

James D. Smith
Mayor

Linda Allen
Vice-Mayor

Linda Burke
Councilmember

Brenda Combs
Councilmember



Maryan Harrison
Councilmember

William Madison
Councilmember

Rolin Spicer
Councilmember

**CITY OF SOUTH LEBANON
REGULAR MEETING OF CITY COUNCIL
AGENDA**

NOVEMBER 2, 2023, at 6:00 P.M.

1. Mayor Smith calls the meeting to order
2. Roll Call
3. Pledge of Allegiance
4. Guest
5. Floor open to the public
6. New Business Emergency Ordinance 2023-32 authorizing supplemental appropriations for the fiscal year beginning January 1, 2023

A motion is needed to authorize the Director of Finance to send an Amended Certificate to the Warren County Auditor for fiscal year 2023

Approval of Invoices

Approval of Meeting Minutes:

Regular Meeting – October 5, 2023

Regular Meeting – October 19, 2023

7. Old Business Resolution 2023-42, Second Reading, approval of an agreement with the Warren County Soil & Water Conservation District for Calendar Year 2024
8. Communications and reports from City Officials and Committees
 - a. Mayor
 - b. Director of Finance
 - c. Administrator
 - d. Asst. Administrator
 - e. Law Director
 - f. Sergeant
 - g. Council Members
9. Executive Session
10. Adjournment



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: Jerry Haddix, City Administrator
Andrew Meier, Law Director

From: Tina Williams, Director of Finance

Date: October 31, 2023

Subject: Ordinance 2023-32 Amended Appropriations

A review of the budget and expected expenses for the remainder of the year has identified the need for the following amendments.

- **General Fund- 130 Street Lighting** **Increase \$9,000**

The increase is due to the upsurge in costs we saw over the summer in our electric rates prior to entering into an agreement with Energy Harbor LLC for electric aggregation rates.

- **General Fund – 531 Administrative Staff Salaries** **Increase \$38,000**

The increase in administrative staff salaries is due to the addition of two Temporary Laborer positions and the Senior Maintenance position. All three positions were not included in the original General Fund budget for salaries.

- **General Fund – 710 Administration Salaries** **Decrease (\$35,000)**

The decrease in administration salaries is the removal of the Executive Assistant position for administration that was included in the original General Fund budget. The position is not expected to be created in 2023.



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- **Sanitation Fund – 561 Refuse Collection**

Personal Services

Increase \$5,000

Operating Expenses

Decrease (\$5,000)

The amendment is to correct an error made in the original appropriations for the Sanitation Fund. The \$5,000 budget for employee benefits was mistakenly included as operating expenses and should have been personal services.

- **River's Crossing TIF Fund – Operating Expenses**

Increase \$85,000

We recently received our 2nd half real estate distribution from the Warren County Auditor. Included in the distribution are service payments we receive for our Tax Increment Financing (TIF) accounts, River's Crossing and Riverside. We are required by our TIF agreements to remit a portion of the service payments to Kings Local School District. This year we received more in revenue than we had budgeted for the River's Crossing TIF; therefore, our appropriations need to be amended to allow us to remit the additional amount to the school district. A total of \$518,942 will be remitted to Kings School District for River's Crossing TIF in 2023.

- **Riverside TIF Fund –**

Operating Expenses

Decrease (\$15,195)

Debt Service

Decrease (\$8,174)

We budgeted to receive \$332,155 in service payments from the Riverside TIF for payment to the Kings School District; however after 2nd half real estate settlement the amount received for the year was \$317,475.05. Therefore, we are decreasing our appropriations by the (\$15,195) difference. We are also decreasing our appropriation for debt service payments by (\$8,174) for the actual debt service payment amount.

- **Mason-Morrow-Millgrove Improvements – Capital Outlay**

Decrease (\$222,314)

The decrease is due to the project and funding from the Ohio Public Works Commission being delayed until 2024.



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- **Corwin-Nixon Rt. 48 Improvements – Capital Outlay** **Increase \$70,107.95**

The increase is to properly record the final project costs for the Corwin-Nixon intersection that have been paid through a grant with the Ohio Department of Transportation. The total project costs were \$614,319 paid over a three-year period. Our local share of the project was \$132,830.

- **Forest Avenue Improvements – Capital Outlay** **Decrease (\$445,342)**

The decrease is due to the project construction and funding from the Ohio Public Works Commission being delayed until 2024.

Attached is a reconciliation showing original appropriations and amendments year to date.

	<i>Original Permanent Ord. 2023-08</i>	<i>Supplemental Ord. 2023-28</i>	<i>Supplemental Ord. 2023-32</i>	<i>Total Appropriations</i>
GENERAL FUND - 1000				
110 Police Enforcement				
Personal Services	5,000.00	0.00	0.00	5,000.00
Operating Expenses	690,623.00	0.00	0.00	690,623.00
Capital Outlay	43,000.00	0.00	0.00	43,000.00
	<u>738,623.00</u>	<u>0.00</u>	<u>0.00</u>	<u>738,623.00</u>
130 Street Lighting				
Operating Expenses	59,000.00	0.00	9,000.00	68,000.00
220 Human Services				
Operating Expenses	8,000.00	0.00	0.00	8,000.00
320 Parks and Recreation				
Operating Expenses	80,000.00	0.00	0.00	80,000.00
531 Administration-Public Utilities				
Personal Services	125,000.00	0.00	38,000.00	163,000.00
710 Council & Administration				
Personal Services	401,500.00	0.00	(35,000.00)	366,500.00
Operating Expenses	34,500.00	0.00	0.00	34,500.00
	<u>436,000.00</u>	<u>0.00</u>	<u>(35,000.00)</u>	<u>401,000.00</u>
720 Mayor's Court				
Personal Services	65,000.00	0.00	0.00	65,000.00
Operating Expenses	8,800.00	0.00	0.00	8,800.00
	<u>73,800.00</u>	<u>0.00</u>	<u>0.00</u>	<u>73,800.00</u>
725 Finance				
Personal Services	118,000.00	0.00	0.00	118,000.00
Operating Expenses	36,070.00	0.00	0.00	36,070.00
	<u>154,070.00</u>	<u>0.00</u>	<u>0.00</u>	<u>154,070.00</u>
730 Land and Buildings				
Operating Expenses	50,000.00	0.00	0.00	50,000.00
740 Property Tax Collection Fees				
Operating Expenses	19,000.00	0.00	0.00	19,000.00
750 Solicitor				
Personal Services	27,000.00	0.00	0.00	27,000.00
755 Income Tax				
Personal Services	100,000.00	0.00	0.00	100,000.00
Operating Expenses	117,250.00	25,000.00	0.00	142,250.00
	<u>217,250.00</u>	<u>25,000.00</u>	<u>0.00</u>	<u>242,250.00</u>
790 Other General Government				
Operating Expenses	355,800.00	0.00	0.00	355,800.00
800 Capital Improvements				
Capital Outlay	958,550.00	0.00	0.00	958,550.00
910 Transfer – Out to Debt Service	7,812.50	0.00	0.00	7,812.50
GENERAL FUND TOTAL	<u>3,309,905.50</u>	<u>25,000.00</u>	<u>12,000.00</u>	<u>3,346,905.50</u>

	<i>Original Permanent Ord. 2023-08</i>	<i>Supplemental Ord. 2023-28</i>	<i>Supplemental Ord. 2023-32</i>	<i>Total Appropriations</i>
STREET FUND - 2011				
690 Streets & Transportation				
Personal Services	60,900.00	0.00	0.00	60,900.00
Operating Expenses	129,000.00	0.00	0.00	129,000.00
	<u>189,900.00</u>	<u>0.00</u>	<u>0.00</u>	<u>189,900.00</u>
800 Capital Improvements				
Capital Outlay	364,975.00	0.00	0.00	364,975.00
850 Debt Service	17,212.10	0.00	0.00	17,212.10
	<u>572,087.10</u>	<u>0.00</u>	<u>0.00</u>	<u>572,087.10</u>
STREET FUND TOTAL	<u>572,087.10</u>	<u>0.00</u>	<u>0.00</u>	<u>572,087.10</u>
WATER FUND - 5101				
531 Water				
Personal Services	360,600.00	0.00	0.00	360,600.00
Operating Expenses	556,200.00	0.00	0.00	556,350.00
	<u>916,800.00</u>	<u>0.00</u>	<u>0.00</u>	<u>916,950.00</u>
800 Capital Improvements				
Capital Outlay	479,631.00	0.00	0.00	479,631.00
850 Debt Service	7,040.72	0.00	0.00	7,040.72
	<u>1,403,471.72</u>	<u>0.00</u>	<u>0.00</u>	<u>1,403,621.72</u>
WATER FUND TOTAL	<u>1,403,471.72</u>	<u>0.00</u>	<u>0.00</u>	<u>1,403,621.72</u>
SEWER FUND - 5201				
541 Sanitary Sewers & Sewage				
Personal Services	396,500.00	0.00	0.00	396,500.00
Operating Expenses	887,000.00	0.00	0.00	887,000.00
	<u>1,283,500.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,283,500.00</u>
800 Capital Improvements				
Capital Outlay	762,500.00	0.00	0.00	762,500.00
	<u>2,046,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,046,000.00</u>
SEWER FUND TOTAL	<u>2,046,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,046,000.00</u>
SANITATION FUND - 5601				
561 Refuse Collection & Disposal				
Personal Services	12,000.00	0.00	5,000.00	17,000.00
Operating Expenses	485,000.00	0.00	(5,000.00)	480,000.00
	<u>497,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>497,000.00</u>
	<u>497,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>497,000.00</u>
SANITATION FUND TOTAL	<u>497,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>497,000.00</u>

	<i>Original Permanent Ord. 2023-08</i>	<i>Supplemental Ord. 2023-28</i>	<i>Supplemental Ord. 2023-32</i>	<i>Total Appropriations</i>
PARK FUND - 2041				
320 Parks and Recreation				
Operating Expenses	20,000.00	0.00	0.00	20,000.00
PERMISSIVE TAX FUND - 2101				
610 Street Construction				
Operating Expenses	100,000.00	0.00	0.00	100,000.00
AMERICAN RESCUE ACT FUND - 2152				
790 General Government				
Capital Outlay	103,727.65	0.00	0.00	103,727.65
MAYOR'S COURT SPECIAL PROJECTS FUND - 2906				
720 Mayor's Court				
Operating Expenses	2,000.00	0.00	0.00	2,000.00
RIVER'S CROSSING TIF FUND - 2907				
Development Incentives				
Operating Expenses	451,240.00	0.00	85,000.00	536,240.00
Debt Service	708,760.00	0.00	0.00	708,760.00
	<u>1,160,000.00</u>	<u>0.00</u>	<u>85,000.00</u>	<u>1,245,000.00</u>
RIVERSIDE TIF FUND - 2909				
Development Incentives				
Operating Expenses	280,000.00	64,525.00	(15,195.00)	329,330.00
Debt Service	702,059.00	7,215,535.00	(8,174.00)	7,909,420.00
	<u>982,059.00</u>	<u>7,280,060.00</u>	<u>(23,369.00)</u>	<u>8,238,750.00</u>
MUNICIPAL BUILDING NOTES - 3902				
850 Debt Service	7,812.50	0.00	0.00	7,812.50
MUNICIPAL BUILDING RENOVATION- 4902				
800 Capital Outlay	10,080.19	0.00	0.00	10,080.19
MASON MORROW MILLGROVE IMPROVEMENTS- 4904				
800 Capital Outlay	222,314.00	0.00	(222,314.00)	0.00
CORWIN-NIXON/RT 48 IMPROVEMENTS- 4905				
800 Capital Outlay	0.00	0.00	70,107.95	70,107.95
FOREST AVENUE IMPROVEMENTS- 4906				
800 Capital Outlay	445,342.00	0.00	(445,342.00)	0.00
UTILITY MAINTENANCE AND IMP FUND - 5761				
800 Capital Outlay	125,000.00	0.00	0.00	125,000.00
DEPOSIT TRUST FUND - 5781				
599 Utility Services				
Operating Expenses	50,000.00	0.00	0.00	50,000.00
UNCLAIMED MONIES FUND - 9101				
General Government				
Operating Expenses	1,885.18	0.00	0.00	1,885.18
TOTAL APPROPRIATED FUNDS 2023	<u><u>11,058,684.84</u></u>	<u><u>7,305,060.00</u></u>	<u><u>(523,917.05)</u></u>	<u><u>17,839,977.79</u></u>

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE 2023-32**

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE 2023-08 FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF SOUTH LEBANON, STATE OF OHIO, FOR THE PERIOD OF JANUARY 1, 2023 THROUGH DECEMBER 31, 2023, AND DECLARING AN EMERGENCY

WHEREAS, the Council adopted Ordinance 2023-08 on March 16, 2023, making appropriations for current expenses and other expenditures for the period of January 1, 2023 through December 31, 2023; and

WHEREAS, the annual appropriations shall be amended in the General Fund to increase appropriations for additional street lighting costs; and

WHEREAS, the annual appropriations shall be amended to increase appropriations in the General Fund for additional payroll expenses due to the addition of Temporary Laborer positions, as created by Council Ordinance 2023-20, and the Senior Maintenance Worker position, as created by Council Ordinance 2023-24; and

WHEREAS, the annual appropriations shall be amended in the Sanitation Fund to properly classify expenses for employee benefits as personal services; and

WHEREAS, the annual appropriations shall be amended to increase appropriations in the River's Crossing TIF Fund for additional expenses associated with service payments required to be paid to Kings Local School District; and

WHEREAS, the annual appropriations shall be amended to decrease appropriations in the Riverside Crossing TIF Fund as to not exceed the actual amount of service payments received; and

WHEREAS, the annual appropriations shall be amended to decrease appropriations for the Mason-Morrow-Millgrove Capital Improvement Fund due to the project and funding from the Ohio Public Works Commission being delayed until 2024; and

WHEREAS, the annual appropriations shall be amended to increase appropriations for the Corwin-Nixon Capital Improvement Fund allowing the final project costs paid on the City's behalf through a grant from Ohio Department of Transportation to be recorded; and

WHEREAS, the annual appropriations shall be amended to decrease appropriations for the Forest Avenue Capital Improvement Fund due to the project and funding from the Ohio Public Works Commission being delayed until 2024; and

WHEREAS, immediate action is required to make appropriations for current expenses and other expenditures of the City of South Lebanon, State of Ohio, for the period of January 1, 2023 through December 31, 2023, and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT ORDAINED By the Council of the City of South Lebanon, Ohio at least two-thirds of the current members elected thereto, concurring that, to provide for the current expenses and other expenditures of the said City of South Lebanon during the period of January 1, 2023 through December 31, 2023.

Section 1. The following sums are hereby set aside and appropriated as follows:

General Fund -1000

130 Street Lighting

Operating Expenses	From:	\$59,000	To:	\$68,000
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531 Administration-Public Utilities

Personal Services	From:	\$125,000	To:	\$163,000
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710 Administration

Personal Services	From:	\$401,500	To:	\$366,500
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Sanitation Fund -5601

561 Refuse Collection

Personal Services	From:	\$12,000	To:	\$17,000
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Operating Expenses	From:	\$485,000	To:	\$480,000
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River's Crossing TIF Fund - 2907

Development Incentives

Operating Expenses	From:	\$451,240	To:	\$536,240
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Riverside TIF Fund - 2909

Development Incentives

Operating Expenses	From:	\$344,525	To:	\$329,330
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Debt Service	From:	\$7,917,594	To:	\$7,909,420
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Mason Morrow Millgrove Improvements - 4904

800 Capital Outlay	From:	\$222,314	To:	\$0.00
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Corwin-Nixon Improvements - 4905

800 Capital Outlay	From:	\$0.00	To:	\$70,107.95
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Forest Avenue Improvements - 4906

800 Capital Outlay	From:	\$445,342	To:	\$0.00
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Ordinance 2023-32 Amended Appropriations

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

Section 3. That this Ordinance 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 Ordinance 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 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 _____, 2023.

Attest: _____
Petrina D. Williams, Director of Finance/Clerk James D. Smith, Mayor

Rules Suspended:	(if applicable)	Effective Date – / /2023
Vote - ____ Yeas ____ Nays		
First Reading – / /2023	Effective Date – / /2023	
Second Reading – / /2023		
Vote - ____ Yeas ____ Nays		

Prepared by and approved as to form:

ANDREW P. 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

November 2, 2023

Matt Nolan
Warren County Auditor
406 Justice Drive
Lebanon, OH 45036

Dear Mr. Nolan,

I am requesting an amended certificate be issued for the City of South Lebanon's Revenue Budget year beginning **January 1, 2023**.

The changes in the following funds are necessary.

TIF Fund/River's Crossing - increase of \$85,000

Increase in Revenue from Other Sources from \$1,160,000 to \$1,245,000.

The increase is due to actual revenue received from payments in lieu of taxes being more than anticipated.

TIF Fund / Riverside – decrease of (\$23,725)

Decrease in Revenue from Other Sources from \$8,024,725 to \$8,001,000.

The decrease is due to actual revenue received from payments in lieu of taxes being less than anticipated.

Mason-Morrow-Millgrove Improvement Fund – decrease (\$244,314)

Decrease in Revenue from Other Sources from \$222,314 to \$0.

The decrease is due a delay in starting the project and not receiving grant funding from the Ohio Public Works Commission.

Corwin-Nixon Rt 48 Improvement Fund – increase \$70,107.95

Increase in Revenue from Other Sources from \$0 to \$70,107.95.

The increase is due to the project costs and on-behalf payments from the Ohio Department of Transportation received.

Forest Avenue Improvement Fund – decrease (\$445,342)

Decrease in Revenue from Other Sources from \$445,342 to \$0.

The decrease is due to a delay in starting the project and not receiving grant funding from the Ohio Public Works Commission.

Thank you for your assistance.

Sincerely,

Tina Williams, CPA
Director of Finance
City of South Lebanon

CITY OF SOUTH LEBANON, WARREN COUNTY
AMENDED CERTIFICATE OF ESTIMATED RESOURCES
FISCAL YEAR BEGINNING JANUARY 1, 2023

FUND	Unencumbered Fund Balance 1/1/2023	Property Tax	Other Sources	Total
GENERAL	4,064,088.38	200,000.00	2,514,000.03	
(Local Government)			30,147.93	6,808,236.34
SPECIAL REVENUE				
Street Construction Maint.	976,872.05		448,865.00	1,425,737.05
Shepherd's Crossing Improvements	4,059.79		0.00	4,059.79
Permissive Tax	165,722.16		40,000.00	205,722.16
Homestead Improvements	26,421.68		0.00	26,421.68
Park	34,930.63		15,000.00	49,930.63
DUI	1,625.00		0.00	1,625.00
Mayor's Court Special Projects	1,240.93		2,000.00	3,240.93
TIF Fund - Rivers Crossing	1,004.04		1,245,000.00	1,246,004.04
Indigent Alcohol Monitoring	1,752.65		0.00	1,752.65
American Rescue Act	103,727.65		0.00	103,727.65
TIF Fund - Riverside	238,164.55		8,001,000.00	8,239,164.55
OneOhio Opioid Settlement	506.82		500.00	1,006.82
ENTERPRISE				
Water	2,684,162.94		925,000.00	3,609,162.94
Sewer	5,037,163.32		1,340,000.00	6,377,163.32
Sanitation	286,037.29		495,000.00	781,037.29
Deposit Trust	128,633.20		19,000.00	147,633.20
Utility Maintenance Reserve	125,314.71		3,000.00	128,314.71
CAPITAL PROJECTS				
Municipal Building Renovations	10,080.19		0.00	10,080.19
Mason Morrow Millgrove Imp	0.00		0.00	0.00
Corwin-Nixon Rt 48 Improvements	0.00		70,107.95	70,107.95
Forest Avenue Improvements	0.00		0.00	0.00
DEBT SERVICE				
Municipal Building BANs	0.00		7,812.50	7,812.50
CUSTODIAL FUND				
Unclaimed Funds	1,885.18		1,000.00	2,885.18
TOTALS	13,893,393.16	200,000.00	15,157,433.41	29,250,826.57

OLD BUSINESS



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

From: Jerry Haddix, City Administrator

Date: October 16, 2023

Subject: 2024 Warren Co. Soil & Water Conservation District Agreement

Attached is a resolution and agreement with the Warren County Soil & Water Conservation District (SWCD) for assistance with compliance of stormwater management regulations for calendar year 2024. Attached is the worksheet used to calculate the annual fee for 2024.

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

2024 Phase II MS4 Program Costs

For Co-Permittees to Warren County MS4

City of South Lebanon

MCM	Description	%	@ \$12 per developed lot	Program Cost
				(Lots)
				2030
MCM 1	Public Education & Outreach	25	\$3.00	\$6,090.00
MCM 2	Public Involvement & Participation	5	\$0.60	\$1,218.00
MCM 3	Illicit Discharge Detection and Elimination	20	\$2.40	\$4,872.00
MCM 4	Construction Site Storm Water Runoff Control	30	\$3.60	\$7,308.00
MCM 5	Post Construction	15	\$1.80	\$3,654.00
MCM 6	Good Housekeeping & Pollution Prevention	5	\$0.60	\$1,218.00
	Total	100	\$12.00	\$24,360.00

* Village of South Lebanon paid \$20,336.40 for Phase II MS4 services in 2020.

* Village of South Lebanon paid \$21,096.00 for Phase II MS4 services in 2021.

* Village of South Lebanon paid \$22,368.00 for Phase II MS4 services in 2022.

* Village of South Lebanon paid \$23,352.00 for Phase II MS4 services in 2023.

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2023-42**

**A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND
DIRECTOR OF FINANCE TO EXECUTE AN AGREEMENT WITH THE WARREN
COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR CALENDAR
YEAR 2024**

WHEREAS, the Warren County Soil & Water Conservation District (WCSWCD) assists the Warren County Engineer's Office in the administration of the Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) small Municipal separate storm sewer system (MS4) permit for unincorporated areas of the County; and,

WHEREAS, the City of South Lebanon has elected to join the Warren County Board of Commissioners as a co-permittee for the MS4 permit; and,

WHEREAS, the WCSWCD has assisted the City in fulfilling their responsibilities as a MS4 co-permittee with Warren County and would like to continue the agreement with the responsibilities of each party listed in the attached agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Lebanon, at least a majority of all members elected thereto concurring:

Section 1. Approve and authorize the Mayor and Director of Finance to execute an Agreement for calendar year 2024, a copy of which is attached hereto, with the Warren County Soil and Water Conservation District.

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

Section 3. 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.

Resolution No. 2023-42

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Adopted this ____ day of _____, 2023.

Attest: _____
Petrina D. Williams, Director of Finance/Clerk James D. Smith, Mayor

Rules Suspended:	(if applicable)	Effective Date –
Vote - ____ Yeas ____ Nays		
First Reading – / /2023		Effective Date – / /2023
Second Reading – / /2023		
Vote - ____ Yeas ____ Nays		

Prepared by and approved as to form:

ANDREW P. MEIER
LAW DIRECTOR
CITY OF SOUTH LEBANON, OHIO

By: _____

Date: _____

**AGREEMENT BETWEEN
THE CITY OF SOUTH LEBANON
AND
WARREN COUNTY SOIL & WATER CONSERVATION DISTRICT**

This working agreement becomes effective on January 1, 2024. The agreement expires on December 31, 2024. The agreement is subject to the limitations of authorities, resources and policies of the Warren County Soil and Water Conservation District (WCSWCD) and the City of South Lebanon.

The City of South Lebanon has elected to join Warren County Commissioners as a co-permittee on the EPA National Pollutant Discharge Elimination System (NPDES) Small MS4 (municipal separate storm sewer system) Permit (permit). The purpose of this agreement is to detail services that WCSWCD will provide to assist the City of South Lebanon in meeting the terms of the permit as a co-permittee. WCSWCD works with Warren County Engineer's Office to provide services as required by the permit to the unincorporated areas of Warren County as well as all co-permittee jurisdictions.

The MS4 is responsible for the permit requirements and contracting with the WCSWCD does not guarantee full compliance with the Ohio Environmental Protection Agency permits.

WCSWCD will provide the following services for the City of South Lebanon:

1. Write and update the Stormwater Management Plan (SWMP) for Warren County and its' co-permittees (Clearcreek, Franklin, Hamilton, Turtlecreek, and Union Townships and the Villages of Maineville, Morrow, and City of South Lebanon) as required by the permit. The Stormwater Management Plan (SWMP) will be submitted in accordance with 40 CFR Part 122.32 and Ohio Law. The SWMP document outlines the steps Warren County and its' co-permittees need to take to develop, implement and enforce a stormwater management program designed to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate requirements of the Clean Water Act in accordance with the Ohio EPA Phase II program. The SWMP addresses the six minimum control measures (MCMs) as required by state regulations.
2. The permit contains six minimum control measures (MCMs) that must be met for permit compliance. The six MCMs and WCSWSD's related services are as follows:
 - MCM 1 – Public Education & Outreach: WCSWCD will provide leadership for MCM 1 by providing educational programming opportunities for K-12 students of Warren County through non-traditional educational programming, multi-media outreach and school programming.
 - MCM 2 – Public Involvement & Participation: WCSWCD will provide leadership for MCM 2 by providing educational programming opportunities to Warren County

residents through volunteer and participation opportunities at workshops, festivals, and special events/meetings.

- MCM 3 – Illicit Discharge Detection and Elimination: oversee the Illicit Discharge Detection and Elimination (IDDE) program in accordance with permit requirements. The WCSWCD will provide leadership for MCM 3 by,
 - a. Leading the IDDE Advisory committee which includes the City of South Lebanon as a collaborator,
 - b. conducting dry-weather screening of 20 percent of total outfalls so that all outfalls are screened within the 5-year permit term,
 - c. reviewing IDDE points of interest that have been identified by the City of South Lebanon,
 - d. testing of potential illicit discharge water samples will be provided by WCSWCD, WCSWCD will provide pre-communication before any testing is conducted,
 - e. responding to and investigating illicit discharge complaints or reports,
 - f. maintaining the system map by adding new infrastructure and track yearly reported outfalls, and
 - g. collaborating with City of South Lebanon, Warren County prosecutor and Warren County Engineer for program enforcement.
- MCM 4 – Construction Site Storm Water Runoff Control: oversee the Construction Site Storm Water Runoff Control program in accordance with the County, State and Federal applicable erosion and sediment control regulations. WCSWCD will provide leadership for MCM 4 by,
 - a. Collaborating with the City of South Lebanon in reviewing and approving of all active construction by utilizing construction drawings, operation and maintenance documents and SWP3 documents (these documents should be shared for review and approval before pre-construction meetings and earth disturbance is permitted) for all projects greater than one acre in size,
 - b. requiring an earth disturbing application for each construction site before earth disturbance can commence,
 - c. inspecting all active sites in accordance with the OEPA inspection frequency policy,
 - d. issuing Notices of Violation to construction site contractors and developers/owners on behalf of the City of South Lebanon as it's designated agent and copying through email all inspectors and engineers,
 - e. responding to all construction stormwater complaints and tracking the number of complaints, and
 - f. assisting the City of South Lebanon with enforcement actions for non-compliance.
- MCM 5 – Post-Construction: oversee yearly inspections of the stormwater control basins for the post-construction storm water management program in accordance with permit requirements. WCSWCD will provide leadership for MCM 5 by,
 - a. Inspecting 20 percent of all County stormwater control basins so that all basins are inspected once per 5-year permit term,

- b. updating the County basin map, in conjunction with the County GIS department, with results of basin inspections,
 - c. notifying property/basin owners that an inspection has been performed and providing electronic versions of inspection data on the WCSWCD website for basin owners to view and download, and
 - d. providing basin owners with technical assistance for maintenance and repair of stormwater control basins.
- MCM 6 – Good Housekeeping & Pollution Prevention: oversee the pollution prevention and good housekeeping practices for municipal operation program to meet the permit’s requirements. WCSWCD will provide leadership for MCM 6 by,
 - a. Providing 1 yearly training for municipal workers,
 - b. providing yearly inspections for municipality owned facilities as outlined in the Stormwater Pollution Prevention Plans (SWPPPs), and
 - c. providing SWPPPs as deemed necessary for municipal facilities.
 - d. Write and update the MS4 annual report for Warren County and its’ co-permittees as required by the permit.
- 3. Write and update the MS4 annual report for Warren County and its’ co-permittees as required by the permit.

The City of South Lebanon will:

1. Compensate the WCSWCD \$24,360.00 for the services provided as outlined in Exhibit “A”.
2. Submit a Notice of Intent (NOI) with the Ohio Environmental Protection Agency requesting coverage under the NPDES Small MS4 Stormwater Permit and request co-permittee status with Warren County Commissioner NPDES Small MS4 Stormwater Permit.
3. Enforce the City of South Lebanon’s stormwater regulations, erosion and sediment control regulations and the illicit discharge regulations.
4. Conduct regular and quarterly inspections of the municipal facilities that have Storm Water Pollution Prevention Plans.
5. Provide statistics (waste oil generated, yard waste collected, street sweeping material collected, total salt applied, pesticide and herbicide applied, and fertilizer applied, etc.) by January 17, 2024, for the annual report.

Termination:

This agreement may be terminated at any time by mutual consent of the parties involved or may be terminated by either party by giving 90 days notice in writing to the other.

WCSWCD:

IN EXECUTION WHEREOF, _____, the _____ of the Warren County Soil & Water Conservation District, has caused this Agreement to be executed on the date stated below.

Witness:

SIGNATURE: _____
PRINTED NAME: _____
DATE: _____

SIGNATURE: _____
PRINTED NAME: _____
TITLE: _____
DATE: _____

CITY:

IN EXECUTION WHEREOF, the Council of the City of South Lebanon, Ohio, has caused this Agreement to be executed on the date stated below by its Mayor and its Director of Finance Officer, pursuant to Resolution No. 2023-_____, dated _____.

SIGNATURE: _____
PRINTED NAME: James D. Smith
TITLE: Mayor
DATE: _____

SIGNATURE: _____
PRINTED NAME: Tina Williams
TITLE: Director of Finance
DATE: _____

APPROVED AS TO FORM:

ANDREW P. MEIER
LAW DIRECTOR
CITY OF SOUTH LEBANON, OHIO

By: _____
Andrew P. Meier
Date: _____

<div>2024 Phase II MS4 Program Costs</div> <div>For Co-Permittees to Warren County MS4</div>					
City of South Lebanon					
MCM	Description	%	@ \$12 per developed lot	Program Cost	
				(Lots)	
				2030	
MCM 1	Public Education & Outreach	25	\$3.00		\$6,090.00
MCM 2	Public Involvement & Participation	5	\$0.60		\$1,218.00
MCM 3	Illicit Discharge Detection and Elimination	20	\$2.40		\$4,872.00
MCM 4	Construction Site Storm Water Runoff Control	30	\$3.60		\$7,308.00
MCM 5	Post Construction	15	\$1.80		\$3,654.00
MCM 6	Good Housekeeping & Pollution Prevention	5	\$0.60		\$1,218.00
	Total	100	\$12.00		\$24,360.00

* Village of South Lebanon paid \$20,336.40 for Phase II MS4 services in 2020.
* Village of South Lebanon paid \$21,096.00 for Phase II MS4 services in 2021.
* Village of South Lebanon paid \$22,368.00 for Phase II MS4 services in 2022.
* Village of South Lebanon paid \$23,352.00 for Phase II MS4 services in 2023.



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, Director of Finance
From: Jerry Haddix, City Administrator
Date: October 31, 2023
Subject: Res# 2023-43 - Hoff Sidewalk Agreement

Per the attached email, Dennis Hoff, the owner of 150 N. Main St. has decided to replace the section of sidewalk himself. Therefore, Resolution No. 2023-43 can be pulled from the agenda as there is no agreement to approve.

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

Jerry Haddix

From: Dennis Hoff <hoffycom@yahoo.com>
Sent: Tuesday, October 31, 2023 9:18 AM
To: Jerry Haddix
Subject: Sidewalks

Hey Jerry, Just writing you to let know know I will be replacing two of the sidewalk squares in front of the building next to Chubby's at 150 North Main Street. I know that city council couldn't get it approved so I'm going to pay for it myself. Thanks for trying to get that done.

Dennis Hoff