COUNCIL AGENDA



Village Council Meeting 6:30 P.M. Thursday, July 2, 2015

Village Administration Building 99 High Street South Lebanon, Ohio 45065

	Agenda Items
1.	Call to Order
2.	Roll Call
3.	Pledge of Allegiance
4.	Guest Speakers A. None
5.	Open Forum
6.	Approval of Meeting Minutes A. None
7.	Emergency Resolutions/Ordinances and Third Reading of Resolutions/Ordinances A. Emergency Resolution- Approving with Conditions an Application and Issuing a Special Use Permit to Wirenet, Inc.forModifications to its Existing Wireless Telecommunications Facilities
8.	Village Administrator Reports (non-legislative) None
9.	 New Business A. Second Reading-Ordinance Setting the Compensation of Two (2) Council Members and the Mayor for the Four (4) Year Term beginning January 1, 2016 B. Second Reading – Resolution Approving a Wholesale Water Agreement and Sanitary Sewer Service Agreement with Warren County relative to the Cedars Of River's Bend Apartment Complex and Highland Park Subdivision C. First Reading – Govdeals items D. Request Motion to Reject Zoar Road Improvements Bids and Re-advertise E. Motion to approve invoices to be paid
10.	Old Business A. None
11.	Committee Reports and Communications
	A. None

12.	Council Member Comments
13.	Village Administrator Comments
14.	Village Solicitor Comments
15.	Warren County Sheriff - Sergeant Boylan's Comments
16.	Mayor's Comments
17.	Executive Session A. None
18.	Adjournment

Members of the public may address Council during the Open Forum segment of the agenda and shall be limited to five minutes each. After the speaker concludes remarks Council may comment or ask questions at that time. The Mayor may at his or her discretion restrict duplicate testimony on a particular subject.

The next regular Village Council Meeting will be on Thursday, July16, 2015 at 6:30 PM.

VILLAGE OF SOUTH LEBANON MEMORANDUM

TO:

Mayor and Council

FROM:

Jerry Haddix, Village Administrator

RE:

Verizon Wireless Telecommunication Tower at 3472 Lebanon Rd.

DATE:

June 26, 2015

This memorandum reports on an application received from Wirenet, Inc., on behalf of Verizon Wireless, to modify the existing telecommunications tower located on a property at 3472 Lebanon Rd. and accompanies a Resolution granting approval of the application and release of a Special Use Permit.

Background

The installation of new wireless telecommunications towers and modifications to existing towers is regulated by Ordinance Number 2001-13. This Ordinance was adopted on July 23, 2001 to insure that the placement, construction or modification of wireless telecommunications facilities in the Village is consistent with the Village's land use policies. This Ordinance was also intended to minimize the negative impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the Village.

Ordinance 2001-13 requires a Special Use Permit be issued for any construction of a new wireless telecommunications facility or modifications made to an existing such facility. Per this Ordinance, the Village Council is the officially designated agency of the Village to whom applications for the aforementioned Special Use Permit must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking Special Use Permits for such facilities.

Analysis

In 2014, Cincinnati Bell Wireless was acquired by Verizon Wireless. Cincinnati Bell Wireless service ceased on March 1, 2015. Verizon Wireless is proposing to replace the existing Cincinnati Bell Wireless equipment with Verizon Wireless equipment.

The modifications proposed to be made to the existing wireless communications tower facility are as follows:

- 1. Replacing existing Cincinnati Bell antenna with Verizon antenna.
- 2. Install backup diesel generator and repurposing existing Cincinnati Bell shelter.

The property is located in the R-1 Zoning District. The setback distances and building height restriction pursuant to Section 15.9.6 of the Village Zoning Code are as follows:

Front: 35'; Rear: 40'; Side 10'; Building Height: 35'

The proposed communications building satisfies the setback and building height requirements.

Section 16 of Ordinance No. 2001-13 states that a public hearing must be held by Council prior to approval of a Special Use Permit application. Section 16 also states that a public hearing is not required when no increase in height of the wireless communications tower or structure is proposed.

Recommendation

My recommendation to Council is to adopt the Resolution by emergency as submitted, thereby enabling the Village Administrator to approve the application and issue a Special Use Permit:

Attachments:

Resolution Permit Drawings

VILLAGE OF SOUTH LEBANON, OHIO RESOLUTION NO. 2015-

A RESOLUTION APPROVING AN APPLICATION AND ISSUING A SPECIAL USE PERMIT TO WIRENET, INC FOR MODIFICATIONS TO ITS EXISTING WIRELESS TELECOMMUNICATIONS FACILITIES INCLUDING REPLACING ONE ANTENNA TO THE EXISING TOWER AND INSTALLING AN ELECTRIC GENERATOR AT 3472 LEBANON ROAD IN THE VILLAGE OF SOUTH LEBANON, AND DECLARING AN EMERGENCY

WHEREAS, the Council adopted Resolution No. 2001-13 to insure the placement, construction or modification of wireless telecommunications facilities in the Village is consistent with the Village's land use policies and to minimize the negative impact of such facilities, etc. to protect the health, safety and general welfare of the Village; and,

WHEREAS, Ordinance 2001-13 requires a Special Use Permit be issued for any construction of new wireless telecommunications facilities or modifications, and further designates the Council as the approving authority or issuer of such permits deemed in compliance with the said Ordinance; and,

WHEREAS, Section 16 (C) of Ordinance 2001-13 provides if an application for a Special Use Permit is for collocating on an existing Telecommunications Tower or high structure, where no increase in height of the Tower or structure is required, no public hearing will be required prior to the approval of the application; and,

WHEREAS, Section 6409(a) of the Middle Class Tax Relief and Jobs Creation Act of 2012 (known as the "Spectrum Act"), codified in 47 U.S.C. 1455, requires local governments to approve an eligible facilities request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station; and,

WHEREAS, the FCC has interpreted the Spectrum Act to require the local government to approve the application within 60 days of the date on which an applicant submits an application seeking approval for a request for a modification of an existing tower or base station that the local government determines does not result in a substantial change to the physical dimensions of such tower or base station; and,

WHEREAS, on or about May 15, 2015, Wirenet, Inc., as agent for Verizon Wireless, filed a Special Permit Application with the Village relating to collocating on its wireless communications facilities at 3472 Lebanon Road in the Village; and,

WHEREAS, Ordinance 2001-13 allows the Council to delegate or designate other officials of or agents on behalf of the Village to accept, review, analyze, evaluate and make recommendations to Council with respect to applications for such Special Use Permits; and,

WHEREAS, the Village Administrator has completed his analysis and recommendation to Council, a copy of which is attached hereto and incorporated by reference herein; and,

WHEREAS, immediate action is required to complete a fair and efficient process as required by Ordinance No. 2001-13 and the timely review as mandated by the aforementioned federal law, and such action is necessary in order to preserve the public peace, health, safety or welfare of the Village.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of South Lebanon, at least two-thirds of all members elected thereto concurring:

<u>Section 1</u>. The attached analysis and recommendation of the Village Administrator are hereby adopted by the Council as its findings of fact and conclusions of law.

4. <u>Section 2</u>. That the Council does hereby approve the Special Use Permit applied for by Wirenet, Inc.as agent for Verizon Wireless relating to its wireless communications facilities at 3472 Lebanon Road in the Village.

<u>Section 3</u>. That a certified copy of this Resolution shall be deemed the Special Use Permit.

<u>Section 4</u>. That the Council is acting in its administrative capacity in passing this Resolution.

<u>Section 5.</u> That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 6. That this Resolution is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate

preservation of the public peace, health, safety and general welfare; and, this Resolution shall be in full force and effective immediately upon its passage.

<u>Section 7</u>. That it is found and determined that all formal actions of the Council concerning and relating to passing this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 2nd day of July, 2015.			
Attest: Sharon Louallen, Fiscal Officer/Clerk			
Rules Suspended: 7/2/2015 (if applicable)	Effective Date – 7/2/2015		
Vote Yeas Nays			
First Reading – / /2015	Effective Date - / /2015		
Second Reading – / /2015			
Third Reading- / /2015			
Vote Yeas Nays			
Prepared by and approved as to form:			
BRUCE A. McGARY			
VILLAGE SOLICITOR			
SOUTH LEBANON, OHIO			
Ву:			
Date: 7/2/2015	_		

VILLAGE OF SOUTH LEBANON, OHIO ORDINANCE NO. 2015-

AN ORDINANCE SETTING THE COMPENSATION OF ELECTIVE OFFICE FOR TWO (2) MEMBERS OF COUNCIL AND THE ELECTIVE OFFICE OF MAYOR OF THE VILLAGE OF SOUTH LEBANON FOR EACH FOUR (4) YEAR TERM BEGINNING JANUARY 1, 2016; AND FURTHER MODIFYING THE DEDUCTION IN COMPENSATION FOR ABSENCES FROM COUNCIL MEETINGS FOR THE ELECTIVE OFFICE FOR THE TWO (2) MEMBERS OF COUNCIL AND THE ELECTIVE OFFICE OF MAYOR

WHEREAS, in accordance with Ohio Rev. Code § 735.13, the legislative authority of a village shall fix the compensation and bonds of all officers, clerks, and employees of the village except as otherwise provided by law, and in the case of elective officers, fix their compensation for the ensuing term of office at a meeting held not later than five (5) days prior to the last day fixed by law for filing as a candidate for such office; and,

WHEREAS, the current four (4) year term of two (2) members of the elective office of Council and the four (4) year term of the elective office of Mayor of the Village of South Lebanon shall expire at 11:59:59 P.M. on December 31, 2015, accordingly, the elective office for two (2) Council members and Mayor shall be up for election at the November 3, 2015 General Election, for a four (4) year term beginning on January 1, 2016; and,

WHEREAS, pursuant to Ohio Rev. Code § 3513.263, nominating petitions of candidates in nonpartisan races must be filed by 4:00 P.M. (being ninety (90) days before the next General Election), thereby making August 5, 2015, the last day fixed by law for filing [nominating petitions] as a candidate for the two (2) elective offices of Council and the elective office of Mayor in the Village of South Lebanon; and,

WHEREAS, in accordance with the foregoing, the last day fixed by law for this Council to set the compensation for the said two (2) elective offices of Council and the elective office of Mayor, is Friday, July 31, 2015; and,

WHEREAS, the Village Council desires to timely set compensation for the said two (2) elective offices of Council and the elective office of Mayor for the four (4) year term beginning on January 1, 2015; and,

WHEREAS, the Village Council further desires to modify the reduction in pay for the two (2) elective offices of Council and the elective office of Mayor for the term beginning January 1, 2016, as set forth in Ohio Rev. Code § 705.13, by modifying the deduction in compensation to apply only after three (3) absences in a calendar year.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of South Lebanon, Ohio, at least a majority of all members elected thereto concurring:

<u>Section 1</u>. The compensation of the two (2) elective office of Council and the elective office of Mayor, whose respective term begins on January 1, 2016, shall be determined as follows:

Council Member	
Regular Council Meetings & Workshop Meetings	\$375 per month - Prior service credit shall not be a factor for calculating the said amount of compensation.
Special Meetings & Emergency Meetings	\$25 per meeting - Prior service credit shall not be a factor for calculating the said amount of compensation.
All other boards, commissions and committees, & all other duties of the elective office of Council	No additional compensation

Mayor	
Regular Council Meetings & Workshop Meetings, Special Meetings & Emergency Meetings, & all other boards, commissions and committees, & all other duties of the elective office of Mayor	\$500 per month –No additional compensation. Prior service credit shall not be a factor for calculating the said amount of compensation.

<u>Section 2</u>. The compensation for the two (2) elective office of Council and the elective office of Mayor of the Village of South Lebanon so fixed hereby shall not be increased or diminished during the term for which each of the two (2) elective office of Council and the elective office of Mayor are elected, or appointed.

<u>Section 3</u>. That all prior Ordinances Setting Compensation of the two (2) elective office of Council and the elective office of Mayor of the Village of South Lebanon shall have no application to their respective term beginning on January

1, 2016, or to any person appointed to fill a vacancy for one of the two (2) elective office of Council and the elective office of Mayor for the term beginning on January 1, 2016.

BE IT FURTHER ORDAINED, by the Council of the Village of South Lebanon, Ohio, at least a two-thirds of all members elected thereto concurring. as to Section 4:

<u>Section 4</u>. That the deduction of compensation of the two (2) elective offices of Council and the elective office of Mayor of the Village of South Lebanon as required in Ohio Rev. Code § 705.13 for each absence from regular meetings of Council, is hereby modified by a two-thirds vote, and the Fiscal Officer shall make such deduction as follows:

After three (3) absences in a calendar year by the two (2) elective offices of Council and the elective office of Mayor of the Village of South Lebanon, there shall be deducted a sum equal to two (2) percent of such annual salary for each absence thereafter from a Council Meeting.

<u>Section 5.</u> That the Council is acting in its legislative capacity in approving this Ordinance.

<u>Section 6</u>. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

<u>Section 7.</u> That it is found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were conducted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Approved this day of July, 2015.	
Attest:	
Sharon Louallen, Fiscal Officer/Clerk	Lionel Harold Lawhorn, Mayor
Rules Suspended: n/a (if applicable)	Effective Date –//2015
Vote Yeas	
Nays	

First Reading –//2015 Second Reading –//2015 Third Reading –//2015	Effective Date –//2015		
Vote Yeas Nays			
ivays			
Prepared by and approved as to form:			
BRUCE A. McGARY			
VILLAGE SOLICITOR			
SOUTH LEBANON, OHIO			
By: Date:			

VILLAGE OF SOUTH LEBANON, OHIO RESOLUTION NO. 2015-___

A RESOLUTION APPROVING AND FURTHER AUTHORIZING THE MAYOR AND FISCAL OFFICER TO EXECUTE A WHOLESALE WATER AND SANITARY SEWER SERVICE AGREEMENT WITH WARREN COUNTY RELATING TO THE CEDARS OF RIVER'S BEND APARTMENT COMPLEX AND HIGHLAND PARK SUBDIVISION

WHEREAS, the Village of South Lebanon designed and constructed a water booster pump station near the intersection of Lebanon and Zoar Roads to serve the Cedars at River's Band Apartment Complex, and upon its start-up in 2005 discovered that the water distribution system lacked sufficient capacity to allow successful operation of the station; and

WHEREAS, at the request of the Village, the Warren County Commissioners agreed to provide wholesale water service to the Village for the Cedar's at River's Bend Apartment Complex at the same rate charged other Warren County customers, subject to the wholesale water service being on a permanent basis, and the Village providing public sanitary sewer service to Highland Park Subdivision in Union Township without annexation, and at the same rate as other Village customers, should Highland Park be improved with public sanitary sewers in the future; and,

WHEREAS, Warren County began providing wholesale water service to the Village for the Cedar's at River's Bend Apartment Complex in 2005, and such service continues to date; and

WHEREAS, no public sanitary sewers have been constructed in the Highland Park Subdivision to date; and

WHEREAS, recently Warren County reaffirmed its commitment to provide permanent wholesale water service to the Village for the Cedars at River's Bend Apartment Complex subject to the aforementioned conditions and the agreement being confirmed in writing, thus enabling the Village to forgo costly capital improvements to its distribution system; and,

WHEREAS, the Village Council desires to enter into a Wholesale Water and Sanitary Sewer Service Agreement with Warren County.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of South Lebanon, Ohio, at least a majority of all members elected thereto concurring:

<u>Section 1</u>. That the Council approves and authorizes the Mayor and Fiscal Officer to execute the Wholesale Water and Sanitary Sewer Service Agreement attached hereto.

<u>Section 2.</u> That the Council is acting in its administrative capacity in adopting this Resolution.

<u>Section 3</u>. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

<u>Section 4.</u> That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this day of , 2015.		
Attest: Sharon Louallen, Fiscal Officer/Clerk	Lional Harold Lawhorn, Mayor	
Staron Louanch, Histar Officer/Clerk	Lionel Haroid Lawnoffi, Mayor	
Rules Suspended: / /2015 (if applicable)	Effective Date – /	/2015
Vote Yeas Nays		
First Reading – / /2015 Second Reading – / /2015 Third Reading – / /2015	Effective Date – /	/2015
Vote Yeas Nays		

Prepared by and approved as to form:
BRUCE A. McGARY VILLAGE SOLICITOR SOUTH LEBANON, OHIO
By:

VILLAGE OF SOUTH LEBANON, OHIO RESOLUTION NO. 2015-___

A RESOLUTION DECLARING CERTAIN ITEMS OF VILLAGE PROPERTY NOT NEEDED FOR PUBLIC USE, OR OBSOLETE OR UNFIT FOR THE USE FOR WHICH THE ITEMS WERE ACQUIRED, AND FURTHER AUTHORIZING THE VILLAGE ADMINISTRATOR TO SALE SUCH ITEMS USING GOVDEALS.COM

WHEREAS, in accordance with Resolution No. 2015-_____ the Village entered into a contract for the calendar year 2015 with <u>Govdeals.com</u> to sell tangible items of personal property belonging to the Village which are not needed for public use, or is obsolete or unfit for the use for which each item was acquired; and,

WHEREAS, upon the recommendation of the Village Administrator, the following tangible items of personal property belonging to the Village should be declared by the Council to not be needed for any public use, obsolete or unfit for the use for which the items were intended:

- 2004 Ford F550 Truck with Snow Plow and Salt Spreader Serial #1FDAF57P84EC65336
- John Deere 310 Backhoe, Model # 134811,
 Serial # 43132
- Gravely 260Z Mower, Model # 992162,
 Serial # 00729
- 9 pallets of brick pavers

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of South Lebanon, at least a majority of all members elected thereto concurring:

<u>Section 1</u>. That the Council declares the following items of tangible personal property belonging to the Village not needed for any public use, obsolete or unfit for the use for which the items were intended:

- 2004 Ford F550 Truck with Snow Plow and Salt Spreader, Serial #1FDAF57P84EC65336
- John Deere 310 Backhoe, Model # 134811,
 Serial # 43132
- Gravely 260Z Mower, Model # 992162,
 Serial # 00729

•	9 pallets	s of brick	pavers
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<u>Section 2</u>. That the Council authorizes the Village Administrator to cause the following items to be sold by <u>Govdeals.com</u> as long as the item sells for the minimum bid (or no minimum bid, if no bid is listed below):.

<u>Item</u>	Minimum Bid
2004 Ford F550 Truck with Snow Plow and Salt Spreader	\$2,500.00
John Deere 310 Backhoe, Model # 134811	\$2,500.00
Gravely 260Z Mower, Model # 992162	\$500.00
9 pallets of brick pavers	\$250.00

<u>Section 3</u>. That the Council is acting in its administrative capacity in adopting this Resolution.

<u>Section 4</u>. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

<u>Section 5</u>. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this day of,	2015.
Attest: Sharon Louallen, Fiscal Officer/Clerk	Lionel Harold Lawhorn, Mayor
First Reading – / /2015 Second Reading – / /2015	Effective Date – / /2015
Vote Yeas Nays	

Prepared by and approved as to form:
BRUCE A. McGARY
VILLAGE SOLICITOR
SOUTH LEBANON, OHIO
By:
Date:



Village of South Lebanon 99 N. High Street, South Lebanon, Ohio 45065 513-494-2296 fax: 513-494-1656 www.southlebanonohio.org

MEMORANDUM

To:

Mayor and Village Council

From:

Jerry Haddix, Village Administrator

Date:

June 29, 2015

Subject:

Zoar Road Bid Results

The bids were opened for the Zoar Road project on June 25. The only bid received was from Civil Solutions Associates. Their bid, as written was \$374,319. Their bid with their unit prices was \$578,404 (See attached bid tabulation). Either way, the bid was over 10% of the engineer's estimate.

Therefore, the Council needs to reject the bid and we will review the estimate and the scope of work, then re-advertise the project.

Let me know if you have any questions.



VILLAGE OF SOUTH LEBANON ZOAR ROAD IMPROVEMENTS

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CIVIL SOLUTIONS ASSOCIATES, INC	CINCINNATI, OHIC	TOTAL			\$6,500.00	\$16,100.00	\$1,500.00	\$5,062.50	\$1,897.50	\$20,430,00	\$40,320.00	\$15,360.00	\$206,116.00	\$30,240.00	\$11,040.00	\$45,600.00	\$5,725.00	\$4,570.00	\$1,377.00	\$1,701.00	\$1,000.00	\$163,865.00	\$578,404.00
CIVIL SOLUTION		TINIT	COST	CO31	\$6,500.00	\$14.00	\$6.00	\$22.50	\$1.65	\$4.50	\$210.00	\$80.00	\$454.00	\$240.00	\$230.00	\$240.00	\$22.90	\$4,570.00	\$4,590.00	\$2,835.00	\$2.50	\$163,865.00	
BID TABULATION	June 25, 2015	TOTAL	TSOO	00 000 00	\$8,000.00	\$5,750.00	\$2,500.00	\$5,625.00	\$3,450.00	\$18,160.00	\$36,480.00	\$7,680.00	\$1,816.00	\$37,800.00	\$14,400.00	\$47,500.00	\$6,250.00	\$10,000.00	\$2,400.00	\$4,800.00	\$1,200.00	\$100,000.00	\$313,811.00
BID TA		UNIL	TSOO	00 000 00	00.000,00	\$5.00	\$10.00	\$25.00	\$3.00	\$4.00	\$190.00	\$40.00	\$4.00	\$300.00	\$300.00	\$250.00	\$25.00	\$10,000.00	\$8,000.00	\$8,000.00	\$3.00	\$100,000.00	
		APPROX.	OTV.	-		1150	250	225	1150	4540	192	192	454	126	48	190	250	1	0.3	9.0	400	_	ATTENDED TO THE PARTY OF THE PA
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	PVT TTO	Web High	NO. NO. DESCRIPTION	1 201 CLEARING AND GRUBBING	2 202 PAVEMENT REMOVED	100	8 000	750		2 201 61 ABRIATE CONCRETE		0 407 TACK COAT O COOK OF THE BASE	100	100	11 441 1-1/2 ASPHALI CONCRETE INTERMEDIATE COURSE, TYPE 2, (448)	12 441 I-1/2 ASPHALL CONCRETE SURFACE COURSE, TYPE 1, (448), PG64-22			15 OFF DOODLE IELLOW CENTERLINE		19 SDEC DRIFTED RIED PROTECTION	CONCEDICATION TOTAL	CONTINUE TOTAL

*1 Total given was \$4,950.00 *2 Total given was \$1,898.00 *3 Total given was \$2,043.00 *4 Total given was \$374,319.00