

**VILLAGE OF SOUTH LEBANON
(AMENDED) REGULAR MEETING MINUTES
AUGUST 15, 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 - Absent

Jim Boerio – Present

Bill Madison – Present

Linda Burke – Present

Rolin Spicer - Present

3. Guest: Brenda Combs, 4397 Morrow Road - presented to Council the idea of establishing a Little Free Library in South Lebanon. Ms. Combs along with the help of her friends, Ms. Harrison and Ms. Meece, thought this would be an excellent idea for our community. The idea behind a Little Free Library is that you come and take a book and replace it with a book. Ms. Combs said there may be times when a person takes a book and doesn't replace it. She said this will be handled with book donations. Ms. Combs said they want to order one through a Wisconsin based company. It is very stylish and she provided a picture to Council of what it will look like. The library will be registered with the program so when you search for a Little Free Library all the locations will come up. Ms. Combs stated that they would like to put it in front of the Administration Building to have cameras on it and ease of access. The Little Free Library is a 501 nonprofit organization that promotes neighborhood book exchanges. Ms. Combs asked for permission from Council to place the Little Free Library in front of the Municipal Administration Building.

A motion to grant permission was made by Madison, seconded by Allen. Allen said there are several local wood workers that would love to tackle a project like this. Ms. Combs stated that she wants to move on this and can order it tomorrow and have it by next week. Once this is one is established, Ms. Combs stated that she would like to have a community member build another but instead have it for free food. All yeas. Mayor Smith said we will get with you on the location. Ms. Combs thanked Council. Mayor Smith asked Ms. Combs who will monitor this. Ms. Combs stated Ms. Meece, Ms. Harrison, and herself.

4. 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 and the frog problem that it has created. Administrator Haddix stated if there is a mosquito issue then we can reach out to the Health Department. Burke asked if we can put some pressure on the developer to put in an aeration system. Haddix said that the recommendation we received was passed along but he will follow up with them. Mr. Norman said

with an aerator power is needed. Madison asked Haddix to obtain an estimate. Haddix said he would reach out to someone for a cost estimate. Boerio said that his subdivision replaced an aerator in one the ponds and the cost was somewhere in the thousands and power was already established.

Phil Kaufman, 605 Carrie Lane – Mr. Kaufman commented that he lives down the street from Mr. Norman and has also noticed an abundance of frogs on his property this season.

5. RESOLUTION 2019-38 A RESOLUTION APPROVING AND AUTHORIZING THE FISCAL OFFICER TO TRANSFER FUNDS FOR FISCAL YEAR 2019, AND DECLARING AN EMERGENCY

Mayor Smith stated as we approach the end of the year this is normal and needed. Fiscal Officer Armstrong stated that in March 2019 permanent appropriations were passed and some appropriations are now running low and we need to transfer money within a fund.

A motion to waive the three reading rule was made by Madison, seconded by Boerio, all yeas. By title only, Resolution 2019-38, a motion to adopt was made by Madison, seconded by Burke, all yeas.

6. ORDINANCE 2019-18 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SOUTH LEBANON, STATE OF OHIO, FOR THE PERIOD OF JANUARY 1, 2019 THROUGH DECEMBER 31, 2019, AND DECLARING AN EMERGENCY

A motion to waive the three reading rule was made by Madison, seconded by Boerio, all yeas. By title only, Ordinance 2019-18, a motion to adopt was made by Madison, seconded by Burke.

7. AUTHORIZATION OF INVOICES

A motion to authorize the invoices was made by Allen, seconded by Spicer, all yeas.

8. APPROVAL OF JULY FINANCIAL STATEMENTS

Boerio asked for additional information on a receipt for approximately \$2,800, page 4 of 15 of the receipt detail report, for a preliminary plat Cochran Road/Auburn Grove. Haddix stated it is a proposed development that still needs to go through the Planning Commission process.

A motion to approve the financial statements was made by Boerio, seconded by Madison, all yeas.

9. Tabled from the Council Meeting on August 1, 2019:

ORDINANCE 2019-11 SECOND READING: A 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

ORDINANCE 2019-12 THRID READING: A ORDINANCE FINDING THE PROPERTY LOCATED AT 99 N. HIGH STREET BEING 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 stated that he provided a letter dated August 15, 2019 which was in Council's packet and asked Council if there are any questions on it. Allen said she read the information and it said that the Kings Local Food Pantry did not want to share the space. Allen said she is confused by this because the original bid was for the whole building. Solicitor Revelson stated he is not saying that they didn't turn it down; he's saying if you wish to pursue negotiations with the South Lebanon Historical Society you have the option to reject all bids or you have an option to proceed with the Food Pantry if Council decides to do so. Mayor Smith recommended to Council to reject the bids. Allen asked if we spoke to the Food Pantry to see if they want to pursue their bid. Solicitor Revelson said because they put in a bid, he assumes that they want to pursue it. We know that they can't share the space with anyone for the reasons stated. They need the whole building but more importantly they need a secure facility because of the food items. Allen asked where this puts us legally when we bid a whole building and we want to pull their bid because they won't share. Solicitor Revelson said you have the ability to reject all bids and that was in the original bid package or you can choose to pursue the Food Pantry bid. Those are the options at this point. Mayor Smith stated he recommends that we reject the bids. Madison asked Mayor Smith if a motion is needed. Mayor Smith said yes.

Madison made a motion to reject this bid. Haddix stated to reject all bids. Solicitor Revelson clarified you must reject all bids. Madison corrected his motion to say all bids. Allen said she wants a place for the Food Pantry because they deserve it and asked what their bid was. Solicitor Revelson said \$650 a month for two years. Solicitor Revelson said they did not wish to take care of the maintenance or utilities and he believes there is another minor exception that they had. Burke asked Solicitor Revelson when we reject the bids are we starting over.

Solicitor Revelson said yes. The motion was seconded by Burke. Boerio said that he would like to see the Historical Society get a facility. At the same time, it feels strange that we advertise for bids and have a viable bid from the Food Pantry, and we reject the bids. Mayor Smith said that he looks at it that we received a higher bid than this and the negotiations were worked out and at the last minute it fell through so he feels we should go back to square one and not to entertain anything else. Mayor Smith stated that is his opinion. Allen said she doesn't think we can do that. Allen said her suggestion is to go back to the original bid. Burke said if we reject the bids aren't we doing that. Allen said you would be bidding the building for only half the space. Burke said she didn't remember the letter saying that. Allen said it says to advertise the space as two separate units. Burke said she doesn't believe we can do that. Allen said that is where the predicament is. Burke said the original plan was that the Sheriff's Department would go into the main administration building and the Historical Society to the Sheriff's Post, which is a perfect situation. It has become very confusing and we need to get it straightened out. Boerio stated before we reject all bids, we need to have a clear idea of what we want to do going forward. If we reject all bids without doing this, he feels it would be a mistake. Mayor Smith said his thought would be to have a portion of that building for ourselves as we transition to a city. The Utility Superintendent's office is in the barn and we've had some discussion to bring that back into the building and bid the remainder out. Boerio asked why we need additional space for utilities. Mayor Smith said we don't have the space completed upstairs but once it is complete then we would bid out the other portion. The Superintendent's office is in a barn and we needed to move the computers from there due to contamination. Mayor Smith said that is his opinion. Burke asked if we need to take the highest bid. Solicitor Revelson stated that you have an obligation to take the highest bid. Mayor Smith said to start over and rebid you are going to need to reject the bids. A motion was made and seconded. Comments from audience members that are not addressed to Council at the podium are not part of the record. Madison confirmed Solicitor Revelson's statement that Council has the ability to reject the bids. Solicitor Revelson said yes. Madison asked if there is any harm to the Village by rejecting the bids. Solicitor Revelson said no because the original bid packet contained that information. Madison stated that rejecting the bids brings no risk to the Village. Solicitor Revelson said no legal monetary risk. Allen said the Food Pantry was the next highest bidder. Solicitor Revelson said correct but you reserve the right to reject all bids. Vote: 3 – yeas (Boerio, Burke, Madison) 2 – abstain (Allen, Spicer).

Solicitor Revelson stated the motion to reject all bids passed. Ohio Revised Code (ORC) 731.17 states that action by the legislative authority, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of members present at the meeting when action is taken.

10. RESOLUTION 2019-35 SECOND READING: A RESOLUTION APPROVING THE PETITION FOR ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS AND AFFIDAVIT UNDER OHIO REVISED CODE CHAPTER 1710 AND APPROVING THE NECESSITY OF ACQUIRING, INSTALLING, EQUIPPING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE VILLAGE OF SOUTH LEBANON, OHIO IN COOPERATION WITH THE WARREN COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT (STATE ROUTE 48 PROJECT)
11. ORDINANCE 2019-14 SECOND READING: AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, INSTALLATION, EQUIPMENT, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE VILLAGE OF SOUTH LEBANON, OHIO IN COOPERATION WITH THE WARREN COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT; AND DECLARING AN EMERGENCY (STATE ROUTE 48 PROJECT)
12. ORDINANCE 2019-15 SECOND READING: AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, INSTALLING, EQUIPPING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE VILLAGE OF SOUTH LEBANON, OHIO IN COOPERATION WITH THE WARREN COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT; AUTHORIZING THE MAYOR AND FISCAL OFFICER/CLERK TO ENTER INTO AN ENERGY PROJECT COOPERATIVE AGREEMENT AND A SPECIAL ASSESSMENT AGREEMENT; AND DECLARING AN EMERGENCY (STATE ROUTE 48 PROJECT)
13. ORDINANCE 2019-16 SECOND READING: AN ORDINANCE ADOPTING ZONING REGULATIONS TEXT AMENDMENT RELATING TO A CHANGE TO THE FENCE HEIGHT FOR PRIVATE SWIMMING POOLS
14. Solicitor Revelson stated now that the bids are rejected related to the former municipal building we are back to the beginning. Council needs to decide on how to bid out the former municipal building space. The last time this was done it was by resolution authorizing the advertising. Solicitor Revelson said he hasn't prepared a resolution as he did not know what the outcome of the vote would be and this is ad nauseam so a motion would be appropriate here to advertise. Solicitor Revelson stated that he needs to know how Council would like him to proceed. The Mayor previously proposed that the building be used as Village office space and bid out the council chambers and allow the lobby and restrooms to be joint space. The second option is bid out the entire building. If you bid out for the entire space, it might be more appealing to potential tenants. Allen stated that she feels it would work to keep the back offices as Village offices and as Mayor Smith said the lobby as joint space. Spicer said that the Historical Society should be asked what part that they want. Comments from audience members

that are not addressed to Council at the podium are not part of the record. Burke asked if any Village departments can use the office space portion of the building. Mayor Smith said the Superintendent. Burke asked if we do this, then do we need to bid it out at all. Solicitor Revelson said you do because we would not be using part of the building so it would be restricted. Solicitor Revelson said you would only bid the portion not used by the Village. Allen said we would only bid out the conference room and council chambers. Madison said that he agrees with Mayor Smith that once we become a city it will trigger additional positions.

Solicitor Revelson stated that an authorization by Council to rebid is needed and to formally withdraw Ordinance 2019-11 and 2019-12.

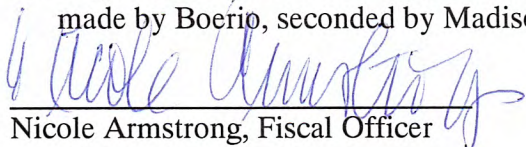
Allen made a motion to withdraw Ordinance 2019-11 and Ordinance 2019-12, seconded by Madison, all yeas.

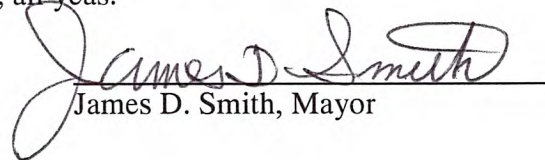
Solicitor Revelson stated that a motion is needed to rebid the portion of the building that Council feels is appropriate with the reservation that Council can reject all bids.

Spicer made a motion to bid out the former council chambers with the ability to reject all bids, seconded by Burke. Boerio asked Solicitor Revelson if Spicer has a conflict of interest. Solicitor Revelson stated that if a councilmember feels that they have a conflict then they should not vote. Solicitor Revelson said he doesn't feel that there is a conflict since the Health Continuum is no longer involved. All yeas.

15. Mayor Smith reported that the flag base was set today for the Veterans War Memorial. The center flag pole will be thirty feet tall.
16. Haddix reported that we are waiting to hear back on the utility pole relocation on Mason-Morrow-Millgrove Road. Once that is received, we will know when the project will start.
17. Haddix said that he received a call from the Ohio Department of Transportation (ODOT) and they will be working on the SR 48 Bridge next year. Boerio asked Haddix what that involves. Haddix said he is not sure what that entails but believes it is structural.
18. Haddix stated that there was an incident on Zoar Road a couple of weeks ago where a concrete truck went off the side of the road which caused damage to the road. Mayor Smith stated that they tried to pass a vehicle instead of waiting which caused the situation. Haddix displayed a picture of the shoulder damage. In addition, he contacted the Ohio Department of Natural Resources (ODNR) to fix the culvert underneath the bike trail which will help keep water off of Zoar Road.

19. Haddix mentioned that over the last few weeks he has sent out several property clean-up notices.
20. Haddix reported that next week Barrett Paving will be out to look at Lebanon Raod (Punkin Brown Hill) for repaving.
21. Madison asked if there is anything that this Municipality can do to address the traffic at SR 48 from Mason-Morrow-Millgrove Road to Route 22 & 3 to widen SR 48. Haddix stated that ODOT is currently working on a traffic light timing study to help with the traffic but the problem is that ODOT doesn't have the funds available. Madison stated that within the last six months between the hours of 5:00 p.m. to 6:00 p.m. traffic is backed up coming into the Village to Barrett's Marathon. Madison asked if there is anything we can do to address the traffic issue coming into town and SR 48. Mayor Smith said we can have Haddix draft something for Solicitor Revelson to review expressing this concern to the State.
22. Burke asked Haddix if we have heard anything related to the grant process for the property at the corner of SR 48 and Dwire. Haddix stated he is working on this. Burke stated after looking into the value it is not worth \$1M but \$333,000. Haddix said the auditor value and what is wanted for the property are different. Burke said there is a traffic issue at Dwire and SR 48 during rush hour but to also look at the three corners - the two at Rivers Bend, Vista Point, and the other corner. It would be wonderful to see that corner developed as a gateway to the bike trail and river. Burke said that she doesn't see a lot of activity at Applewood Nursery. We could develop it as an attractive entrance. Madison agreed with Burke it would be a soft buffer with welcome signage to South Lebanon.
23. Allen asked if anything has been done for the Cornett's drain on High Street. Haddix said we are having a company come in a do a soil survey.
24. Boerio stated that on Pike Street approximately seventy five yards west of Main Street, we did a repair a couple of years ago and on either side of the patch the pavement is crumbling. Boerio said it needs to be fixed. Mayor Smith said we are going to fix it. Mayor Smith said it will need to be cut out and redone.
25. Mayor Smith asked for a motion to adjourn the meeting at 7:41 p.m. A motion made by Boerio, seconded by Madison, all yeas.


Nicole Armstrong, Fiscal Officer


James D. Smith, Mayor