

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
JULY 2, 2015
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 the public: No one approached council.
4. Mayor Lawhorn presented a resolution for a special use permit to Wirenet for modifications to the existing wireless telecommunication facility at 3472 Lebanon Road. Administrator Haddix said a new law went into affect and we have sixty days to act on an application for a modification. He said it is simply replacing an antenna switching from Cincinnati Bell to Verizon Wireless. A motion to suspend the reading rule was made by Smith, seconded by Allen, all yeas. A motion to adopt Resolution 2015-17 was made by Allen, seconded by Riley, all yeas.
5. Mayor Lawhorn held the second reading of an ordinance setting the compensation for two council seats and the mayor seat.
6. Mayor Lawhorn held the second reading for a water/sewer agreement with Warren County. Smith asked who reviewed the contract for South Lebanon and Bruce said he did. Smith said it is probably not in our best interest, Bruce works for the county and works with us. He said we should not put Bruce in the position, since he works for the county too. He said he thinks we should have an independent council look at it. Mayor Lawhorn said they sent us a contract and Bruce changed things significantly for the village. Bruce said he appreciates what Smith is saying. Bruce said the content of the agreement was based on the minutes and audio recording that everyone was provided, so council has a pretty good handle on why the agreement came about and the content. Bruce said most of the changes he made had to do with the sanitary sewer for Highland Park. He said it is a win/win for the village because the the contract ended up being written that the county either has to pay for it or the county has to do the assessments against the residents, which is not a good thing for elected officials to have to do. Smith said they came to us for Sunnylane because the county didn't have capacity and we made an agreement to help the county out for sewer. Bruce said it won't cost the village anything, just add customers that the village would serve. Smith said it holds us to give the same rate, even though outside our limits, with the same rate. Bruce said it does provide that and the water component does the same

thing that the rate has to be what the county charges all its other customers. Smith asked if three years notice is normal and Bruce said it is on that kind of agreement because it would take a lot of time to provide or obtain an alternate provider. Smith stated his questions are for future criticism and Bruce said representing the county he also represents eight of the eleven townships in Warren County. He said often the county and the townships enter into contracts and we represent both of them. He said the position we have always taken is we try to stay in it until the parties reach an impasse where they can't agree, then we step out. Smith said as far as annexation of the territory for Highland Park, we can annex and Bruce said yes, the village can't require them to annex to provide the services. Bruce said most communities with public services will not extend it and will typically require annexation to provide services.

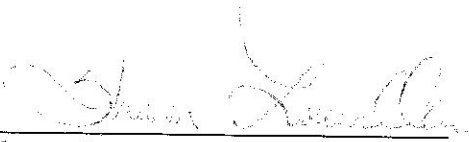
7. Mayor Lawhorn held a first reading on a resolution for the sale of items through GovDeals.
8. Mayor Lawhorn held a first reading of a resolution for a maintenance contract with Buckeye Power Sales. Atkins asked if this is for generators or stations and Jerry stated it is for the generators. Smith asked if they put a cage on the main lift station yet and stated there is nesting under the station and it is not screened and the birds are clogging part of the components. Jerry said he will find out.
9. Mayor Lawhorn stated we need a motion to reject the Zoar Road bids and advertise again. He said it came in way above the estimate. Boerio asked Bruce about the legalities in these issues and it appears there was a clerical error made in this bid. He said they multiplied two numbers together that they should not have and came up with large result. He asked if it is permissible to go back and ask these people to correct their clerical error and Jerry said even if the corrections were made they are more than 10% above the estimate. Bruce said if we had caught that, we could have issued an addendum but at this point there is nothing. Boerio said in figuring their cost, they are \$200,000 above what they want to be because of an error. Jerry said it is a unit pricing so no matter what the total bid was, it is by their unit pricing. Jerry said there are lump sum bids, like a building and then there are unit pricing bids, per feet, so you have to go by the unit pricing not the total they put. A motion to reject the bids and rebid was made by Boerio, seconded by Smith, all yeas.
10. Mayor Lawhorn asked for approval of the invoices. A motion to pay the invoices was made by Smith, seconded by Allen, all yeas.
11. Mayor Lawhorn presented an invoice from Gary Vidmar for \$2,500.00, which was agreed on in the past from council. Mayor Lawhorn stated this is what myself, Bruce and Jerry have talked to Gary about and they are attached.


Atkins said he thought it was to pay for insurance, not give him money. Mayor Lawhorn said we couldn't pay the insurance, we were not allowed and it was agreed by council to pay him \$2,500.00. Smith stated the way the billing is set up here, you have \$2,500.00 here for emails but it doesn't look like it falls under accounting principles. Smith said normally you have something that spells out how many hours and what the compensation is and it comes up to \$2,500.00. Mayor Lawhorn said the \$2,500.00 was agreed upon as a total, not per hour. Smith said you can't justify a phone call for \$2,500.00. Smith said he doesn't know what the auditors will say, you have a protocol of services rendered. A motion to approve the invoice was made by Boerio, seconded by Allen, Allen-yea, Atkins-nay, Boerio- yea, Johnson-yea, Riley-yea, Smith-nay.

12. Mayor Lawhorn said we got a notice from Ohio Liquor Control that Speedway has applied for a liquor license. He said we have the right to have a hearing and we don't have it here, it is county or state level. A motion not to have a hearing was made by Allen, seconded by Atkins, all yea.
13. Atkins asked Jerry to enlighten council on 483 Valleyview that is trying to be sold. Jerry said there are three lots that are connected and are non-conforming lots by the size. He said the lot size in zoning code is 6000 feet and this one is 2750 feet. Jerry said the bank wanted to know if they would have a process if more than 50% of the house was damaged and they wanted to rebuild. Jerry said the answer is if it meets all the set-backs it is fine. Jerry said it is only 60 feet deep so there is no way to build a house without going through the zoning of appeals. Jerry said that was the answer he gave the bank. Mayor Lawhorn said they are accusing us of saying that we won't allow her to sell it and that is not true. He said they want Jerry to give them something in writing that they would be able to build it back if it were to be 50% damaged and that is against our zoning code and he can't do that, it is illegal. Jerry said you can't grandfather a non-conforming use.
14. Johnson said the sidewalk going up Pumpkin Brown is awful. It needs cleaned up. Mayor Lawhorn asked Jerry to check the contract for street sweeping and see if it says any street with curb, that one has curb and they are not sweeping it. Jerry will check on it. Johnson asked if Jerry found out anything on the dog ordinance. Jerry said he and Bruce are going to get together to see if we have enough on the books to take care of that. Bruce said we do have things on the books that address the situation and if we adopted a new ordinance it wouldn't do those folks any good because they would be grandfathered. Discussed zoning code and if we can regulate through that code.
15. Allen asked if council can receive a sidewalk plan and a list in the order they will be done. Mayor Lawhorn said it is not completed yet.

Allen said she has heard complaints about a guy out of the homeless shelter and walking the streets at 1:30 a.m. Sgt. Boylan said they have to call it in. Discussed they are supposed to be locked in at 7:00 p.m. Smith said there is a three strikes and you're out provision. Jerry said he will look at the contract.

16. Bruce said we have collected almost \$44,000 from the sale of lots at Shepherd's Crossing. He said at some point we may want to bid that if you want this done this year.
17. Sgt. Boylan asked that people please call in if they see someone out at night. He reported on the stolen vehicles and that they were returned.
18. Mayor Lawhorn said July 18th is the rain date for the WCML picnic. Mayor Lawhorn said the Sallee family is asking to maintain the shelter by the bike trail and would like it named after their father. Discussed and Boerio suggested a contract with a term so it can be re-evaluated. Mayor Lawhorn reminded everyone of the parade and fireworks on July 4th.
19. A motion to adjourn the meeting was made at 7:17 p.m. by Allen, seconded by Smith, all yeas.


Sharon Louallen, Fiscal Officer


Lionel Lawhorn, Mayor