

AGENDA

REGULAR MEETING OF CITY COUNCIL AUGUST 18, 2022 at 6:00 P.M.

1. Mayor Smith calls the meeting to order

2. Roll Call:

Linda Allen
Linda Burke
Brenda Combs

Maryan Harrison
Bill Madison
Rolin Spicer

3. Pledge of Allegiance

4. Guests:

5. Floor open to the public

6. New Business: Ordinance 2022-21, First Reading, amending Ordinance 2019-13 and Ordinance 2021-20 regarding ORC Section 705.13 number of permitted absences by members of Council from regular council meetings

Emergency Resolution 2022-32 designating the Fiscal Officer as the City's Public Records Officer

Emergency Resolution 2022-33 approving participation in region 14 governance structure under the OneOhio memorandum of understanding

Motion authorizing contract expenses in the amount of \$28,400 to McGill Smith Punshon (MSP) for the Mary Ellen Street replat project

Approval of Invoices

Approval of Solicitor's Invoice

Approval of July 2022 Financial Statements

Approval of Meeting Minutes:
Regular Meeting – August 4, 2022

7. Old Business:

8. Communications and reports from City Officials and Committees:

- | | |
|------------------------|--------------------|
| a. Mayor | e. Solicitor |
| b. Fiscal Officer | f. Sergeant |
| c. Administrator | g. Council Members |
| d. Asst. Administrator | |

9. Executive Session: Enter Executive Session for purposes authorized under Section 121.22(G)(3) of the Ohio Revised Code, for conference with the City Solicitor concerning disputes involving the public body that are the subject of pending or imminent court action.

10. Adjournment:

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2022-21**

**AN ORDINANCE AMENDING ORDINANCE NO. 2019-13 AND ORDINANCE
NO. 2021-20.**

WHEREAS, on July 18, 2019, the Council of the City of South Lebanon (then-Village) approved Ordinance No. 2019-13, An Ordinance Setting the Compensation of Elective Office for Two Members of Council and the Elective Office of Mayor of the Village of South Lebanon for Each Four Year Term Beginning January 1, 2020; and

WHEREAS, on July 28, 2021, the Council of the City of South Lebanon approved Ordinance No. 2021-20, An Ordinance Setting the Compensation of Elective Office for Four Members of South Lebanon Village Council for Each Four Year Term Beginning January 1, 2022, and Two Members of Council and the Elective Office of Mayor of the Village of South Lebanon for Each Four Year Term Beginning January 1, 2024; and

WHEREAS, per Ohio Revised Code Section 705.13, the number of permitted absences by members of Council from regular meetings may be altered by a two-thirds vote of all members of Council; and

WHEREAS, both Ordinance No. 2019-13 and Ordinance No. 2021-20 permitted at least three absences for a Council Member and the Mayor before any deduction in annual salary would occur; and

WHEREAS, due to the impact of the global pandemic and other considerations, Council of the City of South Lebanon desires to increase the number of absences that must occur before any deduction in annual salary would occur, and also provide for the ability of the Council of the City of South Lebanon to excuse certain absences consistent with the provisions of the Ohio Revised Code; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Lebanon, at least two-thirds of all members elected thereto concurring:

Section 1. That Section 6 of Ordinance No. 2019-13 and Section 5 of Ordinance No. 2021-20 are hereby amended as follows: After six (6) absences from regular meetings in a calendar year by any of the six (6) elective offices of the Council and the elective office of the Mayor, unless excused by a two-thirds vote of all Council members, there shall be deducted a sum equal to two (2) percent of such annual salary for each absence thereafter from a regular meeting.

Ordinance 2022-21

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Section 2. That all remaining terms in Ordinance No. 2019-13 and Ordinance No. 2021-20 shall remain in full force and effect to the extent authorized by law.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 4. That it is found and determined that all formal actions of the Council concerning and relating to passing this Ordinance were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this ____ day of _____, 2022.

Attest: _____
Petrina Williams, Fiscal Officer/Clerk

James D. Smith, Mayor

Rules Suspended: / /2022 (if applicable)	Effective Date – / /2022
Vote - ____ Yeas ____ Nays	
First Reading – / /2022	Effective Date – / /2022
Second Reading – / /2022	
Third Reading– / /2022	
Vote - ____ Yeas ____ Nays	

Ordinance 2022-21

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Prepared by and approved as to form:

ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: _____

Date: ___ / ___ /2022



City of South Lebanon
10 N. High Street, South Lebanon, Ohio 45065
513-494-2296 fax: 513-494-1656
www.southlebanonohio.org

MEMORANDUM

To: Mayor & City Council

CC: Andrew Meier, City Solicitor
Jerry Haddix, City Administrator

From: Tina Williams, Fiscal Officer

Date: August 16, 2022

Subject: Designation of the Fiscal Officer as the City's Public Records Officer

Ohio Revised Code Section 149.43 requires that each elected official attend public records training during each term of office. The Auditor of State verifies attendance of a Certified Public Records Training course when performing the City's financial audit.

Ohio Revised Code Section 109.43(A)(1) allows elected officials to designate a public records officer on their behalf. In the past the Fiscal Officer has been appointed as the designee.

This designation does not preclude an elected official from attending the three-hour mandatory training. However, if an elected official was unable to attend for any reason, this designation would allow for the City to remain in compliance with the code.

Public records training courses are provided by the Ohio Attorney General's Office and the Auditor of State throughout the year. Public records training can also be completed online anytime at <https://sunshinelaw.ohioattorneygeneral.gov/>

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2022-32**

**A RESOLUTION DESIGNATING TINA WILLIAMS, FISCAL OFFICER, AS THE
CITY'S PUBLIC RECORDS OFFICER, AND DECLARING AN EMERGENCY**

WHEREAS, in accordance with Ohio Revised Code § 149.43, all local elected officials are required to complete public records training during each term of office; and,

WHEREAS, per Ohio Revised Code § 109.43(A)(1), a designee may be appointed by City Council to fulfill this requirement for all City elected officials: and,

WHEREAS, the Fiscal Officer has been the Public Records designee for Council in previous years; and,

WHEREAS, immediate action is needed for the purpose of the public records designee's attendance at public records training, and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. That the Council hereby designates Tina Williams, Fiscal Officer, as the City of South Lebanon's Public Records Official, representing all City elected officials.

Section 2. That the Council is acting in its administrative capacity in adopting this Resolution.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 4. That this Resolution is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and, this Resolution shall be in full force and effective immediately upon its passage.

Resolution 2022-32 Public Records Designee

Section 5. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this ____ day of _____, 2022.

Attest: _____
Petrina Williams, Fiscal Officer James D. Smith, Mayor

Rules Suspended: / /2022 (if applicable)	Effective Date – / /2022
Vote - ____ Yeas ____ Nays	
First Reading – / /2022	Effective Date – / /2022
Second Reading – / /2022	
Third Reading – / /2022	
Vote - ____ Yeas ____ Nays	

Prepared by and approved as to form:

ANDREW MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: _____
Date: _____



City of South Lebanon
10 N. High Street, South Lebanon, Ohio 45065
513-494-2296
fax: 513-494-1656
www.southlebanonohio.org

MEMORANDUM

To: Mayor & City Council
CC: Tina Williams, Fiscal Officer
From: Jerry Haddix, City Administrator
Date: August 16, 2022
Subject: One Ohio Governance Resolution

As part of the OneOhio requirements for each region, a governance process must be developed & approved by all the cities, villages, townships & the county. Attached is an email from Candace Miller from the County. A resolution is attached along with the exhibits.

Let me know if you have any questions or need additional information.

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2022-33**

**A RESOLUTION APPROVING THE PARTICIPATION IN REGION 14
GOVERNANCE STRUCTURE UNDER THE ONEOHIO MEMORANDUM OF
UNDERSTANDING, AND DECLARING AN EMERGENCY**

WHEREAS, the City of South Lebanon is a Local Government that has adopted and approves The OneOhio Memorandum of Understanding (“The Memorandum”), which establishes a mechanism to disburse settlement proceeds from opioid litigation into Ohio’s communities to help abate the opioid crisis, including allocations to Local Governments and Regions through a statewide Foundation; and, in accordance with Ohio Revised Code § 149.43, all local elected officials are required to complete public records training during each term of office; and,

WHEREAS, this jurisdiction is a participant in Region 14 as established by the Memorandum; and,

WHEREAS, pursuant to The Memorandum each Region shall create their own governance structure so it ensures all Local Governments have input and equitable representation regarding regional decisions including representation on the statewide Foundation Board and selection of projects to be funded from the region’s regional Share; and

WHEREAS, Regions have the responsibility to make submissions regarding the allocation of funds to projects that will equitably serve the needs of the entire Region; and

WHEREAS, it is found that the regional governance structure attached hereto has Exhibit A ensures all Local Governments in this Region have input and equitable representation regarding regional decisions under The Memorandum;

WHEREAS, immediate action is needed to ensure the prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio, and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. Subject to and effective upon the concurrence of all Local Governments (counties, cities, villages, townships) in Region 14, this legislative body hereby approves and enters into the regional governance agreement attached hereto as Exhibit B.

Section 2. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 3. That this Resolution is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 for the immediate preservation of the public peace, health, safety and general welfare; and, this Resolution shall be in full force and effective immediately upon its passage.

Section 4. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted this 18th day of August, 2022.

Attest: _____
Petrina Williams, Fiscal Officer

James D. Smith, Mayor

Rules Suspended: / /2022 (if applicable)	Effective Date – / /2022
Vote - ____ Yeas ____ Nays	
First Reading – / /2022	Effective Date – / /2022
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Vote - ____ Yeas ____ Nays	

Prepared by and approved as to form:

ANDREW MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: _____

Date: _____



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MEMORANDUM

To: Mayor & City Council

CC: Tina Williams, Fiscal Officer

From: Jerry Haddix, City Administrator

Date: August 16, 2022

Subject: MSP Mary Ellen Street Vacation Amendment

Back in 2019, I authorized McGill Smith Punshon (MSP) to prepare the replat for the Mary Ellen Street properties affected by the old plat that showed right-of-way but have never been vacated. Due to additional work required, submitted a change order for \$5,000 which brought the total to \$21,500. MSP has submitted a 2nd change order for the vacation plat for the ROW on the north side of McKinley St. & the alley on the south side of McKinley.

With a total of \$28,400, this is above the \$25,000 threshold for the Administrator and requires Council approval. Therefore, I am requesting a motion to authorize \$28,400 to MSP for the Mary Ellen St. vacation plat.

Let me know if you have any questions or need additional information.



ADDENDUM TO THE CONTRACT

Addendum No.: 2

Date of Addendum: July 6, 2022 (REV 8/12/2022)

Original Contract: Mary Ellen Street

Original Contract Date: December 19, 2019

Project Number: 06308.18

The following services requested by the CLIENT are in addition to the services as described in the base agreement for services as described above.

1. Services to be Provided:

- 1.1. Boundary survey of four lots on west side of Mary Ellen Street.
- 1.2. Prepare Vacation Plat or Plat of Survey of old Mulberry Street Right-of-Way.
- 1.3. Boundary survey of alley in Cavolt’s Addition to Deerfield.
- 1.4. Prepare Vacation Plat or Plat of Survey of alley.
- 1.5. Set final property corners.

2. Compensation

- 2.1. Fees for services as described above:
 - 2.1.1. Four thousand nine dollars (\$6,900.00).

3. The above described additional services and fees in this addendum are part of the original contract for professional services as described above. All conditions of the original contract shall apply in full to conditions of this addendum unless specifically designated otherwise.

McGill Smith Punshon, Inc.

Village of South Lebanon

CLIENT

By: 

By: _____

Title: Vice President, Surveying

Title: _____

Date: August 12, 2022

Date: _____

06308183-CLI-ADM-Change Order 2 REV 08122022