

**VILLAGE OF SOUTH LEBANON  
REGULAR MEETING MINUTES  
JANUARY 17, 2019  
6:30 P.M.**

1. Mayor Smith opened the meeting at 6:30 p.m. with the Pledge.
2. ATTENDANCE

Linda Allen – Present	Bryan Corcoran - Present
Jim Boerio – Present	Bill Madison – Present
Linda Burke – Present	Rolin Spicer - Present

3. Mayor Smith said this is a special evening. It is our first meeting in the new administration building. We have approximately 18,000 square feet in this building and we will eventually bring our Sheriff Department into this building
4. Mayor Smith opened the floor to the public.

Dr. Scott Doughman 260 E Forrest Avenue – Mr. Doughman stated that he spoke at the first reading regarding the development plan on Grandin Road. Initially, he had reservations about the plan. Mr. Doughman said he removes his reservations and supports the plan.

Brenda Combs, South Lebanon Historical Society – Ms. Combs showed Council a few Veteran's banners that will be hung in the Village. Mayor Smith commented on the high quality of the banners. Burke asked when the banners will be hung and if they will be up all year. Ms. Combs said they will be up all year and we will be rolling these out a couple of weeks before Memorial Day. We will have a ceremony at the Baptist Church on Memorial Day.

Robert Glover, 6236 Old Forest Drive, Heritage/Miami Bluffs – Mr. Glover stated that he still has reservations about the plan that was tabled at the last meeting. Mr. Glover's said this is primary due to the traffic on Grandin Road, the school district impact, and the property value impact depending of the value of homes built in that subdivision. If this is approved as a residential development, he urges the Village to enforce the PUD guidelines including 60 foot lots and 20% open green space of the R-3 zoning plan.

Anita Strauss, 1201 Creek Cove, Heritage/Miami Bluffs – Ms. Strauss congratulated the Village on their new building and thanked Council for tabling this issue to acquire more information. Ms. Stauss said that she is still opposed to this plan and feels it is not a good plan at this time but it could become one; however, it is not there yet.

Mayor Smith closed the floor to the public.

5. Mayor Smith asked Mr. Teasdale to provide an update before we proceed with the resolution.

Mr. Teasdale provided statistics to Council regarding the South Lebanon Newsletter which was embarked on last August. The chart shows current newsletter enrollees of over 300 and Mr. Teasdale's goal is to double that number. Mr. Teasdale said this was an experiment last year; however, he hopes Council supports continuing it. The newsletter is all about informing citizens. Mr. Teasdale thanked the Mayor, Council, and staff for their support. Corcoran said he is very impressed with the newsletter and supports this resolution.

**RESOLUTION 2019-2 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH GEORGE W. TEASDALE FOR PUBLIC INFORMATION SERVICES THROUGH CALENDAR YEAR 2019, AND DECLARING AN EMERGENCY**

A motion to waive the three reading rule made by Madison, seconded by Corcoran. Allen – yea, Boreio – nay, Boerio stated he fully supports this; however, this is not an emergency, Burke – nay, Burke stated she supports this but not on an emergency basis, Corcoran – yea, Madison – yea, Spicer – yea. Vote: 4 – yeas (Allen, Corcoran, Madison, Spicer) 2 – nays (Boerio, Burke). Solicitor Revelson stated this will be a first reading.

**RESOLUTION 2019-2 FIRST READING: A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH GEORGE W. TEASDALE FOR PUBLIC INFORMATION SERVICES THROUGH CALENDAR YEAR 2019**

6. **RESOLUTION 2019-3 FIRST READING: A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH KIMBERLY A. LAPENSEE FOR PLANNING AND ZONING CONSULTING SERVICES FOR CALENDAR YEAR 2019**
7. **ORDINANCE 2019-1 AND ORDINANCE APPROVING ZONING MAP AMENDMENT UPON COMPLETION OF ANNEXATION IN ACCORDANCE WITH SECTION 15.7.13 OF THE VILLAGE ZONING CODE**

Solicitor Revelson said he provided a memo to Council on January 15, 2019. Based on information he received from members of the public, councilmembers during open meetings, and staff he split the tabled Ordinance 2018-20 into two Ordinances. Ordinance 2019-1 is only approving the zoning map amendment and Ordinance 2019-2 is approving the plan as proposed originally and approved by Planning Commission.



Lance Cox, attorney representing the Irwin Family – Mr. Cox commented on the beautiful facility. The property, which is a subject on your agenda, has been in the family for over 65 years. When the opportunity arose for the annexation of their property to the Village of South Lebanon, his client was most interested. They were interested in changing the existing M-1 Industrial Zoning to a more beneficial use to the community and them. During the preannexation process, they agreed to annex with the provision and contingency that the property be rezoned to a residential use. The Irwin's have tried to comply with the requests of the Village of South Lebanon. They agreed to a PUD which is a more restrictive form of zoning and in reliance of that they have removed their 100 + year old residence from the property plus other improvements which provided not only their residence but place of business for their family. Mr. Cox respectfully suggested the proposed zoning would be much more beneficial than under its existing M-1 Industrial Zoning. Mr. Cox said in response to Mr. Glover's pricing comment that it is his understanding that the homes will be in the \$300,000 - \$350,000 range and the development of this project a \$60 Million price tag. Mr. Cox respectfully asked and submits that Council approve of this as it most appropriate to the Village of South Lebanon.

Allen thanked the developers for the change to 60 foot lots and 20% green space.

Solicitor Revelson stated that because the Ordinance was split into two Ordinances they have new numbers. The old Ordinance 2018-20, was tabled at the last two meetings. Ordinance 2019-1 is identical to the first part of Ordinance 2018-20, just split into two Ordinances for each issue. Solicitor Revelson said that this will be the fifth time that this has been presented. If Council wishes to waive three readings, you will need a three-fourths vote; otherwise, this would be the first reading taking us into February. Allen asked Solicitor Revelson the timeframe differences for the public. Solicitor Revelson said if the three readings are not waived, this would take another three meetings and a 30-day referendum period or end of March.

Steve Bosse, Robert C. Rhein Interests – Mr. Bosse said we have been going through this process for a long time. Based on our contract, we need a resolution to this as our contract is running out. Boerio asked Bosse when. Mr. Bosse said he doesn't have the exact date but he has a lot of money down with a great deal non-refundable. Mr. Bosse wanted to back up and go over a couple of items that Councilmember Allen brought up. We submitted our first plan that went through Planning Commission with an unanimous approval. No opposition on the first or second reading, then opposition on the third reading. The first plan was an R-3 (PUD) Planned Unit Development with 55-foot lots, 30-foot front yard setbacks, 6-foot sides for a total of 12 feet, and rear yard setback of 30 feet. We listened to Council and went back to revise our plan. We came back with a lot area that is still larger than required by the R-3; 60 foot lots, front yard setback larger than the R-3, keeping the 6 foot sides or 12 feet so that the builder can build larger homes thus a more expensive home on the lot, and rear yard setback of 30



feet which matches the R-3. We are asking tonight for a vote on our original plan then a vote on our revised plan to determine the contract going forward as the timeline is getting close. Mr. Bosse said we listened to Council and appreciated this being tabled and we went back and revised our plan. Allen asked Solicitor Revelson if we can vote on both ordinances, since the one ordinance was tabled. Solicitor Revelson stated this was done preemptively based on the feedback. The only other option would be for someone to motion to split Ordinance 2018-20 into two ordinances. If Ordinance 2019-1 and 2019-2 are voted on tonight, then 2018-20 is mute. Solicitor Revelson stated that the only change from the old plan to new is the 60 foot lots, 20% open space, and four less lots. Ordinance 2019-1 is only zoning and 2019-2 is the plan. Solicitor Revelson said that 2019-2 is their old plan with the 55 foot lots, 17.9% open space, and four more lots. If Ordinance 2019-1 passes and you vote on 2019-2 and don't like the old plan our zoning code permits a change to the original plan with a majority vote. A motion would need to be made on 2019-2 to change it to the 60 foot lots, 20% open space, and four less lots and you will need to do so with a majority vote. Boerio said that he has been looking at Section 713.12 of the (ORC) Ohio Revised Code and two-thirds down it says "No such ordinance, measure, or regulation which violates, differs from, or departs from the plan or report submitted by the commission, board, or officer shall take effect unless passed or approved by not less than three fourths of the membership of the legislative authority" which seems to say that if we go with the second plan that it departs from what was passed by the Planning Commission; therefore, requiring three fourths to approve. Solicitor Revelson said that is just for a zoning change and not an approval of a plan and our zoning code matches ORC 713.12. If you want to change what the Planning Commission approved, then you need a three-fourths vote to not move forward. Madison said he doesn't have a problem with waiving the three readings on the new ordinances. This was brought the public three times and they have had an opportunity to speak. Solicitor Revelson said that there is no difference between Ordinance 2018-20 and Ordinance 2019-1 and Ordinance 2019-2. This is the fifth time that the public has had an opportunity to speak regarding this matter. In addition, the Planning Commission held an open hearing. Allen asked Solicitor Revelson in order to make the changes to the plan; can it be embedded in Ordinance 2019-2. Solicitor Revelson said we need to pass Ordinance 2019-1 or we can't move on to Ordinance 2019-2. Allen asked for clarification. Solicitor Revelson said if you approve Ordinance 2019-1, then you move on to Ordinance 2019-2, which is the initial plan proposed and approved by Planning Commission. If Council doesn't like that plan, then a Councilmember would make a motion to change it and that would require the majority vote.

Madison made a motion to waive the three reading rule on Ordinance 2019-1, seconded by Corcoran, all yeas. Solicitor Revelson stated this can now be voted on. Ordinance 2019-1, a motion made by Madison, seconded by Corcoran, Allen – yea. Boerio asked for clarification on the vote. Solicitor Revelson said that you are voting on the passage of Ordinance 2019-1. Boerio-yea, Corcoran-yea, Madison – yea, and Spicer – yea. Vote: 6 – yeas.



8. ORDINANCE 2019-2 AN ORDINANCE APPROVING THE PLANNED UNIT DEVELOPMENT (PUD) PRELIMINARY DEVELOPMENT PLAN AT 727 GRANDIN ROAD, AS AMENDED, IN ACCORDANCE TO SECTION 15.14.15 OF THE VILLAGE ZONING REGULATIONS

Solicitor Revelson stated that 2019-2 is approving the Planned Unit Development (PUD), which is the original plan with the 55 foot lots, 17.9 open space, and 177 homes.

A motion made by Allen to amend the plan to 60 foot lots and 20% open space, seconded by Madison, all yeas.

Solicitor Revelson said that the plan is now amended with the changes.

A motion to waive the three readings on the amended Ordinance 2019-2 made by Madison, seconded by Allen, all yeas. Solicitor Revelson said a vote to adopt is now needed. A motion to adopt Ordinance 2019-2 in its amended form made by Madison, seconded by Boerio. Allen – yea, Boerio – yea, Burke – yea, but added she is not happy with the traffic situation or the school situation. Burke wants to see a traffic study report and a report on how this is going to affect our schools. When you put another 174 homes in it is going to affect the quality of life for the surrounding area. Corcoran stated he shares Councilmember Burke's concerns and respects the input of everyone and especially thanks the individuals from Hamilton Township – yea, Madison – yea, Spicer – yea. Vote: 6 – yeas.

9. AUTHORIZATION OF INVOICES

A motion made by Boerio, seconded by Madison, all yeas.

10. Mayor Smith reported that our new dump truck was involved in an accident today. Superintendent Ledford was thankfully okay. The truck received only minor damage.

11. Administrator Haddix reported on the weather delay for the Zoar Road Stabilization Project.

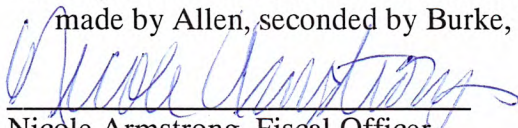
12. Sergeant Boylan provided the year-end incident statistics which are down from last year, which is great news.

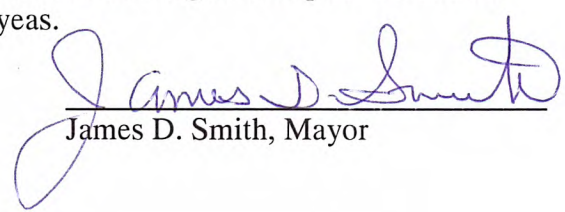
13. Primrose School grand opening is Saturday, January 26, 2019 from 10:00 a.m. to 2:00 p.m.

14. Corcoran said Council received information about updating the Comprehensive Plan and would like to know the process to get this done. Haddix said there isn't an exact cost but an estimate of \$5,000.

A motion made by Corcoran to move forward to get a draft to the Planning Commission, seconded by Allen, all yeas.

15. Corcoran asked that our Planning and Zoning Consultant, Kimberly Lapensee, come to a council meeting. Mayor Smith said our next meeting has a workshop, which is perfect.
16. Corcoran said throughout December and now January it has become more apparent as South Lebanon expands that we need to work closely with Hamilton Township.
17. Burke agrees with Corcoran with working with all Townships that we are located in. Burke stated that she would like to have more information when the Planning Commission meets.
18. Burke thanked our Public Works employees, Sheriff Department, and EMS for keeping the roads in excellent condition and the community safe.
19. Allen said another issue related to tonight is emergency annexations.
20. Boerio said that the problem with the Irwin annexation is it is tied in with Peters Cartridge annexation which goes back to September 21, 2017. The annexation was handled as an emergency and Council was not aware. The business of making tremendously large decisions like the Peters Cartridge and Irwin annexations on the basis of emergency considerations and voting only after hours of consideration is a practice that will cause great problems. Boerio feels that the annexation of the Peters Cartridge Factory was really exciting and the Irwin portion fell through the cracks. There will be other annexations in the future and he hopes that they are not handled on an emergency basis and Council be given the opportunity to consider and deliberate.
21. Spicer asked about the benches discussed last year and the convex mirror on River Road. The County Engineer is reluctant regarding the mirror.
22. Mayor Smith asked for a motion to adjourn the meeting at 7:48 p.m. A motion made by Allen, seconded by Burke, all yeas.

  
Nicole Armstrong, Fiscal Officer

  
James D. Smith, Mayor