

**VILLAGE OF SOUTH LEBANON  
REGULAR MEETING MINUTES  
NOVEMBER 19, 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 – Absent
3. Mayor Lawhorn opened the floor to the public stating they have five minutes, need to state name and address for the record:

Matt Van Schoyck – 5222 Homestead Dr. – provided further information on the Cochran gate. He reviewed the vacating of the roadway which is his and the Williams' yards and that it is now private property. He reviewed that they can ultimately close down the right of way but have chosen to work with the village to help insure the safety of residents in their neighborhood and those around them. He stated they are anxious for a resolution because they have been harassed by passersby's in cars honking and gesturing obscenities. He thinks it is sad that they are being harassed by people driving on his private property and has to explain those actions to his kids. He said there are no sidewalks which is further evidence this was intended to be a private drive. He said he spoke with local emergency officials and reported they have no issue with a gate. He said when their record plan was done, all these other communities were in the plans and nothing has changed.

James Wells – said he operates a water delivery service. He, his wife and daughter are in the process of reopening Al's old diner at 349 W. Pike. He said they would welcome any input from council. He said they are planning a community Thanksgiving feast to meet and greet and the meal will take place at 2:00 p.m. Mayor Lawhorn said we can put it on the website and pass the word.

The floor was closed to the public.

4. Mayor Lawhorn presented the following minutes for approval:

Regular Meeting – October 1, 2015 – Motion to approve made by Boerio, seconded by Atkins, all yeas.

Workshop Meeting – October 1, 2015 – Motion to approve made by Boerio, seconded by Riley, all yeas.

Regular Meeting – October 15, 2015 – Motion to approve made by Atkins, seconded by Boerio, all yeas.

5. Mayor Lawhorn presented Ordinance 2015-09 for the third reading amending the village earnings tax due to state mandates. A motion to adopt Ordinance 2015-09 was made by Allen, seconded by Boerio, all yeas.
6. Mayor Lawhorn presented Resolution 2015-33 for the third reading authorizing the sale of a 2008 Crown Vic on GovDeals. A motion to approve Resolution 2015-33 was made by Atkins, seconded by Allen, all yeas.
7. Mayor Lawhorn presented an emergency resolution to authorize a change order in the Zoar Road project. Haddix stated the final quantity adjustment is a decrease of \$4,900.05. A motion to waive the reading rule was made by Boerio, seconded by Riley, all yeas. A motion to approve Resolution 2015-34 was made by Atkins, seconded by Boerio, all yeas.
8. Administrator Haddix reviewed his memo. He said the only bid for the community center came from Joshua's Place. He said it included paying \$1.00 per month, taking care of all utilities and investing \$125,000 into facility. He said the average electric and gas is over \$2,000 per month. Haddix said that would include the roof which will need fixed in the next few years. He stated the electric is between the two buildings and as part of the two story proposal it would be split. He recommends that we wait until we have bids for the two story before awarding the community center. He said that would give us time to see what all the numbers are. Mayor Lawhorn said the village put temporary heat in the building at the cost of \$240.00 per month. He discussed the bid and said he doesn't want to disagree with Jerry but does not know how long you want to wait on this. Allen asked if this wasn't what was in the last contract. Decided to ask Trane for an estimate before the next meeting. Riley said on the exception sheet it says they will not be responsible for drainage issues, is that something we want in there. Jerry said he thinks they are talking about beyond the actual plumbing and Jerry will clarify.

Haddix said they are finalizing Woodknoll and Bruce has negotiated an agreement on the maintenance bond with First National Bank. Bruce stated that is correct and explained the process and said they will bring back to council. Jerry said Shepherd's Crossing will be paved tomorrow as well as Morgan Drive.

Haddix said the total of appraisals for Mason Morrow Milgrove improvement at \$225,000. He said they will be negotiating with property owners.

Jerry said he is working on the CDBG project for next year and there is roughly \$115,000 in the utility maintenance fund and he suggests that be used and the CDBG money to connect the raw water line to High Street.

Jerry said note in Sheriff Dept. reports you can see the traffic stops have continued to increase and that shows they are working on the traffic situation.

Haddix said the draft of the emergency gate easement agreement was passed out at last meeting and asked for any comments that council may want to incorporate. Boerio asked Bruce before the discussion of the draft for the gate take place, he would like his opinion as to whether he has a conflict of interest based on the fact he is a resident of Vista Pointe and the president of the HOA. Bruce said it is not his job to tell him whether he should or should not recuse himself. He said the law would in the form of ethics, would be the matter would provide such a definite and particular benefit or detriment to property to which you own an interest and if that could impair your independence of judgement in evaluating, discussing or voting on this matter. Boerio said based on that information he does not feel that he has a conflict but will abstain from discussion or vote. Haddix said he has a couple of comments after reviewing the draft. He stated to clarify where talks about construction within thirty days and that sixty to ninety would be more realistic. He said issues of curb and sidewalk from money from First Financial Bank he does not think it would be eligible. He will look it up. Haddix asked if there is any direction on how council wants to proceed negotiating the contract. Mayor Lawhorn said the property belongs to Matt and his wife and Jeff and his wife, the property belongs to them, Cochran Road has been vacated, they are agreeing to allow a gate that public safety vehicles can use to transfer to get to Wynstead, which they don't have to do, the property is theirs. Allen said at the last meeting the residents asked for a town hall meeting because they didn't feel everyone concerned got to express their opinions and she agrees. She said it is their property and they can do what they want but we did tell them we will listen to their concerns and two or three people asked for a town hall meeting. She feels we need to give the public a chance to express themselves. The mayor said they can express themselves but the only way they can loose their property is the village take it by eminent domain, and asked if she ready to do that.

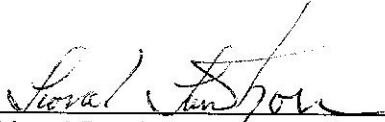
Riley said he knows more about the gate since the last meeting and from the draft he saw last week was the most he saw concerning the gate. He said he would like to see more and know more before we make a decision. Mayor Lawhorn said you are not deciding whether you are stopping the traffic you are deciding if you are putting up a gate, that is all you are deciding. Riley thinks we need to see more, talk more, before we make a decision. Mayor Lawhorn stated they could block that at any

time without it. Allen said the last draft that we were going to install and maintain the gate, is that still the same and she was told yes. Allen said so we are going to pay for all maintenance on the gate if it gets knocked down twenty times a week, we are going to go and maintain it. Bruce said it is a draft and no decision is going to be made here tonight, you will decide what goes into the agreement. He said all they are asking is if council wants them to negotiate with the property owners. He said it will come back in the form of an ordinance and will take three readings. Atkins asked how long will we be responsible for the gate and Bruce said until the connection of Emerald Drive. Atkins asked what kind of pressure we can put on Fischer Homes to move on Emerald and Bruce said there is none.

A motion to authorize Bruce and Jerry to continue negotiation with the property owners was made by Riley, seconded by Allen, Allen - yea, Atkins - to negotiate yea, Boerio - abstain, Johnson - to negotiate yea, Riley - yea.

9. Mayor Lawhorn presented for the first reading a resolution to accept 20 N. High from Kings Local School District.
10. Mayor Lawhorn presented for the second reading a resolution adopting the Hazard Mitigation Plan.
11. Mayor Lawhorn presented for a first reading a resolution authorizing an addendum to the Sheriff's Dept. contract.
12. Mayor Lawhorn presented invoices for approval. A motion to pay the invoices was made by Atkins, seconded by Boerio, Allen - yea, Atkins - yea, Boerio - yea, Johnson - yea, Riley - we are paying \$16,000 for water, nay.
13. Mayor Lawhorn presented an invoice for Bruce McGary in the amount of \$205.00. A motion to pay the invoice was made by Boerio, seconded by Riley, all yeas.
14. Mayor Lawhorn said he wishes all a blessed Thanksgiving.
15. A motion to adjourn the meeting was made at 7:20 p.m. by Boerio, seconded by Riley, all yeas.

  
Sharon Louallen, Fiscal Officer

  
Lionel Lawhorn, Mayor