14. Sgt. Boylan said an arrest was made of the man who stole the village's copper and he admitted to it. He said he got \$300 to \$500 dollars out of \$13,000 worth of stuff and he doesn't have anything. Smith asked where they got rid of the stuff and Sgt. Boylan said at Phipp's and Tony had gone and looked for it but it was already gone, they get rid of that stuff quickly. Sgt. Boylan said he got rid of it just like he stole it. Smith said there should be a room across the street for that stuff that would be more secure and the mayor said they have moved the stuff to a room in the one floor part of building. Sgt. Boylan said they did another speed study on Vista Ridge and moved it up to the middle, he said it gave them some good information and showed most of the faster traffic going out of the subdivision and going in to the subdivision is slower. Mayor Lawhorn asked Sgt. Boylan if he thinks the signs that show your speed help slow people down or not and Sgt. Boylan said once they get used to it he doesn't know, could check with Lebanon because they have permanent ones. Bruce said he thinks they work.
15. Mayor Lawhorn said we should support our businesses and come to the Fall Festival.
16. A motion to adjourn the meeting was made at 7:16 p.m. by Smith, seconded by Atkins, all yeas.

Sharon Louallen, Fiscal Officer

Lionel Lawhorn, Mayor