

VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
JULY 1, 2021
6:30 P.M.

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

2. ATTENDANCE

Linda Allen – Present
Linda Burke – Present
Bryan Corcoran – Present

Maryan Harrison – Present
Bill Madison – Present
Rolin Spicer – Present

3. Mayor Smith asked Reverend Frasure to give an opening prayer to which he obliged.

4. Mayor Smith opened the floor to the public stating that each individual addressing the council would have three minutes to speak. Haddix further commented that each person speaking should begin by stating their name and address.

Everyone who signed-in to address Council was called to the floor by Mayor Smith and given an opportunity to speak. Speakers included Reverend David Frasure from South Lebanon, Ohio; Rick Napier from Lebanon, Ohio; Brenda Combs from South Lebanon, Ohio; Elmer Sargent from Morrow, Ohio; Mark Lee Dickson, Director of Life from Longview, Texas; Joshua Beckman from Lebanon, Ohio; Kate Villeta from Lebanon, Ohio; Mary Carmen Zakrajsek from Wyoming, Ohio; and Blaine Bowman from South Lebanon, Ohio.

All the speakers noted above addressed Council and expressed their support for the right-to-life for unborn children and encouraged Council to pass legislation to protect the unborn by outlawing abortions and declaring the Village a sanctuary city for the unborn.

Brenda Combs from South Lebanon thanked Council for their participation in the Purple Heart Ceremony and making the veteran recipients so happy. Mayor Smith shared with the audience that the Village is now a Purple Heart City.

Mrs. Combs, event planner for the South Lebanon Historical Society, reported on the July 4th event, noting that there will be 18 food trucks and 4 performance groups. The event will go from 4p.m. to 10p.m. ending with the fireworks. She inquired of Haddix if the spotlights and generators will be provided this year by the Village and the status of the portable restrooms. Haddix replied that Village will be providing the spotlights and generators and that the portable restrooms have been delivered.

Corey Reidmiller from South Lebanon addressed Council suggesting that when the additional land is annexed into Roger's Park that it be used for a frisbee disc golf course.

Mayor Smith closed the floor to the public.

NEW BUSINESS

5. RESOLUTION 2021-25, A RESOLUTION INDICATING MUNICIPAL SERVICES TO BE PROVIDED TO CERTAIN REAL PROPERTY PROPOSED TO BE ANNEXED TO THE VILLAGE OF SOUTH LEBANON, OHIO, FROM HAMILTON TOWNSHIP, WARREN COUNTY, AND DECLARING AN EMERGENCY

A motion to waive the three-reading rule was made by Madison, seconded by Corcoran, all yeas. By title only, Resolution 2021-25, a motion to adopt was made by Burke, seconded by Corcoran, all yeas.

6. RESOLUTION 2021-26, A RESOLUTION REGARDING INCOMPATIBLE LAND USES AND ZONING BUFFER WITH RESPECT TO PROPERTY PROPOSED TO BE ANNEXED TO THE VILLAGE OF SOUTH LEBANON, OHIO, FROM ADJACENT LAND REMAINING IN HAMILTON TOWNSHIP, WARREN COUNTY, AND DECLARING AN EMERGENCY

A motion to waive the three-reading rule was made by Madison, seconded by Allen, all yeas. By title only, Resolution 2021-26, a motion to adopt was made by Allen, seconded by Madison, all yeas.

7. ORDINANCE 2021-17, AN ORDINANCE AMENDING VILLAGE WATER STANDARD DETAILS, AND DECLARING AN EMERGENCY

Administrator Haddix responded that recently it was discovered that there is a shortage of residential water meters throughout the country. We currently use a Sensus water meter but have learned that there is a compatible unit that would work as well.

A motion to waive the three-reading rule was made by Madison, seconded by Burke, all yeas. By title only, Ordinance 2021-17, a motion to adopt was made by Corcoran, seconded by Burke, all yeas.

8. AUTHORIZATION OF INVOICES

A motion to authorize the invoices for payment (\$59,542.72) was made by Madison, seconded by Corcoran, all yeas.

OLD BUSINESS

9. ORDINANCE 2021-14, SECOND READING, AN ORDINANCE APPROVING ZONING MAP AMENDMENT UPON COMPLETION OF ANNEXATION AT 5379 ZOAR ROAD CONTAINED IN THE CREEDON ANNEXATION IN ACCORDANCE WITH SECTION 15.7.13 OF THE VILLAGE ZONING REGULATIONS

10. RESOLUTION 2021-18, THIRD READING, A RESOLUTION ADOPTING THE 2021 VILLAGE OF SOUTH LEBANON COMPREHENSIVE PLAN

Haddix commented that last year the Warren County Regional Planning Commission gave a presentation to the Village Council on the Comprehensive Plan update. The Planning Commission met on May 26, 2021 and recommended the approval of the plan with six additions: add the Creedon Annexation on Zoar Road to the map, show the new Village owned property along the bike trail recently purchased for future development, the new planned park along the river, additional planned development on the Riverside development, the renderings and plans for the Veterans Memorial, and the future donation and recent donation of property at the Lytle Stonehouse for a future park and open space.

By title only, Resolution 2021-18, a motion to adopt was made by Burke, seconded by Corcoran, all yeas.

COMMUNICATIONS & REPORTS

11. Mayor Smith commented on the success of the Purple Heart ceremony and its place in the Village's history.
12. Mayor Smith reported that the Veteran's memorial is coming along, and more donations have been received; he further described the monument design noting that it will include all branches of services and will honor five revolutionary soldiers.
13. Haddix reported that the Warren County Sheriff's office is sponsoring a Bike Rodeo for children on August 10th and it will be held in the parking lot next to the municipal building. The event will include free safety helmets and some bicycles, bike safety lessons, bicycle maintenance and hopefully free food.
14. Mayor Smith reported that Phil Kaufman, Village Lead Operator, has resigned and will be working for another municipality. Haddix explained that the Village's water system is required to have a licensed operator and that currently Phil Kaufman is the only employee that has a license. Haddix proposed that we negotiate a monthly rate with Mr. Kaufman to remain as the Village's license operator of record until his vacated position is filled. Haddix will bring the agreement to Council for final approval.

Motion to negotiate an agreement with Phil Kaufman to remain as the Village's license operator of record was made by Madison, seconded by Allen, all yeas.
15. Haddix reported that the Lebanon Road sidewalk and repaving project from Pike Street to Corwin-Nixon is still on track and set to begin in August and will last 2 to 3 weeks.
16. Burke inquired if Haddix had contacted the County regarding the speed limit on Lebanon Road being reduced from 35mph to 25mph. Haddix stated he has notified Bob Napier, Union Township Administrator, and Mr. Napier will be contacting the Warren County Engineer.

17. Madison inquired whether it makes sense to annex Lebanon Road due to the fact that the Village maintains the road and the Village's utilities run beneath the road. He further stated that with the new sidewalk there will be an increase in pedestrian traffic, and it just makes sense that we should be able to control the speed limit.

Motion was made by Madison to contact the residence along Lebanon Road in regard to annexation, seconded by Allen, 5 – yeas (Allen, Burke, Corcoran, Madison, Harrison), 1 – nay (Spicer).

18. Haddix reported that the Auburn Grove subdivision on Cochran Road is moving along with sewer and water lines going in next.
19. Haddix reported that the County is working on ideas to improve the I-71 and State Route 48 interchange. Haddix will present the different options at the next meeting. Mayor Smith inquired of Haddix on who will make the final decision on the options. Haddix replied that he believed it would be the County Engineer or TID.
20. Meier stated that his legal opinion is client privileged and confidential, citing the Ohio Revised Code Section 121.22(G)(5) and asked Council to enter into executive session.

21. ADJOURN TO EXECUTIVE SESSION FOR PURPOSES AUTHORIZED UNDER SECTION 121.22(G)(5) OF THE OHIO REVISED CODE, TO CONSIDER MATTERS REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL LAW OR REGULATIONS OR STATE STATUTES, TO WIT: THE COMMUNICATION OF PRIVILEGED LEGAL OPINIONS BY THE VILLAGE SOLICITOR TO COUNCIL.

A motion to enter into executive session at 7:20 p.m. was made by Madison, seconded by Spicer, all yeas.

A motion to exit out of executive session at 8:14 p.m. was made by Burke, seconded by Spicer, all yeas.

22. Spicer commented that he felt should be the Councilmember to communicate to the audience Council's decision on the proposed ordinance declaring the Village a sanctuary city for the unborn because he had been the member to propose the ordinance. He stated that he is strongly in favor of passing the ordinance; however, he informed the audience that Council has run into a legal hurdle of not being able to pass the ordinance at this time because the Village is a non-chartered Village. He further commented that the Village will become a city in a few months and at that time Council will have more legal authority to pass the ordinance.

RESOLUTION 2021-27, A RESOLUTION SUPPORTING THE CITY OF LEBANON'S ADOPTION OF AN ORDINANCE DECLARING THE CITY OF LEBANON AS A SANCTUARY CITY FOR THE UNBORN

Spicer made a motion for a resolution to state that Council strongly supports the City of Lebanon's adoption of an ordinance declaring Lebanon a sanctuary City for the unborn. He stated that the resolution is not meant to disappoint and is not abandoning the ordinance but is what is best for the Village and its constituents at this time.

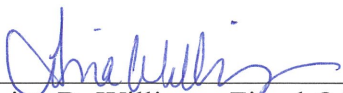
Burke seconded the motion. She reiterated the legal hurdle due to the Village not being a Charter City and therefore not able to make any law that supersedes the State of Ohio. Burke further stated that she is strongly in favor of this ordinance and will not rest until she sees the ordinance passed when the Village becomes a city.

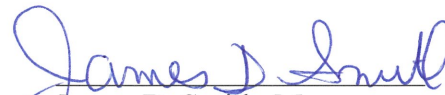
Motion passed, all yeas.

23. Andrew Meier, Village Solicitor, explained that as a non-chartered Village the state of the law does not allow the Village to pass law that is more restrictive than state law. He further explained that a city or a chartered village has greater power and has the ability to pass law that is more restrictive or different than state law. He commented that Council supports this ordinance and wants it to move forward but they also want to ensure that this is done the appropriate way and in a way that is best for the Village.
24. Mayor Smith reported the Village should have become a city on April 1, 2021; however, the delay in the census data has delayed the process. He explained that once the census data is released and the Village receives a certificate from the State, the Village will begin the process to become a city.
25. Madison thanked everyone for coming out in support of the ordinance and shared that he is a man of faith who supports the ordinance. He stated that he agrees that it is in the Village's best interest to wait to pass the ordinance until the Village becomes a city and is in a position to best defend it.
26. Meier, Village Solicitor, provided further clarification to the audience on how the process of Council passing an ordinance enacts law within the Village; further stating that if that law conflicts with a state statute, then it is not permissible because the Village is a non-chartered Village.
27. Corcoran commented that as a Christian man and father of five that the issue is important to him as well and that he'd like to see the ordinance passed at the right time and withstand any type of legal challenge.

Corcoran thanked Brenda Combs for her service and recognized her for how much she cares about the community not only through her attendance at council meetings, but also for her being the organizer behind the hanging of the Village banners, 4th of July event, Christmas in the Village, and other community events.

28. Burke stated that she wanted to give her solemn promise to the audience that she will not stop until this ordinance is passed; further stating that this issue is important to all of Council and none of them want any abortions to take place in the community. She defined life beginning at conception and stated that Council has only one being to answer to for what is done or not done.
29. Allen thanked the audience and shared in their disappointment. She stated she had full confidence that the ordinance was going to be passed given the literature that had been provided to Council. She further commented on how far the Village has come since the 1950's and all the good changes the community has seen. She reiterated that this ordinance will go through once the Village becomes a City.
30. Harrison empathized with the audience's pain and the disappointment of not getting the ordinance passed. She stated that she has faith in that Council is making the right decision right now, but she will not rest until this ordinance gets passed; further stating all of Council wants the Village to be a sanctuary for the unborn and to protect our babies. She thanked the audience members for coming, and the pastors for their support and the Village's law enforcement for their protection.
31. Spicer spoke as to the character of the community and how the constituents Council represents feel about this issue is clear based on all the individuals who addressed Council tonight in support of the ordinance. He expressed his support for the ordinance and stated that there are no villains here and that the ordinance is not being stone walled by anyone; further stating that Council feels that they are doing the right thing for the community, and this will get done.
32. Mayor Smith asked for a motion to adjourn the meeting at 8:34 p.m. A motion was made by Madison, seconded by Corcoran, all yeas.


Petrina D. Williams, Fiscal Officer


James D. Smith, Mayor

For an audio copy of the July 1, 2021 minutes of the Village of South Lebanon Council regular meeting, please contact Fiscal Officer at twilliams@southlebanonohio.org.