

# COUNCIL AGENDA



**Village Council Meeting**  
**6:30 P.M. Thursday, December 17, 2015**

**Village Administration Building**  
**99 High Street**  
**South Lebanon, Ohio 45065**

	Agenda Items
1.	<b>Call to Order</b>
2.	<b>Roll Call</b>
3.	<b>Pledge of Allegiance</b>
4.	<b>Guest Speakers</b> A. None
5.	<b>Open Forum</b>
6.	<b>Approval of Meeting Minutes</b> A. November 5, 2015 – Regular Meeting B. November 5, 2015 – Workshop C. November 19, 2015 – Regular Meeting
7.	<b>Emergency Resolutions/Ordinances and Third Reading of Resolutions/Ordinances</b> A. Third Reading - – Resolution to Approve Purchase Agreement and Closing Documents to Acquire 20 N. High Street from Kings Local School District B. Third reading - Resolution to Approve Addendum to the Contract with the Warren County Sheriff for CY2016 C. Emergency – Resolution to Approve Special Use Permit Application of NB&C, LLC for Modification to AT&T Cell Tower Antenna
8.	<b>Village Administrator Reports (non-legislative)</b> A. Water Usage Update Memo
9.	<b>New Business</b> A. Motion to approve invoices to be paid
10.	<b>Old Business</b> A. None
11.	<b>Committee Reports and Communications</b> A. None
12.	<b>Council Member Comments</b>
13.	<b>Village Administrator Comments</b>

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, January 7, 2016 at 6:30 PM.*

**VILLAGE OF SOUTH LEBANON, OHIO  
RESOLUTION NO. 2015-\_\_\_\_**

**A RESOLUTION APPROVING AND AUTHORIZING MAYOR AND FISCAL  
OFFICER TO EXECUTE A PURCHASE AGREEMENT AND CLOSING DOCUMENTS  
TO ACQUIRE 20 N. HIGH STREET IN THE VILLAGE OF SOUTH LEBANON FROM  
KINGS LOCAL SCHOOL DISTRICT**

**WHEREAS**, the Kings Local School District has offered to convey the real property located at 20 N. High Street to the Village; and,

**WHEREAS**, the Village desires to enter into a Purchase Agreement with Kings Local School District and consummate the transaction.

**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:

**Section 1.** That the Council approves and authorizes the Mayor and Fiscal Officer to execute the Purchase Agreement, a copy of which is attached hereto, and all necessary Closing Documents prepare and/or approved by the Village Solicitor.

**Section 2.** Authorizing the Fiscal Officer to pay the consideration stated in the Purchase Agreement, and upon closing to timely file an application for exemption of real property taxes with the County Auditor.

**Section 3.** That the Council is acting in its administrative capacity in adopting this Resolution.

**Section 4.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

**Section 5.** 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.

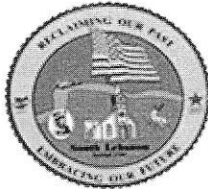
Attest: \_\_\_\_\_  
Sharon Louallen, Fiscal Officer/Clerk    Lionel Harold Lawhorn, Mayor

Rules Suspended:	(if applicable)	Effective Date –
Vote - ____ Yeas ____ Nays		
First Reading – / /2015		Effective Date – / /201
Second Reading – / /2015		
Third Reading – / /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](http://www.southlebanonohio.org)

## MEMORANDUM

**To:** Mayor & Village Council  
**From:** Jerry Haddix, Village Administrator  
**Date:** December 14, 2015  
**Subject:** 2016 Sheriff Contract Addendum

---

Attached a resolution and contract addendum for the contract with the Warren County Sheriff's Office for 2016. There is also the changes by line item.

One item that may need clarification is "Holiday" pay. Per Sergeant Boylan, this line item is perpetually under-appropriated and adjustments have to made from other line items. The State Auditor's Office has told them to more accurately appropriate for each line item.

Please let me know if you have any questions.

WARREN CO. SHERIFF'S CONTRACT

	2015	2016	Difference	% change
Deputy	\$ 65,541	\$ 67,055	\$ 1,514	2.26%
Sgt	\$ 75,878	\$ 77,622	\$ 1,744	2.25%
Deputy	\$ 66,061	\$ 67,574	\$ 1,513	2.24%
Deputy	\$ 66,061	\$ 67,574	\$ 1,513	2.24%
Comp Time payout	\$ 1,000	\$ 1,000	\$ -	0.00%
Total Payroll	\$ 274,541	\$ 280,825	\$ 6,284	2.24%
Overtime	\$ 70,000	\$ 80,000	\$ 10,000	12.50%
Holiday	\$ 11,087	\$ 28,306	\$ 17,219	60.83%
PERS	\$ 64,369	\$ 70,433	\$ 6,064	8.61%
Health Benefits	\$ 53,187	\$ 49,596	\$ (3,591)	-7.24%
Workers Comp	\$ 7,113	\$ 5,000	\$ (2,113)	-42.25%
Life Insurance	\$ 480	\$ 480	\$ -	0.00%
Medicare	\$ 5,157	\$ 5,642	\$ 486	8.61%
TOTAL	\$ 485,933	\$ 520,281	\$ 34,348	6.60%

# ATTACHMENT A

## 2015 PAYROLL ADDENUM

Police protection contract between the Sheriff of Warren County, Ohio and the Village of South Lebanon, Warren County, Ohio.

In conjunction with the terms and conditions of the above referenced contract relative to the number of and the compensation for the services of Deputy Sheriff, and the following Schedule of payments, shall be implemented commencing as of January 1, 2015 and continuing through 12:00 midnight on December 31, 2015.

### 2015 South Lebanon Enforcement Budget

	<u>Name</u>	<u>Position</u>	<u>DOR</u>	<u>Insurance</u>		<u>Salary</u>
1	Asencio, R	Deputy	2/20/2007	F	BU	\$65,540.80
2	Boylan, J	Sergeant	1/20/1998	F	BU	\$75,878.40
3	Ritchie, S	Deputy	9/29/2003	F	BU	\$66,060.80
4	Stavermann, S	Deputy	3/10/1997	F	BU	\$66,060.80
	Comp Time Payout					\$1,000.00
						\$274,540.80

630-2258-2258

Updated: 8/27/2014

Total Payroll (102)				\$274,540.80
Overtime (114)				\$70,000.00
Holiday (115)				\$11,087.22
PERS (811)	18.10%	\$355,628.02		\$64,368.67
Benefits (820)				\$53,184.00
Family / Buy Up	4	\$1,108.00	\$53,184.00	
Worker's Comp (830)	2%	\$355,628.02		\$7,112.56
Life Insurance (860)	4	\$10.00		\$480.00
Medicare (871)	1.45%	\$355,628.02		\$5,156.61
Total (South Lebanon Enforcement)				\$485,929.86

# ATTACHMENT A

## 2016 PAYROLL ADDENDUM

Police protection contract between the Sheriff of Warren County, Ohio and the Village of South Lebanon, Warren County, Ohio.

In conjunction with the terms and conditions of the above referenced contract relative to the number of and the compensation for the services of Deputy Sheriff, and the following Schedule of payments, shall be implemented commencing as of January 1, 2016 and continuing through 12:00 midnight on December 31, 2016.

### 2016 South Lebanon Enforcement Budget

	<u>Name</u>	<u>Position</u>	<u>Date</u>	<u>Insurance</u>	<u>Salary</u>
Sgt. 1	Sergeant Boylan	Sergeant	1/20/1998	F	\$77,621.64
Dep 2	Deputy Hale	Deputy	4/16/2013	S	\$67,054.80
3	Deputy Ritchie	Deputy	9/29/2003	F	\$67,573.80
4	Deputy Staver mann	Deputy	3/10/1997	F	\$67,573.80
	Comp Time Payout				\$1,000.00
					\$280,824.04

630-2258

Updated: 7/28/2015

Total Payroll (102)				\$280,824.04
Overtime (114)				\$80,000.00
Holiday (115)				\$28,305.90
PERS (811)	18.10%	\$408,129.94		\$70,432.52
Benefits (820)				\$49,595.64
Single / Base	1	\$463.13	\$5,557.56	
Family / Base	3	\$1,223.28	\$44,038.08	
Couple / Base	0	\$611.64	\$0.00	
Waive	0	\$0.00	\$0.00	
Worker's Comp (830)	2%	\$408,129.94		\$5,000.00
Life Insurance (860)	4	\$10.00		\$480.00
Medicare (871)	1.45%	\$408,129.94		\$5,642.38
Total (South Lebanon Enforcement)				\$520,280.48



**VILLAGE OF SOUTH LEBANON, OHIO  
RESOLUTION NO. 2015-\_\_\_\_**

**A RESOLUTION APPROVING AND AUTHORIZING MAYOR AND  
FISCAL OFFICER TO EXECUTE AN ADDENDUM TO THE AGREEMENT WITH  
WARREN COUNTY SHERIFF AND WARREN COUNTY COMMISSIONERS FOR  
POLICE PROTECTION IN THE VILLAGE OF SOUTH LEBANON FOR THE  
CALENDAR YEARS 2016**

**WHEREAS**, providing public safety is one the most critical functions of local municipal government; and,

**WHEREAS**, the Village, the Sheriff and the Warren County Commissioners entered into an Agreement for Police Protection dated August 24, 1998, and the Agreement was thereafter amended in 2002, 2006, 2008, 2012, and most recently a three (3) year term to include 2015, 2016, and 2017, and,

**WHEREAS**, the Sheriff desires to enter into an Addendum to the said Agreement for Police Protection with the Village for the calendar years 2016, thereby amending the Agreement for Police Protection with the only modifications being a three year term and an increase in the cost for the 2016 services, all other terms and conditions shall remain the same.

**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:

**Section 1.** That the Council approves and authorizes the Mayor and Fiscal Officer to execute the Addendum to the Police Protection Agreement for police protection in the Village of South Lebanon for the calendar year 2016, a copy of which is attached hereto.

**Section 2.** Authorizing the Fiscal Officer to pay invoices relating to the said Addendum once billed and received for police protection services for calendar year 2016 without further action of Council, but further action of Council shall be required prior to paying invoices for 2017.

**Section 3.** That the Council is acting in its administrative capacity in adopting this Resolution.

**Section 4.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

**Section 5.** 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

Rules Suspended:	(if applicable)	Effective Date –
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

By: \_\_\_\_\_

Date: \_\_\_\_\_

**VILLAGE OF SOUTH LEBANON  
MEMORANDUM**

**TO:** Mayor and Council  
**FROM:** Jerry Haddix, Village Administrator  
**RE:** AT&T Wireless Telecommunication Tower at 3472 Lebanon Rd.  
**DATE:** December 14, 2015

---

This memorandum reports on an application received from Network Building & Consulting, LLC, Inc., on behalf of AT&T 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**

On December 2, 2015, Network Building & Consulting, LLC submitted an application to modify the existing AT&T antenna on the tower located at 3472 Lebanon Road. FCC rules **require** local governments to approve cell tower modifications within sixty (60) days of application submittal.

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

1. Installation of a DC power cable and remote radio heads on the AT&T antenna on the existing tower.

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

**VILLAGE OF SOUTH LEBANON, OHIO**  
**RESOLUTION NO. 2015-\_\_**

**A RESOLUTION APPROVING AN APPLICATION AND ISSUING A SPECIAL  
USE PERMIT TO NETWORK BUILDING & CONSULTING, LLC FOR  
MODIFICATIONS TO ITS EXISTING WIRELESS TELECOMMUNICATIONS  
FACILITIES INCLUDING TO ADD REMOTE RADIO HEADS TO THE EXISTING  
AT&T WIRELESS ANTENNA ON THE TOWER 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 December 2, 2015, Network Building & Consulting, LLC, as agent for AT&T 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:

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

**Section 2.** That the Council does hereby approve the Special Use Permit applied for by Network Building & Consulting, LLC, Inc. as agent for AT&T Wireless relating to its wireless communications facilities at 3472 Lebanon Road in the Village.

**Section 3.** That a certified copy of this Resolution shall be deemed the Special Use Permit.

**Section 4.** That the Council is acting in its administrative capacity in passing this Resolution.

**Section 5.** 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.

**Section 7.** 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 17th day of December, 2015.

Attest: \_\_\_\_\_  
Sharon Louallen, Fiscal Officer/Clerk    Lionel Harold Lawhorn, Mayor

Rules Suspended: 12/17/2015 (if applicable)	Effective Date – 12/17/2015
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

By: \_\_\_\_\_  
Date: 12/17/2015



Village of South Lebanon  
99 N. High Street, South Lebanon, Ohio 45065  
513-494-2296  
fax: 513-494-1656  
[www.southlebanonohio.org](http://www.southlebanonohio.org)

## MEMORANDUM

**To:** Mayor & Village Council  
**From:** Jerry Haddix, Village Administrator  
**Date:** December 9, 2015  
**Subject:** 2015 GCWW Water Usage

---

At the last meeting, the question was asked about the status of "Take or Pay" with our contract with the Greater Cincinnati Water Works (GCWW). The current required minimum annual usage requirement (see attached Exhibit B) is **102,473** CCF's (1 CCF=748 gallons). Based the last two (2) years usage, I am forecasting that the 2015 usage will be **107,086** CCF.

The minimum usage goes up to 112,233 CCF in 2017. To meet this number, we'll need to add the equivalent of 81 to 93 homes by 2017. With the new developments in the works, we should meet or exceed this requirement through calendar year 2019.

Our current rate with GCWW is \$1.86/CCF (\$0.0025/gal).



## South Lebanon Annual Consumption

"Take or Pay" Calculation for 1/1/15 through 12/31/15

"Take or Pay" Provisions from Section 11.B of First Amendment

Date	Consumption in CCF's	Consumption in Gallons
January-15	8,982.0	6,718,536
February-15	9,014.0	6,742,472
March-15	10,082.0	7,541,336
April-15	7,968.5	5,960,438
May-15	9,004.5	6,735,366
June-15	8,773.0	6,562,204
July-15	8,742.0	6,539,016
August-15	8,858.1	6,625,859
September-15	9,270.8	6,934,558
October-15	9,065.6	6,781,069
November-15	8,546.2	6,392,558
<b><i>December-15</i></b>	<b><i>8,779.0</i></b>	<b><i>6,566,692</i></b> <i>Estimated</i>
<b>Total Consumption:</b>	107,085.7	80,100,104
<b>Required Take or Pay Minimum:</b>	102,473.0	76,650,000
<b>Difference: Actual vs Required Consumption:</b>	4,612.7	3,450,104
<b>Current Price Per CCF:</b>	\$1.86	
<b>Balance Due:</b>	\$0.00	

**VILLAGE OF SOUTH LEBANON WHOLESALE WATER SERVICE AGREEMENT  
MINIMUM DAILY CONSUMPTION REQUIREMENTS SCHEDULE - EXHIBIT B - REVISED**

<u>Period</u>	Required Gallons <u>Per Day</u>	Required Gallons <u>Per Year</u>	Required CCF <u>Per Day</u>	Required CCF <u>Per Year</u>
January 1, 2013 to December 31, 2013	200,000	73,000,000	267	97,594
January 1, 2014 to December 31, 2016	210,000	76,650,000	281	102,473
January 1, 2017 to December 31, 2019	230,000	83,950,000	307	112,233
January 1, 2020 to December 31, 2022	250,000	91,250,000	334	121,992
January 1, 2023 to December 31, 2025	270,000	98,550,000	361	131,751
January 1, 2026 to December 31, 2028	290,000	105,850,000	388	141,511
January 1, 2029 to December 31, 2031	310,000	113,150,000	414	151,270
January 1, 2032 to December 31, 2034	330,000	120,450,000	441	161,029
January 1, 2035 to December 31, 2037	350,000	127,750,000	468	170,789
January 1, 2038 to December 31, 2040	370,000	135,050,000	495	180,548
January 1, 2041 to December 31, 2043	390,000	142,350,000	521	190,307
January 1, 2044 to December 31, 2046	410,000	149,650,000	548	200,067
January 1, 2047 to June 3, 2058	430,000	156,950,000	575	209,826