

**CITY OF SOUTH LEBANON
SPECIAL MEETING MINUTES
May 2, 2022
6:30 P.M.**

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

Linda Allen – Present via Zoom
Linda Burke – Present
Brenda Combs – Present

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

NEW BUSINESS

3. AUTHORIZE THE CITY SOLICITOR TO TAKE ALL NECESSARY LEGAL ACTION, INCLUDING, BUT NOT LIMITED TO, THE FILING OF A COMPLAINT AND/OR APPLICATION FOR A TEMPORARY OR PERMANENT INJUNCTION IN ORDER TO FORCE COMPLIANCE WITH THE CITY’S ZONING REGULATIONS, AS WELL AS OTHER APPLICABLE LAWS AND REGULATIONS, BY AN OWNER OF PROPERTY SITUATED WITHIN CITY LIMITS

Andrew Meier, City Solicitor, stated that there is a business property on Mason-Morrow-Millgrove Road owned by Oeder and Sons Garage, Inc. that is not in compliance with the City’s zoning regulations.

Several months ago, there was an issue with a potential easement agreement, the agreement fell through, and Council was asked for authorization to move forward with obtaining appraisals and trying to negotiate the purchase of an easement for the purpose of installing water lines down Mason-Morrow-Millgrove Road.

In early April, City staff noticed that silt fences were being put up on the property across the road from where the business surface mines. A letter was sent to the property owner stating what was noticed, the zoning regulations that exist relating to the property and a request for information regarding compliance with those zoning regulations. No response has been given to our request.

Last week City staff noticed that the property owner had started moving dirt on the property in areas we believe they are not permitted to do so under the regulations. At this point City staff prepared a Stop Work Order/Cease and Desist Order indicating that it is believed that the property owner is in violation of the City’s zoning code, that they have not complied with the regulations, and to stop work. The property owner was served a copy of the Stop Work Order, and discussions were had with property owner’s legal counsel. Despite the Stop Work Order being served and those discussions, the property owner continued to move dirt on the property.

At the end of last week they were still engaged in this activity, and it was decided that the City needs to address this and if they are not going to do what we believe the regulations require them to do then we need to take legal action against them.

A motion is needed to take all necessary legal actions including but not limited to filing a complaint and/or an application for a temporary or permanent injunction to force the property owners to comply with our Zoning Regulations as well as any other applicable laws and regulations that are applicable to the situation against that property owner on Mason-Morrow-Millgrove Road.

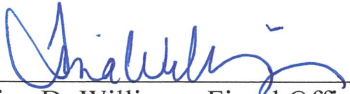
This property is located on the southside of Mason-Morrow-Millgrove Road adjacent to Sutton Drive. The zoning is MEP (Mineral Extraction Processing). Part of the regulations for properties zoned MEP are that if the property owner obtains a specific mining permit from the Ohio Department of Natural Resources those regulations also require that the owner do other things. That information was requested from them in a letter early April to which they did not respond.

The attorney Oeder and Sons Garage, Inc. is using is Brian Barger with a firm out of Columbus. He did indicate that he did not have much information on the background of this situation to which the factual history was provided to him to give him the background from our prospective. Mr. Barger then indicated that he would do some investigating on his end, talk to his client, and then get back with us. We have still not heard back.

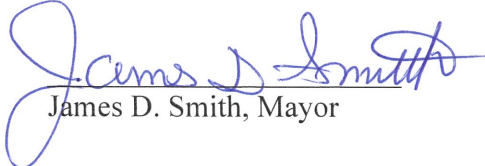
Jerry Haddix stated that there are roughly 10 categories that they must address. They relate to the health and safety of the community and the protection of our infrastructure.

The above motion was made by Burke, seconded by Madison, all yeas.

4. Mayor Smith asked for a motion to adjourn the meeting at 6:43 p.m. A motion was made by Madison, seconded by Harrison, all yeas.



Petrina D. Williams, Fiscal Officer



James D. Smith, Mayor

For an audio copy of the May 2, 2022 minutes of the City of South Lebanon Council special meeting, please contact Fiscal Officer at twilliams@southlebanonohio.org.