

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
FEBRUARY 2, 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. Mayor Smith opened floor to the public:

John Moore –140 Fern Valley Way. Mr. Moore asked for the Village to co-host the July 4th Festival again with the South Lebanon Historical Society. He stated that we need to address the stage rental or we will not get a stage. No admission fee will be charged again this year but the Historical Society is asking the public for a food donation that will go to one of the local food banks. Mayor Smith stated that it went well last year and it was a great time for the community. Mr. Moore said that we have contacted local businesses and they are offering to help. The event will be advertised in Today's Journal and on three or four festival websites. Mayor Smith asked if no objection from Council I would like to make a motion to allow us to secure the stage. A motion was made by Atkins, seconded by Boerio, all yeas.

Mr. Moore also stated that they received confirmation from the company that is making the dedication plaque and it will be shipped to us the last week of February.

Matt Van Schoyck - 5222 Homestead Drive. Mr. Van Schoyck asked Council if there has been any further discussion about the barrier that will be put up for the Cochran Road closing. Haddix stated that there will be a guardrail with high density signage.

Mayor Smith closed the floor to the public.

4. Mayor Smith presented the South Lebanon Village Report. South Lebanon is a strong growing community with great things in store for its future. When Major Benjamin Stites planned the original 144 lots, I'm sure he never imagined the changes that have taken place in the last 200+ years. Since the 1900's, the Village has grown from 484 residents to an estimated 4,400 and growing. There is every indication for the next census that the Village will be in excess of 5,000 residents and will be the next city in Warren County in this great State of Ohio. We are lucky to have to have a staff that is hard-working, knowledgeable, and dedicated. Since 2015, we have replaced several positions in the Village and even

with these changes the Village has continued to operate efficiently and effectively. It is a testament to the team atmosphere and caliber of employees in the organization that is truly a benefit to all the residents of South Lebanon and early indications are that 2017 will be even a better year than 2016. Thank you for your time and God Bless the Village of South Lebanon.

5. Mayor Smith presented Emergency Ordinance 2017-03 adopting the Ohio Basic Code, 2017 Edition. A motion to suspend the reading rule and declare an emergency was made by Madison, seconded by Boerio, all yeas. A motion to adopt Ordinance 2017-03 was made by Atkins, seconded by Madison, all yeas.
6. Mayor Smith presented Emergency Resolution 2017-13 approving the easement plat for Riverside Subdivision, Phase One. A motion to suspend the reading rule and declare an emergency was made by Boerio, seconded by Madison, all yeas. A motion to adopt Resolution 2017-13 was made by Boerio, seconded by Madison, all yeas.
7. Mayor Smith asked for a motion to pay the invoices. A motion was made by Atkins, seconded by Boerio, all yeas.
8. Haddix announced that Elbert (Speedy) Allen our Utility Clerk is retiring at the end of March. We will need to advertise for the position. Haddix said that Bri Yarbrough our Court Clerk will be cross training as much as possible while he is still here. Mayor Smith stated that Bri has stepped up to the plate and is an asset to this community. A motion to advertise for the position was made by Atkins, seconded by Madison, all yeas. Mayor Smith wished Speedy well in his endeavors. Haddix said that we are all going to miss him as he is a joy to have around. Mayor Smith asked if we need a motion to advertise. Atkins asked can we do it all in one motion. Haddix said to accept his resignation and advertise. Mayor Smith asked if that is all in one motion. Atkins believed it was. Mayor Smith wanted to make sure.
9. Mayor Smith stated he has a request. Council gets compensated every month and asked for the ability to take compensation either monthly, quarterly, or annually. Each member could choose. Madison asked that we could elect to be paid in December. Mayor Smith said yes with all of your deductions. Atkins asked if it would be a choice. Mayor Smith said yes that it would be the individuals' choice. If no objections, I would like to ask Council to allow the choice. Boerio asked if it was an individual choice. Mayor Smith said absolutely. A motion to allow the choice was made by Madison, seconded by Boerio, all yeas. Mayor Smith thanked Council and said that he gives to the Guide Dogs of America a charity that provides guide dogs to the blind for free.
10. Solicitor Revelson stated that you have something in your packet that Mr. Boerio asked me to look into last week. He asked me to look into ORC 729.52 the Village's ability to use the sewer fund to extend the sewer line to the Books

parcel. I've put the statute in there, an attorney general opinion, and also a case, not in this County, that says you are allowed to do it. The main reason being the Ohio Constitution, Section IV, article 18 allows you to do so. Mayor Smith thanked Solicitor Revelson. Boerio thanked Revelson for taking the time to look that up.

11. Haddix said we have to appoint a Warren County Regional Planning Commission representative and alternate. Last year it was Madison and Teasdale but Council usually does the appointment. Mayor Smith asked Madison and Teasdale if they still wanted to do this. Mayor Smith stated if no objections then Madison and Teasdale will be the members of the commission.
12. Haddix reported that the electrical work has started on the renovation of the school building. One item that came up that wasn't initially thought about was wiring for a backup generator. We're asking for a proposal while they are in there. Also, Dave and Peggy Allen who operate the summer library will need to be relocated. We offered them a room upstairs and they are contemplating that offer or if to continue the operation of it. Mayor Smith thanked them for all the time that they have volunteered over the years.
13. Haddix stated that we advertised for the part-time Tax Assistants that was approved at the last meeting.
14. Haddix said that the water/sewer rate study is coming along. Armstrong and I had conference call with them. Mayor Smith confirmed that Council wanted a presentation from the consultant.
15. Haddix stated that Tuesday he went to the Warren County Commissioner meeting regarding Mr. Books. They have one last proposal. We have told them no on selling the park property and told them no on getting permission on annexing County property and that we will put in the sewer line in if they aren't willing to provide service. It is about 100 feet to service Mr. Book's property on 22/3 and Cochran Road. They proposed as an option for the Village to de-annex the water tower property and to never ask to annex again without their permission. Riley asked Haddix to repeat. Haddix said they are proposing but nothing is set in stone by the County Commissioners so it is up for debate that it would be detached from annexation and if ever annexed again would need county permission. Atkins asked for the acreage. Haddix replied .99. Teasdale asked who owns the water tower. Haddix replied Warren County. Mayor Smith said that we are in Warren County and it would be no different if they went to Lebanon and asked to pull out the County building from the City of Lebanon corporation limits. Mayor Smith stated if something like this were in place, then Carl Oeder wouldn't have been able to annex and we wouldn't have the property that we have today. Mayor Smith said that South Lebanon and the County have had a great relationship for decades. Five years and a half years ago the County needed water on the south side and we allowed Warren County to run a 24 inch trunk through the entire

Village from the northside to the southside to supply water to everybody on the southside of the river. On Sunny Lane, they put a sewer system in and there were some engineering problems and they couldn't sewer a few of the houses and the County came to us and asked us if we could provide the sewer. The Council immediately allowed it with no restrictions and they allowed the 24 inch main to go through the community with no restriction. South Lebanon had all this property on the river and the County buys it from a couple of the residents and installs major well fields and pumps approximately 5 million gallons a day out of this community and we allowed all of this. We share utilities with the County and let them have water for most of the south side. Mr. Books who is the property owner has been a pawn in some silly game. Then, to come back with a list that they want our park system and to never annex again without their permission. The right of a home owner, the right of a land owner, and the right of this Village to grow would be hampered with this. In fact when you look at, it is still in Warren County. The person that gets hurt is the man who owns this property that has the development that our Planning has passed and the Council prior to me coming back passed legislation to allow for the zoning. Mayor Smith stated they also came to us wanting a telecommunication tower which we allowed. The County is such a big entity and they own property everywhere in the County: Mason, Lebanon, Morrow, which is why State law says that they are not a player in annexations because they hear the cases. When you annex, that is the non-partisan entity that hears your case. Madison said when the State Legislators developed the annexation laws they basically made the County the oversight governing municipality void to keep the local politics out so when we go to annex something if any of that annexation touches any County property they have no standing and that is for us, Lebanon, Mason, and any other community that has grown. Our annexation of that water tower, means no more than if Deerfield or the City of Mason had the annexation they are under no restrictions, it's the County's land and their water tower and it's local politics favoring a larger Township and it's the only benefit that I can see. Teasdale asked why South Lebanon would annex the property under the water tower. Mayor Smith stated that it was Mr. Book's annexation. If we didn't annex the County property Mr. Books could never have annexed. Boerio asked that the .99 acres where the water tower sits why was that included in the annexation. I think that is what Teasdale is questioning. Teasdale said that is exactly what I'm asking. Teasdale asked Mr. Books if that was his property. Mr. Books said no it isn't his property it is County property and if you are going to annex County property so annex this as well. Madison said I'm fine with that as a Council and here's why because it gives this community the ability to grow. Mayor Smith stated that gives South Lebanon the opportunity to continue to grow in the future. When you look at this whole piece, the property owner came to us to give the Village the opportunity to expand and grow and not only did the person look out for themselves they also looked out for the future of this community to expand its borders. The terms of the agreement have gone from one extreme to another. Further discussion by Council. Atkins asked if the new Commissioners are aware of everything from the past. Mayor Smith stated that we are great community, honorable community and we play by

rules and when they came to us in the past we have granted it without restrictions so something so small as to provide one sewer tap for a business and to give up your right and future rights contrary to the statute is not acceptable. Haddix stated what Solicitor Revelson needs to know before he starts working on this if you are inclined to take this offer. Mr. Books is in the middle and we need a resolution one way or the other. Mayor Smith stated that we need to move forward to sewer the property. Atkins asked are you intending to write letters to the Commissioners. Mayor Smith said he is going to ask for a personal audience with them. Mayor Smith stated that he is so disappointed to see something like this. Madison stated that he agrees that this is not a win win deal for South Lebanon. I know it wasn't your administration that voted to accept this annexation, we accepted it, we have an obligation to this man's business and we have been back and forth with the County several times and there is no benefit to the County as under whose municipality that water tower resides. I can see a benefit to this community as it allows us the ability to grow. Riley asked when this annexed. Solicitor Revelson thought between eleven and twelve. Boerio asked when Mr. Books property was annexed. Mr. Books stated that it started in 2001 and finished in 2012. Boerio stated why don't we strike this offer and send it back to them they will have a meeting on Tuesday and they either accept the agreement with this thing removed from it or they won't and then we take action pending whatever is taken. Strike it and send it back. Madison said that I will agree with it if this is the final step. Atkins stated that we need to get moving on this and we are obligated to Mr. Books. A motion was made to strike it out and send it back to them was made by Boerio, seconded by Madison, all yeas.


16. Haddix discussed returning the remaining Vista Pointe Section IV maintenance bond. The one year maintenance expired on the 16th of September and there is a \$16,194.60 that we are holding as the maintenance bond so I request a motion to return it to River's Bend Land Company. Atkins asked if the place that needs repaired are we going to fix it at our cost. Haddix stated that we have to. Boerio stated that he doesn't know if this is relevant to this discussion but at the end of Fawn Meadow there is a private drive and the first course of asphalt was put down but when the final course of asphalt was put down it was on all the public portions but not on the private drive. Boerio said this is a maintenance bond we are talking about but doesn't know if that's a maintenance issue and there is a question that it is a private drive. Haddix said this is for the public improvements within the right of way. Mayor Smith said he agrees with Boerio that the overall scope of the project should have been done and we held money back but that meant we had an obligation to make sure that it was done. Boerio said I brought this issue up before maybe a year ago and basically the response I got at that time was that the developer paved the public parts and this is private but when we did Homestead the developer paved two private drives in Homestead as part of the deal and I'm wondering if we can get somebody to pave the 50 yards because the 2nd course of asphalt was never put on it. Haddix stated that I think it is the property owners issue with the developer. Mayor Smith said let's hold up on

releasing this and talk to them first. If no objections, we'll hold it and bring it back next week. No objections made.

17. Sgt. Boylan discussed a couple of scams that have been going around the community and to make sure that you report them.
18. Riley asked Haddix about Fredericks Grant when we do the patch we also need cut the trees because that is what caused the asphalt to deteriorate. Riley thanked Haddix for making a phone call to Rumpke about the garbage pickup time.
19. Mayor Smith asked for motion to adjourn. A motion was made at 8:06 pm by Madison, seconded by Boerio, all yeas.




Nicole Armstrong, Fiscal Officer


James D. Smith, Mayor