

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
FEBRUARY 16, 2017
6:30 P.M.**

1. Mayor Smith opened the meeting at 6:30 p.m. with the Pledge.
2. Randall Atkins – Present Bill Madison - Present
Jim Boerio – Present Steve Riley – Present
Sue Johnson – Present George Teasdale - Present
3. Guest – Hamilton Township Fire Chief, Brian Reese

Chief Reese discussed that they are looking into building a new fire station. We are looking into consolidating from two fire stations to one. The main fire station is in downtown Maineville which was built in the 1960's. This fire station was not built to house modern day fire trucks and there are access problems. When dispatched, we have to come out of building onto a shared driveway with a storage facility behind fire house. We do not have modern male/female accommodations. The Fire Station 77 on 22 & 3 has very similar issues. In addition, it is poorly located for service. We have property that we've identified which is next to the administration building on State Route 48. We already own that property and it has been looked at in the past to place a fire station there. A study was done by LJB based on all of our runs in 2015 using a hypothetical fire station at the 48 location and how would that affect response times.

Overwhelmingly, response times would improve throughout the township and response times into South Lebanon would remain the same or improve. The next two parts of our process is to look at needs and design and then the third part will be finance. We are very early into this process and just getting ready to go into the needs and design phase. There is still work to be done looking into finance.

4. Mayor Smith opened floor to the public:

Mayor Smith closed the floor to the public.
5. Mayor Smith presented Emergency Resolution 2017-14 authorizing addendum to contract with Childress & Cunningham, Inc. A motion to suspend the rules and declare an emergency was made by Madison, seconded by Boerio, all yeas. By title only a motion to adopt Resolution 2017-14 made by Atkins, seconded by Boerio, all yeas.
6. Mayor Smith presented Emergency Resolution 2016-48 authorizing agreement with McGill Smith Punshon Inc. for Cochran Road sanitary sewer extension project. Haddix explained that this is bringing back the agreement from McGill Smith Punshon to extend sanitary sewer off of Cochran Road to the Books

property. After the last meeting, we relayed the changed proposal and they respectfully declined. At this point, I think we need to move forward with the project. Mayor Smith stated that we met with the developer and contractor if Council goes forward to try to work out terms based on the agreement. Atkins asked what kind of funding are they willing to help with. Boerio said that he has two questions. What information was relayed to the County Commissioners. Revelson stated that they were told what Council told me to tell them from the last meeting which was to reject the proposal of them detaching the one parcel which everyone unanimously with no objections agreed for me to convey that message back. I rejected the offer like you instructed. Boerio said to say that it was unanimously rejected is a little bit of a stretch. Revelson said that nobody said anything different. Madison stated that the Board had two decisions they had the decision to move on it or let it die and they let it die. Just like this board, we can through a motion or we can table it and let it die. Boerio said that he had another question. We informed the County Commissioners that we were not going to abandon the property that the water tower sits on. Assuming that we, South Lebanon, annex additional property in that area and there are developers that come in and build something on this newly annexed property. Do we have water up there. We are in the process of building a sewer to reach that area can we provide water to other people that come into that area. Mayor Smith said that water is already there. Boerio said I'm concerned about friction between South Lebanon and the County Commissioners. Are we going to have to get water from them in order to service properties there that we may annex. Atkins asked Mayor Smith isn't there a law that once there is water is place in an area that another municipality can't take water there as well. Boerio asked is there such a thing as them refusing to provide water to any new territories that we might annex. Mayor Smith said that if water exists, they couldn't refuse. If any money is spent through federal funding, you can't discriminate against a municipality or city. Mayor Smith said that South Lebanon would like to expand its water system but there are some areas that we can't do it. We have a lot of agreements with the County for water. In fact, we pay them to do the billing for us. Riley stated that he thinks it is a great question. If you think about it, in the first agreement you let Warren County supply sewer to this property then it's turned into this turmoil. So it could turn into the same thing with water. Madison stated that they have a duty to provide water. Riley said that sewer is only 100 yards away. Mayor Smith said that we have done everything we can and have been very good neighbors to the County. This Village allowed the County to run a 24 inch water main through the entire Village to supply water to the north and south with no restrictions. We've allowed them to do sewer and put well fields in the Village. Madison stated that our state legislators have provided a means for municipalities to grow. If you like the way this community has grown and has prospered it is because of these moves that we are getting ready to do here expand our borders. Riley stated that you keep talking about this 24 inch water main that you gave Warren County permission and we are buying water from the City of Cincinnati. Mayor Smith stated that the County sells us water at a much higher rate then what we get from Cincinnati. Madison stated it is so ironic that here we have this discussion about

Warren County and their behavior and if we would have taken their water they would have handcuffed us every time they didn't like a move that we made. Mayor Smith stated that we buy water from Warren County now and the rate we buy from Warren County is much higher then what we buy from Cincinnati and it is a substantial amount. Riley said it says right here we are getting ready to pay GCWW \$17,000. Mayor Smith said that you pay for your usage. Madison said that Steve you were on the Council that agreed to Warren County providing water to the Bluffs that area and we are paying a higher rate. Riley stated it's because we couldn't supply the water. Teasdale stated his recollection on the last meeting the way this ended but I don't recall giving Solicitor Revelson specific direction to reply to that question. I thought we left it that the Mayor was going to connect with somebody at Warren County to possibly negotiate a solution. Regrettably, that response from Solicitor Revelson came into them as though it was a flat denial/refusal of the whole deal. Madison said that he recollected different. Boerio said let's strike it out and take it back to them one more time and if it doesn't work out then go forward. Boerio said that I don't believe I said go forward. I said we should strike out and send back. Atkins asked Mayor Smith you were going to connect with someone. Mayor Smith said that I think that you have some new Commissioners that aren't aware that we have been good partners. Mayor Smith said for some reason they have taken a dislike to the owner, Mr. Books. Mayor Smith said that this is bringing jobs and it's not something that we are putting out there that doesn't have a return back to this community. Planning Commission has already approved the development. Atkins asked when will we know how much they are willing to help with the development of the sewer. I think that will have input on how this Council votes if we have those numbers. Atkins stated for us to make a good decision and if they are willing to put some money in with it I think it would be good for us to know when we are voting on the project. Atkins said that he realizes that we owe Mr. Books some services but it's a big expense and to make final decision we need to know what they are willing to do and what we are going to have to do.

Mr. Books stated that he has been very patient and it's been in your hands for five months to make a decision. You have cost me an extra \$5,000 by your inability to make a decision and next month it will be up to \$6,500 just because you won't make a decision. Warren County doesn't want to deal with it I understand that so make your decision. If there was no business involved and I requested sewer, how much would you ask me to pay to get that sewer line up there. I implore you to make a decision tonight for me please.

Madison said to Randall's comment we're going to have to extend sewer. This Village has already set precedence on extending sewer out for other issues and I hate for the owner to lose patience and bring litigation against us. Mayor Smith stated that Madison makes a valid point but it's your decision. Let's table the motion and give us a few days to work to get a commitment out of the developer. Teasdale said so you don't want to pursue some reconciliation with the County. Mayor Smith stated they are finished with it. Madison said that this Board has

made every reasonable attempt. Teasdale stated that nothing has happened since the last meeting as far as connecting with the County to see what can be worked out. Boerio said also one of the commissioners was not present at the last meeting and his input on this is not known. It's possible his presence might influence this. Riley asked if the Warren County Commissioners are they aware now that the buyer/purchaser of the property is willing to fund some of the money. Mr. Books response from the audience is inaudible. Mayor Smith stated that Warren County won't be out anything for this project. Madison made a motion to move forward with this and how much this developer will add to this is just icing on the cake. It is our responsibility to extend services under an obligation that this board approved. We have went to the County and used all reasonable manner to negotiate this them to the point that our Solicitor and Administrator are shaking their heads. This will allow us to grow and it makes good business sense and a good investment for this community and make a motion to move forward. Mayor Smith asked for a second, hearing none motion dies. Mayor Smith asked for a motion to table and go back tomorrow with the developer on what terms we can come up with. Teasdale said he didn't hear any mention about contact with the County and thinks it's important that they know that they are causing the citizens of South Lebanon to launch a \$250,000 project. Haddix stated they are well aware of that. Riley stated that we will never know the reason why the County Commissioners have decided if the purchaser of the property is agreeing to pay bore under the road to tap into the sewer. Mr. Book replied from the audience. Mayor Smith asked for a motion to bring this back. A motion was made by Teasdale, seconded by Atkins, Atkins-yea, Boerio-yea, Johnson-yea, Madison-disagrees with this and wants to move forward, Riley-yea, Teasdale-yea. Mayor Smith said you forget one important thing that this project is a plus to the community its businesses and jobs that are already there.

7. Mayor Smith asked for a motion to approve minutes.from the regular meeting on September 1, 2016. Atkins stated that he has a correction and not present at the meeting. Mayor Smith stated as amended. A motion was made by Boerio, seconded by Riley, Atkins-abstain, Boerio-yea, Johnson-yea, Madison-yea, Riley-yea, and Teasdale-yea.
8. A motion to approve the regular meeting minutes from September 15, 2016 was made by Atkins, seconded by Boerio, all yeas.
9. A motion to approve the meeting minutes from November 3, 2016 was made by Boerio, seconded by Atkins, all yeas. Riley stated that he has a correction to the November 3, 2016 minutes, section 14 says "bad trees" and should say "bat trees". Mayor Smith asked for a motion to approve with change. A motion was made by Boerio, seconded by Teasdale, all yeas.
10. Mayor Smith asked for a motion to approve the invoices. A motion was made by Boerio, seconded by Atkins, all yeas.

11. Mayor Smith asked for a motion to authorize the January financial statements. Boerio stated that he has a question for Armstrong. On page 3 of 4 is a payment for \$17,060 to KS State Bank and asked for clarification. Armstrong stated that she would need to look into but believes it was the final payment for the bobcat, correction backhoe. Boerio asked about a payment of \$859 to ComDoc, Armstrong said that she couldn't remember but would review. Boerio asked for her to look into. A motion to authorize financial statements was made by Boerio, seconded by Madison, all yeas.
12. Haddix stated he had a couple of items to discuss. The True Faith Holiness Church of God has asked for two marked handicapped spots. Mayor Smith said to not infringe on the other property owners the space can only accommodate one. A motion to approve one handicapped spot in front of church made by Madison, seconded by Atkins, all yeas.
13. Haddix said at the last meeting we talked about returning the bond money back to Vista Pointe. He stated the issue is private property and requests the return of the \$16,194.60. A motion was made by Boerio, seconded by Atkins, all yeas.
14. Haddix stated that there is a minor change to Riverside easement plat. A motion was made to approve for the landscape easement change by Madison, seconded by Teasdale, all yeas.
15. Haddix discussed stage rental for the July 4th celebration.
16. Haddix said that Cochran Road is set to close tomorrow.
17. Sgt. Boylan asked about the July 4th celebration. Mayor Smith suggested for our community that we authorize the six hour detail. Boerio stated that he agrees but since the Township usually kicks in something for the fireworks that maybe they would for the detail. Mayor Smith suggested that we allow the motion and then reach out to them. A motion was made by Atkins, seconded by Madison, all yeas.
18. Teasdale asked Haddix about speed limit signs on 48. Haddix said he would reach out to ODOT again.
19. Riley asked Haddix about the tree trimming on Zoar Road and what is being left in front of the power lines. Riley suggested that maybe we can have our guys clean it up to make it look better.
20. Boerio stated since Cochran Road is being closed tomorrow I had mentioned to Haddix previously about needing some stop signs in Wynstead and at the corner of Emerald Drive and Zoar Road. Haddix stated he reached out to I think Fischer but will have to get back with them. Boerio stated two other minor issues. When you turn from 48 on to Corwin Nixon there are some potholes and when you make a right to head toward LCNB there is a guardrail that is mangled. Boerio

asked whose responsibility it was. Mayor Smith it is the developers and we have reached out to them again.

21. Boerio asked Sgt. Boylan is there is a procedure to reach out to the schools like in the case where we had the bank robbery. Sgt. Boylan said they inform the school district.
22. Mayor Smith asked for a motion to go into executive session to discuss personnel. A motion was made at 7:48 pm by Boerio, seconded by Teasdale, all yeas.
23. A motion to return from executive session at 8:05 pm was made by Atkins, seconded by Madison, all yeas
24. Mayor Smith presented Resolution 2017-15 creating a second full-time position for tax department. It is open for discussion. Hearing none, I need a motion to suspend the rules and declare an emergency. A motion was made by Madison, seconded by Teasdale, all yeas. By title only Resolution 2017-15, I need a motion to adopt. A motion to adopt was made by Madison, seconded by Atkins, all yeas.
25. A motion to adjourn meeting at 8:07 pm was made by Madison, seconded by Boerio, all yeas.



Nicole Armstrong, Fiscal Officer



James D. Smith, Mayor