

VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
AUGUST 7, 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 Warren County Judges –

Judge Gary Loxley said the purpose of this presentation is information only. He stated they will tell a little bit about the operations of the court and about some of the initiatives that will hopefully be implemented sometime soon. He said Warren County Court was started in 1958 and the first judge was Robert Ray. He said the court was expanded to two part time judges in 1970. Judge Loxley stated he was appointed last year and Judge Fischer was appointed earlier this year. He said there were eight previous judges before we took office. Judge Ray, Judge Herdman, most notably Judge Kathleen Porter-Stolle, the first female judge in Warren County. He said the staff is made up of seven individuals. He said their jurisdiction covers eight townships and ten villages. Judge Loxley said they work closely with the deputy clerks of courts even though they are not employed by the judges. He said the Warren County Courts cover the entire county except for Franklin Township, Turtlecreek Township, and then not audible because of microphone buzzing.

Judge Rob Fischer is to explain the operations of the court system. He said the court handles trials. He said they can be bench trials in front of Judge Loxley or myself or can be a jury trial. He said they have five or six jury trials a year and rely on everyone to serve as jurors and we greatly appreciate the service. Fischer said we have already gotten rid of the reviews of fines and costs. He said once a month they would have sixty people come in and tell them how they have done in paying fines and costs and about forty people were not showing up. He said they would issue bench warrants for those people and it would take a lot of resources, time and costs. He said they have a different collection system now and will cut down on those costs. He said on the forefront being dealt with is the court clerk system. He stated they have the common pleas and county court systems. He said they are looking at a paperless system. Fischer said Judge Loxley is looking at the Veterans court docket and wants to provide resources that are available to them so they don't come before us again. He said the

Mental Health docket is being looked at as well, we are trying to make them accountable for their actions but address the causes. Smith asked if jurors are selected by voter registration or driver's license. McGary stated he thinks they pull from both.

4. Mayor Lawhorn opened the floor to the public:

Kimberly Flaughter – stated she is here on behalf of the Clean Up The Streets campaign. She said there seems to be a lot of confusion about the Neighborhood Watch Program. She said they are looking for some clarity. She said she would like to apologize if they misquoted on their page because they posted they had been told that Sheriff Sims would attend tonight. Mayor Lawhorn said he only spoke with Sgt. Boylan and he has stated in the past the Neighborhood Watch program is done through the Sheriff's Department. He said he knows they have courses they put on. Mayor Lawhorn stated the village can't accept responsibility for a Neighborhood Watch program that has not received the training from the Sheriff's office and I don't know how the Sheriff's office feels about it, they are our policing agency. He said for us to say we are having that program without them, I don't think the village can accept that liability. Gary said he has had discussions with Sgt. Boylan as well as communications with Nick who runs that program and Nick intends to speak at the next council meeting. Kimberly asked can we expect someone at the next council meeting to speak on this and Gary said yes. Gary said there was a meeting scheduled this afternoon and some council members voiced some concern about not having any knowledge of the Neighborhood Watch as well as the time of the meeting, which would prohibit full time employees from attending the meeting as well as council members. So Nick chose to cancel the meeting and speak to council and explain the program at the next council meeting. Kimberly said if this program is run through the National Assoc. why does it have to run through council as well and this meeting was to take place in this building and it is small and it seems a lot of people are interested so wouldn't it be better to have a meeting in a larger room, like the Community Center. Gary said no body has asked for it and he had no knowledge of the meeting to begin with so that was part of the problem, no one here new there was a meeting to be held. He said we would gladly have offered the Community Center and there was some poor communication. Smith asked if there was a meeting set and then cancelled?

Sara Wilson – 375 W. Pike – said she initially contacted Deputy Behymer and he explained what steps needed to be taken to implement this into our community. She said nowhere in there was it brought to her attention that it needed to be brought before council. She said this is something that does not have to be voted on, nor is it necessary to have training. She said Deputy Behymer explained he will simply come into the community and

explain things we already know, like if you see something happening, pick up the phone and call dispatch, don't get involved. She said as far as specific training some feel is required, she was informed that is not necessary, if it is something we choose to do to better the watch, then we can look into it. She said as far as running through council and getting approval, that is not necessary. Mayor Lawhorn stated he will stop her right there, he thinks that probably the council is accepting some liability allowing a community watch in the village, without an okay of council and he does not think it can be done. Mayor Lawhorn said yes the Sheriff's Department is paid by the village and I think if it is something they want to do, that would be something they would run past us before they did that. He said we are accepting a liability, just to go haphazard and say we are going to do it, I don't think you can. Smith asked Bruce what is the obligation of the village and Bruce stated he has no idea. Smith said this community watch thing has been in this community for a long time, the Stonebrook residents put it together themselves and asked council could they put a sign up and council allowed the sign. Smith said they put the program together and they monitor and have their captains in each area, but if the citizens here would want to have a community watch and watch your neighbor and report to the police department, I don't see what liability there would be, it is basically neighbor to neighbor and we should support it. Sara stated she knew the time of the meeting was not convenient but it was the time given to her and as far as the location, Deputy Behymer said it was to be today at the administration building. She said she does not have a problem asking to have it somewhere else because she has done enough research and does not want to butt heads, but she does not have to run through council. Mayor Lawhorn said he would recommend to council that nothing be done formally by council until Bruce researches this and sees what liability this village holds. Smith said having a meeting is not an issue, you have a meeting and put together all the facts, what you would like to do and accomplish and they could have brought that before council, he would not have cancelled a meeting. Smith said if everyone has the energy to do this, I would recommend doing it. Riley said she is saying Behymer and asked Gary who he spoke with and was told it is the same person. Sara just said she wanted to state they did follow the procedures that were necessary to follow to implement this program. Mayor Lawhorn said he has nothing against the watch, he is for it. Sara just said she questions what liability the village would have and Mayor Lawhorn said without the blessing of the council. Kimberly interrupted to say with that being understood, could we suggest that you would have your insurance agent or solicitor present. Mayor Lawhorn said he is not worried about the insurance and Kimberly said that is where he is coming from. Bruce said he would call Nick tomorrow and have him send him the program information. Sara said she feels sorry for Deputy Behymer, he was just trying to do his job and provide us with the information for a neighborhood

watch and he said he had never encountered anything like this and that is why we are here today to say if this is the reason for our meeting being cancelled, not sure she was given several different reasons. Smith said he had no knowledge of attending a meeting or even contacted to have any input on cancelling a meeting, none. Mayor Lawhorn said he was not contacted about a meeting. Gary stated he received two council members inquiries about the meeting and they asked me to cancel it. Gary said Behymer said he would come to a council meeting and explain the program. Mayor Lawhorn said our solicitor will research it. Kimberly asked will they let the community know at the next meeting what the council responsibilities might be? Smith stated this cannot be anything new, every community has neighborhood watches. Sara said her point is the liability that you speak of mayor, is something that is the first I have heard of. She said this is a program based within several communities, that if it was a liability, they would have been faced with problem and they were not. Mayor Lawhorn stated we have to worry about the liability of South Lebanon not someone else. Smith said if he saw someone breaking into a neighbor's house and called the police I don't know that it would be a liability on me. Mayor Lawhorn said no that is not a liability, but when you are out here on the streets, there is a liability, especially when you are identified with the village. Mayor Lawhorn said the deputy is going to be at the next meeting so we are not going to do anything tonight.

Kimberly Flaughter spoke again but not audible. Smith said just have the deputy come and meet with the group. Kimberly said that is what they were trying to do. Smith said put your program together and bring it to council to see what we are going to do. Kimberly said she understands your concern but at the next meeting will you let us know if you have a liability or not. Atkins stated if half as part of the community already has a crime watch, and the mayor said not half the village, one subdivision. Atkins said they are part of the village. Mayor Lawhorn said he doesn't know they have one, Jim is the only one that said something about it, I don't know anything about it and asked Atkins if he knew anything about it. Atkins said if that is the case why would this be an issue. Smith said when the subdivision was built many years ago, it filled up quickly, and they got together and wanted to establish a neighborhood watch for that area and that is what they did. Smith said they then asked for permission to install the neighborhood watch sign and council approved it. Mayor Lawhorn stated the next meeting they will be able to tell them more and he is not against it he just doesn't want to accept liability for this village. Riley stated there are no of them against it but Sara approached him at the store and we were kind of blindsided by it. Riley said like with ball you have to sign forms for waivers and I believe that is what we are all looking for here. Riley said it is common sense your neighbor's house is being broken into call the police, but what we are saying, we are worried about liability, someone getting hurt, someone having property damage, let's just take the steps and then have the meeting.

Smith said in his opinion this is not council's call, this is the communities right, not ours to dictate. Mayor Lawhorn said his recommendation to council is that it is council's call and we should find out whether we are liable and it is up to council if they want to vote if they want to or not. Riley said just take the steps and get the ball rolling and let's see what happens. Allen said that is only fair.

Melissa – 4056 Riley – stated that she has been researching the Citizens on Patrol, which her father was an active participant. She said it started as a program in only three neighborhoods and was the high crime neighborhoods in Hamilton County. She said it has expanded to 29 of 30 neighborhoods and they have their own coordinator from the Sheriff's Office and Cincinnati, Hamilton County is the largest Citizens on Patrol group in all of Ohio. Melissa stated she feels there are resources, application, trained with police and it could go that way but she thinks what they are asking for is something a lot less formalized. She said she just wants to know if there is a clear understanding and the mayor said we are going to find out at the next meeting and then we will make a decision. Melissa said if they are walking around in t-shirts doing their thing, I don't see how you can stop them. She said they are not breaking a law, are you going to arrest them? Mayor Lawhorn said we are not going to accept any liability if something happens to one of them. Melissa said she didn't think they are asking the village to and she asked the public and they responded no. Riley said as you just said there are two different things, applications, training. Melissa said that is a more formal thing and I want you to understand that. Mayor Lawhorn said they want to understand what their liability is for what they want to do and will find out at the next meeting. Mayor Lawhorn said she just wants everyone to understand that we are not accepting liability for them at this time period. Riley said as she just said there are two different things, applications filled out and we want to know what the difference is.

Maryan Harrison – Historical Society – stated South Lebanon Historical Society is now noted on the Ohio History site. She said she wanted council to know they have accomplished that. She said there is a connector on Morrow's web page but we are not on South Lebanon's web site. She asks that council support your own town and your own organizations. Smith clarified they are asking to be put on our web site. Smith said he makes the motion to allow that. Allen said there is a thing in our agenda about redoing the web site. Smith said redoing the web site and making an addition would be the appropriate thing to do. Mayor Lawhorn said it hasn't passed yet. Smith said he made the motion. Doughman stated something not audible and Mayor Lawhorn said if he wants to say something he needs to wait his turn. Riley asked if she said the Ohio History and Maryan said it is the Ohio History connection. She said there is a bar and you put in your town. Mayor Lawhorn said there is a motion on the floor and asked if there was a second, Atkins asked when we get to that part are we

going to discuss what we want on the web site and the mayor said we are redoing our web site. Allen said our whole page is changing so that could be a great addition. Gary said we are not going to discuss content, just the idea. Atkins seconded the motion. Boerio asked Bruce that since this is not an entity of the Village of South Lebanon, is it appropriate for something like this to be put on the village's web site? Bruce said that is a policy decision that council can make and he thinks the appropriate question right now is does our current web site have the capacity to do this because if you pass this motion and we don't have the capacity to do it, why did we pass this motion? He said if the later agenda item passes, it is his understanding the new web site would have the capacity so what happens if that doesn't pass, do we have the capacity to do that right now. He said there are governmental entities that have a variety of links and the county has a number of links to organizations so he does not think there is a separation issue that would be violated. Boerio asked then do we have the capacity to do this at this time and who knows the answer to that question. Gary said no one knows the answer and Allen stated we won't know until we get to that agenda item. Mayor Lawhorn said we don't know if we can handle it or not. Allen asked can we revise the motion. Smith said first of all, with technology today, that is the most simple piece of technology there is. Mayor Lawhorn asked if there are any other questions about the motion and there were none. Roll was called and all voted yea. Mayor Lawhorn said he is not going to say it will be on this one, we don't know if we have the ability but there is legislation to make a new page. Maryan said they just want support from their village and it is everywhere else. She said if people are thinking of moving to South Lebanon they can click on the link and go to the page and learn the history. She said she hopes all of council has been on the web page, it is beautiful and growing.

Scott Doughman – illuminates the life and death and gravity of leadership that the awakening of the desire to self-represent as people, for the people, by the people. Should find an audience to be great in the minds of history. Today and into the noble future, for it is the call of America to be ready for a challenge. The subject is serious, but this speaker regularly has a laugh. He seems friendly and welcoming yet clear about what matters. Respected Americans, commanders of the United States, service men and women, of all divisions speaking for over 5000 current and former residents of the historic town of freedom, South Lebanon. He said as inheritor and family member of founding pioneers of this nation, speaking today, now for Richard Clayton Doughman. Honorable before all forefathers of this great country and those who selflessly serve over South Lebanon, I decree today that Randall Atkins and Jim Smith are hereby coroneted as public servants of the people and that all others named have not yet risen, standing before this council, have not yet risen. To the exception would be Sharon Allen, and her for her service. As they are residing otherwise potentially over false witness and vendetta as justification for their public representations. Thank you.

5. Mayor Lawhorn presented Ordinance 2014-04 for the third reading ratifying and/or establishing no parking regulations and authorizing no parking signs on certain highways and streets in the village. Mayor Lawhorn asked if there were any questions and said he thinks we gave residents ample time to address. Smith said there have been three public meetings offered too. Gary said he would like to point out that council has a different sheet that contains some additional stop signs or no parking zones. He said the list that was placed in front of council tonight is the final list. Smith asked if comes into affect thirty days after passage and was told yes. A motion to adopt Ordinance 2014-04 was made by Atkins, seconded by Smith, all yeas.
6. Vidmar said over the last several months he has discussed with council the negotiations that he and bond council and the developer of Rivers Crossing were conducting with Kings Local School District superintendent and treasurer and this is the result of the negotiations. He said it will enable the village to collect more revenue into our TIF fund than would have otherwise been collected as the Rivers Crossing retail development unfolds. He said there was not significant enough income coming in to finance any additional public improvements that need to be done and would have prevented any future development to occur at Rivers Crossing. He said over a six month period we have been able to reach an agreement with the Kings board, they have voted on this last week and have accepted it and that is what you have before you tonight, their actual legislation. He said council has received a red lined version of the agreement that compares the current agreement with the 2008 amended agreement so you can see the changes. Gary said you can see two sections where the changes are significant. He said in simple terms, what it does is fixes the income that the school district is getting to what they get today and fixes it for a certain period of time. He at that time they will get additional income. Gary said it gives a window to use the additional income to finance several public improvement projects. Smith asked Bruce since this is his expertise if he had a chance to review it and Bruce said he wouldn't say this is his expertise, and that actually bond council drafted the contract and subject to amendments by the Kings Local School District and the legislation and I did read the legislation and approved it as to form. Boerio said he has a trivial comment. He said he is looking not at the red line version but at page 2, section I, paragraph B-1 and the very last line in that section says in this agreement shall be constructed to pledge the full faith and credit of the village. He asked if that word should be constructed or should it be construed. Gary said it is constructed. Boerio said he has a question in the next paragraph 2, it says commencing with tax year 2013, collection year 2014, etc. He said if he understands this, what this document is saying the owners are going to make payments to the village and the village is then going to make a payment to the school district. Gary said that is not what it says. He said a TIF agreement enables a community to establish a basis for collection of taxes on property. He said in the case of Rivers Crossing it established a base before the development was done.

Gary said then it enables any tax money collected for that property that exceeds that tax base over time due to future development to be collected by this village into a TIF fund that is designated for public improvement for a certain period of time. He said in this case it is a 30 year period and is 100% of those taxes over that 30 years. Vidmar said the school district continues to get 35% of that difference and that was the negotiated number at that time. He said the remaining 65% is collected by the village and then sells bonds that are funded from the revenue of the taxes, so essentially, the village is not forced to take money out of their general fund to fund those improvements. Boerio said if you look at paragraph 2, it talks about the 100%, but you see in paragraph 1 it talks about \$247,717 or 20% of the service payment in lieu of taxes, it is one or the other. He said then in the next paragraph basically it says out of the service payments, the village is going to give to the school district, either \$274,000 or 20% of the service payments and then what's left, the village is going to use to pay the principle and interest on bonds. Gary said that is correct. Boerio said if anything left after that it goes back to the school and Gary said that is correct. Boerio stated his question is this, if you look at the last line in paragraph 2, in paragraph 1 it is \$274,000 or 20%, but in paragraph 2 it seems to assume that it is the 20%, so he wants to know is paragraph 2 correct and asked Bruce if it is either \$274,000 or 20%. But in the next paragraph it seems to assume the schools are getting 20% it is not either or. Discussed where Boerio was seeing that and he explained. Bruce stated he is seeing in paragraph one it states "greater" and I don't see what you are saying so whichever one is greater. Bruce said he is leaving out the preceding language that says an amount equal to the amount greater of. Discussed further and Bruce restated it is the greater of the two. Boerio stated he stands corrected. Mayor Lawhorn stated this is an ordinance amending the agreement for the TIF and declare an emergency. Gary said the reason for the emergency is because there is an immediate need to begin putting the financing together for public improvements intended to be done this year. Smith made a motion to suspend the reading rule, seconded by Allen, all yeas. A motion to adopt ordinance 2014-05 was made by Atkins, seconded by Smith, all yeas.

7. Mayor Lawhorn presented Resolution 2014-16 executing an agreement with Dixon Engineering for consulting services preparing specifications and bidding documents for the repair and painting of the water tower. Gary he had pointed out the village had a contract from 1994 for maintenance on the water tower and the current company pointed out there are outdated specs and have refused to paint the tank. He said Bruce said we have little legal recourse against the company. Vidmar stated time is running short to get it addressed so that is why it is an emergency. Riley asked if we are going to have someone with these people and Gary said he, the engineer, and Tony will be there. Boerio asked said the previous company was supposed to drain the tank and inspect it and these guys are going to do an underwater

inspection, how do they do that and Gary said with a camera. Gary said it would be very costly to drain the tank, obviously you are wasting 700,000 gallons of water. A motion to suspend the reading rule was made by Smith, seconded by Allen, all yeas. A motion to adopt Resolution 2014-16 was made by Smith, seconded by Riley, all yeas.

8. Administrator Vidmar reviewed his memo concerning the CRA agreement. He said at the last meeting a memo of understanding was reviewed with council between the village and Kings Local School District with respect to commercial TIF agreements, or CRA agreements, the future agreements. Gary said there was a figure in there that was 35% that was proposed by the superintendent and treasurer of the school district and council felt that the figure was too high and asked it be negotiated to a 15% figure. Gary stated the superintendent and treasurer refused to accept anything less than 35%, in fact they threatened not to sign the TIF amendment that you just adopted. He said the mayor and himself after hearing that felt that since this is a memorandum of understanding it does not commit the village as a contract would. Gary said it is still subject to negotiation in the future so we felt we should accept the 35% and move on rather than risk the TIF amendment, which is far more important. He said once again, this is a memorandum of understanding, it is not a contractual agreement, we are not committing village dollars to this agreement. That will all be subject to future council. Mayor Lawhorn stated it would have brought the Speedway to screeching halt and we didn't want to do that because they want to be done by the end of the year. Gary said the superintendent and treasurer are gone from office so they would not have been present after tonight to talk about it anymore, so rather than risk dealing with a new group of people, once again in risk of losing that TIF agreement, we felt it prudent to agree to the 35%, which we did. He said he wanted to bring that back to council's attention.
9. Vidmar informed council that in the last month, driving through Shepherd's Crossing, he came to the conclusion it is ready for the public improvements to be completed. He said more than 80% of the lots have been developed and as is normal, the village is ready to proceed with the public improvements. Smith asked if that is the final coat and was told yes and he asked what is the latest we can have it paved and was told there are other problems and that is why we are bringing it for discussion tonight. Gary said he sent a message to Mr. Pennington, who is the developer and unfortunately he has Alzheimer's disease and cannot conduct business. He said his attorney is operating for him and he has been told that unfortunately Mr. Pennington is broke and probably doesn't have finances to complete the project. Gary said we have a bond but it is far less than the value of the work. He said we asked the village engineer to perform a punch list, which he did and put an estimate and it exceeds the bond amount. He said he got verification from the bond holder that the bond is valid. He said he met with the attorney to determine how we fill the difference between the

bond and the estimated cost of the work. Smith asked if there were any base problems with it and Gary said the existing pavement is in poor condition so there is going to have to be some full depth asphalt replacement and some significant, if you remember that development was started in 2004 or 2005 and has received a lot of traffic during that time and is no different than Homestead. Gary said he understands Mr. Pennington has been well respected and a very successful developer in the community over the years and this unfortunate. Bruce asked how much under bonded and Gary said the estimate is \$135,000 and the bond is \$48,000. Atkins asked if they are still selling lots and Gary said all but two lots have been sold and Atkins asked where the money went from selling the lots and Gary said the lots are being sold for less than was paid for them. He said those are the conversations we will have with the attorney, just wanted to bring this to council's attention. Bruce asked who the attorney was and Gary stated someone who clerked for Bruce, Tyrone Borger. Bruce said the issue will become we are about \$90,000 under bonded and if you pull the bond and hopefully the security provides, they remain liable for the deficiency and the administrator is shaking his head no, we would have to file suit against them and place a lien against the lots and that is not to say our lien priority would be very good because there is probably a bank that has it mortgaged already. Bruce said we will need to look at the issues and work on that. Gary said there are some work on that list that would not have to be done by the village, such as sidewalks which the builder will be putting in as part of the home construction and we would normally require the developer complete those sidewalks before we dedicated the public improvements as we did in Homestead, but in this case since we know the builder is responsible then we can eliminate that cost. Smith said then we could trim it a little bit and Gary said yes and maybe between what Mr. Pennington is able to contribute and what we can eliminate from the total cost, we can reach a resolution that is acceptable to everybody. Gary said he would prefer not to wait another season because there would be more damage and more cost. Gary said he took it upon himself to get prices from independent contractors to compare to the engineer's estimate so we are prepared to move forward. Smith said Rivers Edge, the county lost the bond, and the village was able to go in and do a substantial amount of repair to cut that cost down, so he knows the guys are capable if you use them in the right way and we can cut that cost down.

10. Gary stated Congressman Steve Chabot will be holding a town hall meeting here a week from tonight between 6:00 and 7:00 p.m. and it will be publicly announced. Gary said they have reserved the room but will make details available when I find them out. He said we will publish in the normal places. He said this is not a political event of any sorts, just a town hall meeting so he can hear from the public about their concerns.
11. Smith said since Gary mentioned Homestead, he took a look at the final asphalt and it looks good but the first right turn looks a little rough and

asked what happened there. Gary said it has not been punched out yet so we will punch it out next week. Gary said he would take a look at it.

12. Mayor Lawhorn presented the first reading of a resolution authorizing an agreement for a software hosting and maintenance with E-Gov Link.
13. Mayor Lawhorn asked where we are with the swings and Gary stated they have been ordered and there is a 30 day delivery so should be another week or so. Discussed what was ordered.
14. Smith asked if the three readings should be waived for the E-Gov resolution and Bruce said if council deems there is an emergency but has to be reason for an emergency. Mayor Lawhorn said we can do a second reading at the workshop if council votes to do that and Bruce said you could have a second reading. Allen said she doesn't think it fits the bill for an emergency but having another reading at the workshop will be in same month and have done at the next meeting. Smith made a motion to hold the second reading of the resolution at the workshop, seconded by Allen, all yeas.
15. Smith said as far as the neighborhood watch, if council tells the administrator to not have a meeting, I don't really think it is council's authority to do that. He stated it has caused a lot of undue press for us, and he thinks if they had meeting they would have come to council, more than likely, to simply discuss their concerns about the community and people that put together something like that are usually activist that want to make a safe community. Smith said really we have a safe community but you can always make it safer. He said in the future, he would suggest there would have been no harm in it. He said hopefully it will go forward and he has had things broken into this year. He said if these folks want to help us out and be a partner to do it, he would be very happy to do it.

Smith said he took a look at the property as far as the issue with the dogs, he said the smell is pretty strong and asked if legislation is being looked at. Gary said they are putting legislation together. Mayor Lawhorn said the Health Department takes care of that stuff and they have it listed and a special group of people in their department that handles that. Smith said if you are raising the dogs to sell them and make a profit how does that fall into a business when you are residential. Bruce asked if there is a kennel and was told yes. He stated he would have to look at the our zoning code to see what if any exemptions it makes. He said typically a kennel falls under an agricultural exemption if there is one for agricultural and the case law in Ohio is very clear on that. Bruce said his experience is the Supreme Court issues very liberal opinions on what constitutes an agricultural use so he would have to look at that to see if it plays into that. Bruce said he gave the administrator an opinion

that we do have a provision in our zoning code and would need an investigation and verification, but it would address this issue. Gary said we determined we would have to get some evidence. Bruce said it is called objectionable, noxious or dangerous uses, practices or conditions and then we would have to site them and give them the period the code provides to abate the violations. He said there would have to be an inspection, so if you are there and you smell it, you need to let the administrator know so he can go up and try to verify. Discussed where it sits and why it is so obnoxious to Mrs Byrd. Mayor Lawhorn said he believed the property owner was asked to keep a log because she would have to come to court. Discussed the conduct of the neighbor.

16. Riley stated he was looking at the bill list and wanted to know why we get gas from three places. Sharon explained we keep diesel in a tank at the barn for equipment, Chris drives the mower to John's Auto, Speedway is used during night hours for the deputies and Barrett's is used most often by all. Riley said that makes sense.
17. Boerio said Lebanon Road at Sunny Lane, there is a pretty good break in the pavement that could use some work. He was told it was in the township. He said also Mason-Morrow-Milgrove going West the road toward the right hand side is in fairly poor shape. Discussed somebody repaired two holes at Dwire and how the traffic coming around the bridge is causing major wear on the road.
18. Sgt. Boylan asked what council wants Nick to present to them about a neighborhood watch, stating all he will say is we organize and tell everybody look out for their neighbors and not recommend anybody go out on patrol. He said we are not doing citizens on patrol and not giving authority for anyone to patrol, we don't have the resources for training for that. Mayor Lawhorn said he would ask him to present to council what he tells everyone else.
19. Mayor Lawhorn informed council that Vikki has resigned as clerk for Planning and Zoning. He said he asked everyone in the offices and no one wants to do it. He said Sharon told him in the past there was one person who did it from the outside and that was Rhonda Race. He said he has asked Mickie Dillion a resident of the village to be the clerk and Sharon can vouch for her and will do it for \$75 a meeting, which is what Vikki got. Smith made a motion to appoint Mickie as the clerk for Planning and Zoning, seconded by Allen, all yeas.
20. Mayor Lawhorn stated the police levy lawsuit in Hamilton Township is done. He said the judge ruled against everyone except Hamilton Township on everything. Mayor Lawhorn said the village has paid \$83,800 in legal fees. Atkins said so they still get to collect double tax

and Mayor Lawhorn said it is not double taxes on a police levy. They pay income tax and it covers the Sheriff to police. Mayor Lawhorn said it is about 250 residents. Mayor Lawhorn said the only thing we could do is pressure our State Senator and Representative to try and change the law.

21. A motion to adjourn the meeting was made at 7:57 p.m. by Smith, seconded by Allen, all yeas.

Sharon Louallen, Fiscal Officer

Lionel Lawhorn, Mayor