

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
JULY 2, 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 opened the floor to the public.

Tom Norman, 452 N. Section Street – Mr. Norman asked Council for help regarding the retention pond located behind his house. Mayor Smith said that our engineer advised us that the Shepherds Crossing Home Owners Association (HOA) needs to put in an aeration system. Mayor Smith said that Administrator Haddix reached out to their (HOA) so hopefully he will provide additional details at the next meeting.

Mr. Norman also asked Mayor Smith if there is some way to encourage Duke Energy to improve the reliability of power in this community. Mayor Smith thanked Mr. Norman for his comments.

4. Mayor Smith along with Village Council presented Mr. Halcomb with a Mayoral Proclamation declaring June 24, 2019 as “Howard M. Halcomb Day” on the occasion of his 100th birthday.

Mr. Halcomb served his Country during World War II in the United States Army 4th Armored Division under General George Patton. He was part of the D-Day invasion in Normandy, France. Mr. Halcomb received many awards for his service including the Bronze Star. He has been a resident of South Lebanon since 1958 and has been involved with local schools in teaching appreciation for the contributions of military veterans to our Country.

Mayor Smith closed the floor to the public.

5. RESOLUTION 2019-28 A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT FOR PROPERTY LOCATED ON MAIN STREET IN THE VILLAGE OF SOUTH LEBANON, AND DECLARING AN EMERGENCY

A motion to waive the three reading rule was made by Allen, seconded by Madison, all yeas.

Allen asked Mayor Smith about the wording on page 5. It states that Seller shall sell to Buyer or Buyer's Assigns and Buyer or Buyer's Assigns. Allen asked if it can simply be changed to Village of South Lebanon. Solicitor Revelson said yes.

Burke mentioned that it states balance to close in cash or certified check or cashier's check and she said no to the cash part and figured it was a typo. Solicitor Revelson said correct. Mayor Smith stated the transaction can't be handled in that manner.

Madison made a motion to adopt with said amendments.

Boerio asked Mayor Smith on the last page, paragraph 20, subparagraph c; which mentions a 0.03-acre section that will be excluded from the purchase. Mayor Smith stated it is the small diamond shape on the map. Basically, the building is partially on the property, so we cleaned it up and allows everyone to have access to it.

The motion was seconded by Boerio, all yeas.

6. ORDINANCE 2019-11 FIRST READING: AN ORDINANCE FINDING THE PROPERTY LOCATED AT 99 N. HIGH STREET BEING A PART OF THE PROPERTY COMMONLY KNOWN AS THE FORMER MUNICIPAL BUILDING IS NOT NEEDED FOR ANY MUNICIPAL PURPOSE, AND APPROVING A LEASE AGREEMENT WITH HEALTH CONTINUUM, LLC AND AUTHORIZING THE MAYOR AND FISCAL OFFICER TO SIGN DOCUMENTS
7. ORDINANCE 2019-12 FIRST READING: AN ORDINANCE FINDING THE PROPERTY LOCATED AT 99 N. HIGH STREET BEING A PART OF THE PROPERTY COMMONLY KNOWN AS THE FORMER MUNICIPAL BUILDING IS NOT NEEDED FOR ANY MUNICIPAL PURPOSE AND APPROVING A LEASE AGREEMENT WITH THE SOUTH LEBANON HISTORICAL SOCIETY AND AUTHORIZING THE MAYOR AND FISCAL OFFICER TO SIGN DOCUMENTS

Solicitor Revelson said that he provided a memo to Council. Solicitor Revelson asked Mr. and Mrs. Montgomery if the South Lebanon Historical Society would put in their own improvements including the wall. The Montgomery's answered yes. Solicitor Revelson said he received comments back from the South Lebanon Historical Society regarding the agreement. The Historical Society wishes to never pay any utilities. The other tenant is going to pay the utilities and, in the event, that they do not then they want the Village of South Lebanon to do so. Also, any HVAC or electrical system repairs would be paid by the Village. Solicitor Revelson asked Council if they wish to discuss the Historical Society's changes and if Council wishes to accept the changes or not. Boerio stated there is an error on the Health Continuum Lease Agreement under B. 2. Rent, which

states the sum of \$1.00 per month. Solicitor Revelson said this information was provided to him based on the meeting that was held. Boerio said he believes the amount should be \$775.00 a month. Solicitor Revelson said he believes their initial bid was \$775.00 a month but their initial bid did not include paying the utilities. Mayor Smith said the real issue is with the real estate taxes. Burke said her concern is if we as a Council allow a business to have a monthly rental of \$1.00 then we are setting a precedent. Mayor Smith clarified that Burke is asking to go with the original bid amount. Allen said that the Health Continuum would have to pay their portion of the real estate taxes. Burke said that all business properties pay some amount of real estate tax. Solicitor Revelson stated that the Health Continuum Lease Agreement is written if real estate taxes are assessed then the Lessor and Lessee shall renegotiate the provision and if the parties cannot come to an agreement then the Health Continuum will pay the real estate taxes. Allen said the lease agreement states pay fifty percent of the taxes. Solicitor Revelson said pay fifty percent of the taxes. Boerio asked Solicitor Revelson if it is legal to pay someone else's property tax. Solicitor Revelson said he doesn't see an issue. Solicitor Revelson explained to Council this is before you now to discuss any changes. Boerio said he is bothered by paragraph 5, Taxes and Assessments, because after Health Continuum signs the lease, they could declare that they can't pay the real estate tax and the Village would have to pay half of the taxes. Solicitor Revelson said if there is a disagreement then correct there isn't an incentive. Burke stated that the Village shouldn't be paying property taxes for a business. Allen asked Solicitor Revelson about paragraph B, Term; Rent; Holdover Tenancy, that the term says ten years and asked if we should do a lease for that length of time. Normally, our contracts are two to five years. Mayor Smith said the reason for this is that we would have to put it out to bid every few years. Allen said that the contract would need changed to include the \$775.00 monthly rent. Burke said that we must go with the highest bidder. Solicitor Revelson said that the Kings Local Food Pantry bid \$650.00 per month for two years, but their exception sheet did not include maintenance and utilities. Solicitor Revelson said when he weighed the highest bidder between the Health Continuum and Kings Local Food Pantry, the \$650.00 bid by the Food Pantry was either the same or lower than the Health Continuum bid because the Health Continuum will pay for the utilities, which exceeded \$650.00. In addition, the way that the Historical Society and Health Continuum worked this out, there is the added value that you are renting a portion of the building to a local community group. Burke said that she doesn't have a problem with the Historical Society Lease Agreement, but her concern is that the Village shouldn't pay real estate taxes for a business, the Health Continuum. Boerio added that there should be a clause in both lease agreements that this is the entire agreement and no other agreements exist including oral agreements. Solicitor Revelson asked Council on Ordinance 2019-12, are there any changes besides adding the clause that no other agreements including oral agreements exist. Discussion by Council regarding paying of the utilities in the event the Health Continuum vacates the building. Allen said that the Historical Society Lease Agreement needs to be changed to state something different then never pay utilities and asked Solicitor Revelson to

change it. Burke said it should read in the event that the Health Continuum leaves, the Village will assume the utilities and we will negotiate with the next business that occupies the space. The business will have to pay the utilities. Corcoran said it seems that we are at the point where Solicitor Revelson might have to go back to the drawing board because it is unfair to him to have to address all these concerns at this time. Corcoran suggested that we table this until the next meeting to give him time to address these issues. Allen suggested that this be handled as a first reading. Corcoran said yes and then make the necessary changes. The biggest issue is the Health Continuum rent figure and the Historical Society terminology for paying utilities along with other small changes. Solicitor Revelson said correct and what he is hearing from Council is that the biggest concerns are the real estate taxes and to remove the provision in the event that the parcel is taxed that it would go back to the Health Continuum to pay the taxes. Mayor Smith said currently there are three parcels attached to the building and they would need to be separated which would reduce the amount that would need to be paid. Solicitor Revelson said he will need to go back to the Health Continuum and ask if they had to pay the real estate taxes will they still want to lease the building and he will report back to Council. Burke asked if the property tax can be built into the monthly rent payment of \$775.00 so the property tax would be paid from the monthly rent amount. Madison inquired to Solicitor Revelson about the leases and how they work together. Solicitor Revelson said in terms of, for instance, if Council liked one lease but not the other and how would that be handled. Solicitor Revelson said that he has viewed this as a package since it was worked out between the two tenants. If it's not a package in that you approve one lease and not the other, you have to remember that the amount of leasable space for another tenant would be cut down because a wall will be constructed. Solicitor Revelson confirmed with Council to put the rental amount of \$775.00 into the Health Continuum lease and in the event that real estate taxes are assessed that amount would be applied to the real estate taxes. Burke said that would be appropriate. Solicitor Revelson said this can be a first reading or it can be tabled, however, there is a time element for the Historical Society. Solicitor Revelson stated changes made for the second reading are acceptable but if any changes made after the second reading then he feels we would need to start over. Regarding the utilities provision, Solicitor Revelson said he will bring it back to discuss again.

8. Mayor Smith stated that he added Ordinance 2019-13 to the agenda.

ORDINANCE 2019-13 FIRST READING: AN ORDINANCE SETTING THE COMPENSATION OF ELECTIVE OFFICE FOR TWO (2) MEMEBERS OF COUNCIL AND THE ELECTIVE OFFICE OF MAYOR OF THE VILLAGE OF SOUTH LEBANON FOR EACH FOUR (4) YEAR TERM BEGINNING JANUARY 1, 2020

Solicitor Revelson stated this is for the incoming seats which need to be done by August 2nd. Mayor Smith said this will keep the compensation the same for all

councilmembers. Boerio said this needs to be tabled since it was not in our council packets. Solicitor Revelson clarified that this ordinance is completely different than the upcoming reading of Ordinance 2019-9. Allen stated that she wants to make a motion to table this reading. Mayor Smith stated the reading has already been entered into the record. Mayor Smith asked that we start from the beginning to discuss this. Mayor Smith stated that there are four council seats under Ordinance 2013-21 with a pay scale of \$375 to \$825 a month over a twelve-year progression period without reduction of pay for missed meetings. Then, you have Ordinance 2015-08 that covers two council seats at \$375 per month with no increase due to the number of years in office. Mayor Smith said that this needs to be fixed and there is a timeframe that it must be done in. Boerio agreed with Mayor Smith that this needs resolved before August but that it wasn't on the agenda. Mayor Smith said this was not completed before the packet was distributed and due to the timing, he needed to bring it to Council and provided a copy tonight.

9. AUTHORIZATION OF INVOICES

A motion was made by Madison, seconded by Allen, all yeas.

10. ORDINANCE 2019-9 THIRD READING: AN ORDINANCE SETTING RATES OF COMPENSATION OF FULL-TIME NON-PROBATIONARY EMPLOYEES OF THE VILLAGE OF SOUTH LEBANON

A motion to adopt 2019-9 was made by Madison, seconded by Burke. Vote: 5 – yeas (Boerio, Burke, Corcoran, Madison, Spicer) 1 – abstain (Allen).

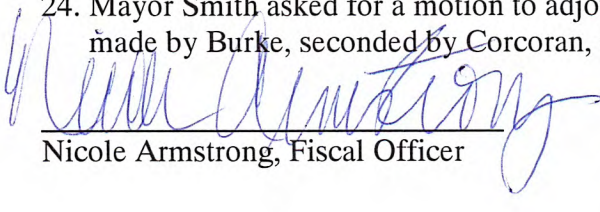
11. ORDINANCE 2019-10 SECOND READING: AN ORDINANCE APPROVING ZONING MAP AMENDMENT TO A CERTAIN PROPERTY IN THE VILLAGE OF SOUTH LEBANON, CONSISTING OF 5.001 ACRES FROM B-2 [GENERAL BUSINESS DISTRICT] TO MEP [MINERAL EXTRACTION AND PROCESSING DISTRICT]

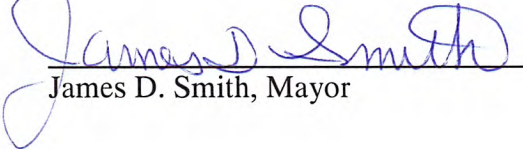
12. Mayor Smith announced that the U.S. Environmental Protection Agency (EPA) has reached out to us to recognize Peters Cartridge for their work of returning a formerly contaminated site to a useful one. Madison asked when this will take place. Mayor Smith said this month but does not have all the details at this time.

13. Mayor Smith reported that GE Credit Union has brought to the Village a revised construction plan with a new modern look to the building versus the original plan that was submitted.

14. Fiscal Officer Armstrong stated that the State Auditors have arrived to conduct the 2018 audit and for Councilmembers to be looking for email correspondence from them.

15. Administrator Haddix reported that the bid opening for the Mason-Morrow-Millgrove Road Phase I Project took place this morning with an estimate of just over \$792,000 and the low bidder at \$689,000. We will need to have a special meeting next week for the agreements and Armstrong will have budget legislation.
16. Haddix said the stage is in place for the July 4th Festival. The inspection will take place tomorrow.
17. Sergeant Boylan reported that due to the street sweeping they issued fourteen warnings and approximately five citations and encouraged people to let them know about vehicles on the road with expired tags or that haven't moved for an extended period of time.
18. Corcoran stated that over the last several weeks we have talked about grants for the River Corridor and asked Haddix the status. Haddix said it's been extremely busy here. Corcoran asked what needs to be done to make this happen since the window of opportunity is closing.
19. Burke reminded everyone about the Cincinnati Reds and Cleveland Indians game on July 6, 2019, which will celebrate the 100th anniversary for Ohio women's right to vote.
20. Burke thanked Haddix for getting the bent stop signs and posts fixed in Rivers Edge subdivision.
21. Burke asked if there is a possibility on Lebanon Road (Punkin Brown Hill) for a curb on the south side of Bridgewater Drive to help with the water issue and standing water freezing during the winter. Mayor Smith stated that there is a meeting tomorrow morning with the engineer to get their opinion.
22. Burke thanked Deputy Mason for his quick response responding to an incident in Rivers Edge where a garage door was opened remotely and not by the owner.
23. Allen provided to Council information about a Splash Pad that was brought up about four years ago and would like to bring this back to Council to revisit for the children in our community.
24. Mayor Smith asked for a motion to adjourn the meeting at 7:59 p.m. A motion made by Burke, seconded by Corcoran, all yeas.


Nicole Armstrong, Fiscal Officer


James D. Smith, Mayor