

**VILLAGE OF SOUTH LEBANON  
REGULAR MEETING MINUTES**

**JULY 7, 2016**

**6:30 P.M.**

1. Mayor Smith opened the meeting at 6:30 p.m. with the Pledge.
2. Randall Atkins – Absent                      Bill Madison - Present  
Jim Boerio – Present                      Steve Riley – Present  
Sue Johnson – Present                      George Teasdale - Absent
3. Mayor Smith opened the floor to Tejas Dinesh – Boy Scout – stated he is going to be a junior at Little Miami High School and is currently working on his Eagle Scout project. He said he has been working with the Friends of the Little Miami for the past year on donating the kiosk such as in the photo he passed out. He explained the make-up of the kiosk and said he has the materials covered and is ready to construct one at the bike trail in South Lebanon. Tejas said he would like the villages blessing on the construction of this.  
  
Steve Murphy – Friends of the Little Miami – said his group spends up to 5,500 volunteer hours on the bike trail and if a tree falls they send somebody out with a chain saw and can respond more quickly than the state can. He said the kiosk is the focal point along the trail and contribute to the economic activity. Steve said that is why they are sponsoring the kiosk and intend to have ten of them. Steve said we give you the panel and then you maintain the information on it that would benefit your community. He said since they are funding this, they are making this investment in South Lebanon. Mayor Smith said South Lebanon is the first community to endorse the bike trail. He said South Lebanon is number three in the usage of the bike trail. Riley asked how you become a volunteer for the bike trail and Steve said you go to [www.flmsp.org](http://www.flmsp.org).
4. John Moore – 140 Fern Valley Way – stated the festival was a success and thanked the village for their support. John stated that Maryan Harrison resigned and there is no president but there is a board and they have decided to keep it that way. Discussed the event and that the fireworks were the best ever.
5. Mayor Smith presented the following minutes for approval:  
  
Regular – May 5, 2016 – Boerio stated the motion and second to adjourn that meeting both say Madison and needs to be corrected. He also suggested that in #9 that Mary Lane Circle and Ilene Ave. need to be inserted to identify which sewer line. A motion to approve the minutes was made by Boerio,

seconded by Madison, all yeas.

Workshop – June 5, 2016 – motion to approve was made by Boerio, seconded by Madison, all yeas.

Regular – May 19, 2016 – motion to approve made by Boerio, seconded by Madison, all yeas.

6. Mayor Smith presented Resolution 2016-20 authorizing the OPWC application for \$705,000 for the Mason Morrow Milgrove and St. Rt. 48 project. A motion to waive the reading rule was made by Madison, seconded by Boerio, Riley abstained, all others yea. A motion to adopt Resolution 2016-20 was made by Madison, seconded by Boerio, Riley abstained, all others yea.
7. Resolution 2016-21 was presented to purchase an easement where the barn sales are. A motion to waive the reading rule was made by Boerio, seconded by Madison, Riley abstained, all others yea. A motion to adopt Resolution 2016-21 was made by Boerio, seconded by Madison, Riley abstained, all others yea.
8. Mayor Smith presented Resolution 2016-22 authorizing the fiscal officer to submit the 2017 budget to the Warren County Auditor. Boerio said under tax revenue, there is a big jump between 2014 and 2015. Fiscal Officer said it is because of the TIF funds being put in the computer now. Boerio asked about on page 5 it talks about debt service but there is no debt service. Sharon looked at the paperwork and explained that is general fund and the debt services are under water and sewer funds, she stated this is the line item for loans and there are none under the general fund. She said the only fund for budget purposes that is totally broken down is the general fund and there are no debts under that fund. She said the other funds are only broken down by revenue and expenses and so do not show the itemized lines in those funds which is where the debt services are. Riley asked about the last page under sewer. Sharon said under the first column is her guess as to where all the funds will end at the end of this year, the second column is the estimation of what she thinks will come in as revenue in 2017 and that leaves what is available for expenditures. Sharon said all of this is based on an estimate based on previous years and any projects she knows of coming up. She said this just gives us a temporary budget, signed off by the county, so the village can conduct business until the year is actually closed and we do a permanent budget based on the real figures. Madison said the unencumbered balance is the balance based on the close of the previous years and she stated to the best of ability to estimate. Riley asked about utility maintenance reserve and Sharon said that is a fund for water or sewer maintenance or improvements. She said it has a limited amount in it because the village has not put into that fund for years. A motion to waive the reading rule was made by Boerio,



seconded by Madison, all yeas. A motion to adopt Resolution 2016-22 was made by Boerio, seconded by Madison, all yeas.

9. Mayor Smith presented the invoices for approval. A motion to approve was made by Madison, seconded by Boerio, all yeas.
10. Haddix stated he contacted ODOT about the "No Engine Brake" signs for St. Rt. 48 and they are going through their process and we need their regulations and someone besides ODOT has to go through that and determine where they can go and how they have to be placed. Boerio said he sent Jerry an email and asked if they are looking at additional places and Jerry said he is waiting on ODOT and then will place all the signs at the same time. Boerio explained he suggested to Jerry that northbound on St. Rt. 48 as you enter the village that we put a no engine brake sign. He said since it is a village ordinance, it seems to him that we should put these signs everywhere you enter the village. Jerry said there at least three he knows of that are in place.

Jerry said the speed study is still in the process on St. Rt. 48.

Haddix said he just got the personnel policy manual back this morning so by the next meeting council will have it for review.

Jerry said for the Wynstead project, they are clearing on Zoar Road and we should have the agreement, bonding and permit to install in the next few weeks.

Jerry said he is waiting on construction drawings on Woodknoll and they are planning to start as soon as possible.

Haddix said the design phase on the High Street project has started. He said it should go out to bid later this month or early August.

Jerry said tomorrow they are meeting with Gary Norman to walk through the old school house and get some advice.

Jerry said the person we offered the skilled maintenance job to has backed out. He said we will re-evaluate that situation. Jerry said he thinks we need to look at the whole position.

11. Solicitor Revelson said we have one parcel left that we have to file a suit on, the Rock Castle parcel that is for the easements on Mason Morrow Milgrove Road. Paul said he didn't realize how much work the company we hired to do this is putting in to obtaining these easements. He said they have an extensive file showing all their information on trying to contact these people. Paul said they have done

all they are supposed to do up to now so he will file a suit. He said the good news is there is a provision in the revised code that allows you to do a quick take, which means you file the suit and let the court know you are taking this for the purpose of the road. He said you post a bond with the court, so this will not hold us up on the project. Paul asked for a vote to proceed with the procedure and to spend \$8000 for the bond, etc. A motion to authorize the suit to be filed and \$8000 in costs to be paid was made by Boerio, seconded by Madison, Riley abstained, all others yea.

12. Riley said the swings at Oeder Park could use some mulch.
13. Boerio said toward the end of the last meeting we were talking about water and the comment was made that there was no take or pay clause in the water contract and he is not sure where that comment came from. Mayor Smith stated that the take or pay was to be executed that if the village had to purchase water, if they didn't fulfill the obligation, they would own the water and it would be in reserve until such time you would use it. He said you would never lose that water you would never pay for water and not use it. Boerio asked if that is in the contract and the mayor said he has not looked at that in some time but that was the discussion at the negotiations. Boerio said his reading of the contract is that there is a take or pay and there is no escrow account. Mayor Smith said agreements have been modified but that was intent and spirit of the negotiations. Boerio said it also says this is the entire agreement and there are no oral agreements. Mayor Smith said we have never had to pay this and we have moved forward and he would like to move forward. Boerio said he thinks the mayor is right, hopefully with the new housing we will never get into this situation, but he just wanted to point out that his reading of the contract there is a take or pay. Mayor Smith said to make it crystal clear, he was there and that was the intent of it and that was discussed across the table, if we ever had the situation, we would own the water. Boerio said fair enough, we will move on.
14. Johnson thanked the Historical Society for a great job and said she had a good time. She said on Main Street, going across the small bridge, the sidewalk is about three inches lower and needs to be addressed before someone falls.
15. A motion to go into executive session under 121.22G3, possible litigation, was made at 7:19 p.m. by Madison, seconded by Boerio, Boerio- yea, Johnson – yea, Madison – yea and Riley – yea.
16. A motion to return from executive session was made at 7:47 p.m. by Boerio, seconded by Madison, Boerio – yea, Johnson – yea, Madison – yea and

Riley – yea.

17. Sgt. Boylan reported on incident of assault in trailer park. He reported he gave Jerry information on flashing lights for speed limits, he said they are kind of pricey but maybe we could move around once in a while as a reminder of speed limit.
18. A motion to adjourn the meeting was made at 7:50 p.m. by Madison, seconded by Boerio, all yeas.



  
Sharon Louallen, Fiscal Officer

  
James D. Smith, Mayor