

**VILLAGE OF SOUTH LEBANON  
REGULAR MEETING MINUTES  
MAY 18, 2017  
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 - Present
3. Guest: Matt Nolan, Warren County Auditor – discussed the Hamilton Township police levy passed approximately 10 years ago. The approximate 500 homes that were involved in the type 2 annexation into South Lebanon paid a police levy on their property taxes to Hamilton Township. The State working with Hamilton Township passed a corrective resolution that the approximate 500 homes will no longer have pay a Hamilton Township police levy tax on their property taxes. In addition, those homes will receive a refund on their 2<sup>nd</sup> half property tax bill for the police levy tax paid on their 1<sup>st</sup> half bill and going forward will not have to pay the Hamilton Township police levy tax. Questions can be directed to the Warren County Auditor.
4. Mayor Smith opened the floor to the public.  
  
Mayor Smith closed the floor to the public.
5. Mayor Smith asked Haddix to cover the Emergency Resolution 2017-27 relating to the zoning map amendment. Haddix stated that this resolution will allow the property located at 383 South Main Street to be a zoned business as it was originally. It will still need to go through planning but this will start the process. Mayor Smith presented Emergency Resolution 2017-27 and asked for a motion to suspend the reading rule. A motion was made by Madison, seconded by Boerio, all yeas. By title only Resolution 2017-27, a resolution to initiate the zoning map amendment for the property located at 383 South Main Street consisting of 0.3256 acres from residential flood plain district to neighborhood business district B-1. A motion to adopt was made by Madison, seconded by Teasdale, all yeas.
6. Mayor Smith asked for a motion to authorize the payment of invoices. A motion was made by Boerio, seconded by Atkins, all yeas.
7. Mayor Smith asked for a motion to authorize the April financial statements. A motion was made by Boerio, seconded by Madison, all yeas.
8. Mayor Smith asked for a motion to approve the meeting minutes if no corrections or additions for the following:

Regular Meeting - April 20, 2017. A motion was made by Madison, seconded by Teasdale, Atkins-abstained as he was absent, Boerio-yea, Johnson- yea, Madison-yea, Riley-yea, Teasdale yea.

Regular Meeting – February 2, 2017. A motion was made by Boerio, seconded by Atkins, all yeas.

Workshop Meeting – February 2, 2017. A motion was made by Madison, seconded by Teasdale, all yeas.

9. Mayor Smith held the second reading of Ordinance 2017-06 amending Ordinance 94-09 and establishing a curfew for minors by title only.
10. Mayor Smith held the second reading of Ordinance 2017-07 setting rates of compensation for full-time employees by title only. Boerio asked Mayor Smith if Council could be provided with the current pay rates of each individual. Mayor Smith said yes.
11. Mayor Smith said that he has just a couple items to discuss. He stated that the most important was our meeting with the Auditor's office to resolve that long standing issue and that it is excellent news for our community.
12. Mayor Smith said that we have been looking at different ways for road patching and one is DuraPatch. They did a couple test areas with one being patching on the bridge. Riley said that another way that DuraPatch can be used is for berms where it has washed out. Boerio asked Riley about his experience with it and its durability. Riley stated if you have a deep hole of 4 to 5 inches that you are better off to put in cold patch mix and then DuraPatch on top of it. Riley said that the test on the bridge joint looks really good. Mayor Smith said that the cost of the equipment to purchase is \$56,000 or you can lease for \$5,000 a year and then buy it for a \$1.00 at the end of lease, or you can rent it for \$5,000 a month. Riley said that the whole thing about the machine is that the emulsion is only good for so long and that once you buy it that you need to use it. Also, the aggregate has to be super clean. Riley suggested if we rent it to use for the Stonebrook joints if they aren't too deep. Atkins asked if we rent the equipment is it easy to use. Mayor Smith and Riley stated that it is pretty simple to use.
13. Mayor Smith stated that Bobcat is two weeks out for delivery.
14. Solicitor Revelson stated that he was hoping to have the sewer agreement for Council today; however, I noticed a couple of items that I wasn't too crazy about so I'm in contact with the attorney. Since he hasn't got back to me yet, we will either need to do a special meeting next week since they want to close by the end of the month or maybe we can wait until the June 1st meeting if they get a two-day extension.

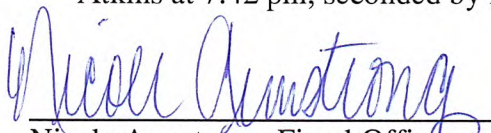


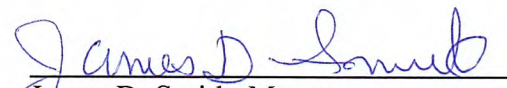
15. Haddix stated that there was a memo in the packet about the property at 496 Mary Lane that it is up for Sheriff's sale. If Council wants to buy it, the minimum bid will be \$12,000 and if it doesn't sell then we have to wait until it goes through the process for forfeited land but to the best of my knowledge we will still be responsible for the back taxes which is \$9,000. Riley asked if we are obligated to pay that all at one time. Solicitor Revelson said that it would be 10% down at the time of sale and the rest is due within 30 days. Boerio asked if we buy it for \$12,000 then do we still owe the taxes. Revelson stated the money that you bid pays the taxes. Solicitor Revelson said that you need to watch out for other lien holders ahead of you. Solicitor Revelson stated if Council is okay with this that I can do a resolution for the June 1<sup>st</sup> meeting. Atkins asked Haddix and said that he understands that County dollars are available for demolition. Haddix stated that there is money available and once you are in the process you are locked in but if you wait until next year there is always that chance that the funds are used. If you use the funds available, you have to guarantee that the property won't be redeveloped. Riley said that we have a couple of options like Habitat for Humanity or a park. Solicitor Revelson stated that if you decide to wait until it is forfeited land there is a chance you can get it for cheaper but you won't necessarily get the funds to demolish it and the demolition fund are fair game. Solicitor Revelson stated that the minimum bid would be the amount of taxes and if someone were to bid against me I would ask for a cap from Council. A motion for Solicitor Revelson to proceed with the resolution to purchase the property was made by Madison, seconded by Riley, all yeas.
16. Haddix stated that the plan for the administration building has been submitted to the County for review.
17. Haddix said that May 30<sup>th</sup> is the Board of Zoning Appeals meeting for conditional use and variances for Primrose School.
18. Haddix said that the pre-applications for the OPWC program are coming up and are due June 9<sup>th</sup>. There are two projects: 1) Mason Morrow Milgrove project extending from the bridge out towards the gravel pit and 2) High Street continuing from Forrest over to Broadway. These are projects that would get funded in 2019.
19. Boerio said that the Vista Pointe HOA had its quarterly meeting last Wednesday and the residents expressed considerable concern about the amount of traffic in Vista Pointe. The Sheriff parked his trailer for 20 days and the average volume one-way on Vista Ridge Drive was 585 cars. Boerio said that he is going to make a motion on this but before I do I would like to bring Council up-to-date. Boerio passed out documents and discussed them with Council. I move that the Village Solicitor be instructed to draft to the successor developer of Homestead, First Financial Bank, to demand that the bank pay to make the Zoar Road gate operational as is required of them by the declarations that were filed by the Villages of River's Bend on November 7, 2005. Mayor Smith stated that the



Solicitor would need to review the case to see if this is feasible. Madison asked what means have been exhausted in discussing this with the developer and what has been their input. Boerio stated that the residents of Vista Pointe have tried many times to communicate with First Financial Bank and in all cases First Financial Bank's response has always been we're not the developer that we are a bank that acquired these properties. Boerio said when they gave the Village approximately \$200,000 to pave the streets in Homestead they agreed in writing that they are the successor developer. They spent several years telling the residents of Vista Pointe that they weren't and turned around and reached an agreement to pave the streets in Homestead and put it in writing that they were. Mayor Smith stated that the Village vacated that property and there is a piece of land in between that is private property. Mayor Smith said to Solicitor Revelson that this is the question that needs to be looked at. Madison said that is his question to Solicitor Revelson as well. Does this municipality have any authority over these private contracts. Mayor Smith stated that the bottom line is that the developments probably want Homestead to put the gate in and want them to pay for it and they won't do it. Madison said his question to Solicitor Revelson is do we have any meaningful authority to put heat on these folks other than a casual letter. Mayor Smith said that we need to do the research. Solicitor Revelson said that he has a box of information from the prior Solicitor and that it mostly governs around the closing of Cochran and it is mixed together but would be happy to look into the issue. Solicitor Revelson said this issue happens a lot when banks take back properties from developers that didn't finish their developments. Boerio stated that he is asking that the Village approach First Financial and ask them to make the gate operational as they are required to do. Mayor Smith said that our Solicitor will need to research it since it is private property. Riley asked how this compares to Cochran Road. Mayor Smith said that Cochran Road was vacated and is now private property. Mayor Smith stated that Homestead Development owns the property for the gate but don't want to put a gate up. Boerio said it's not that they don't want to put a gate up it's that they don't want to pay to put it up. Atkins asked who is going to pay to maintain it. Boerio said that their HOA is required to maintain it but the Vista Pointe HOA has offered to help out. Madison stated that he certainly doesn't mind helping any one of our communities out but we need to make sure that we can and not place ourselves in harm. Mayor Smith stated if no objection we will have Solicitor Revelson research the matter.

20. Mayor Smith asked for a motion to adjourn the meeting. A motion was made by Atkins at 7:42 pm, seconded by Madison, all yeas.

  
Nicole Armstrong, Fiscal Officer

  
James D. Smith, Mayor