

**CITY OF SOUTH LEBANON
REGULAR MEETING MINUTES
January 19, 2023
6:00 P.M.**

1. Mayor Smith opened the meeting at 6:00 p.m. with the Pledge.

2. ATTENDANCE

Linda Allen – Present
Linda Burke – Present
Brenda Combs – Present

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

3. GUESTS

Richard Bertagna, Lebanon Area Chamber of Commerce – inquired as to the status of his request at the last Council meeting on January 5, 2023 for a designated space for meeting with residents of South Lebanon on behalf of the Lebanon Area Chamber of Commerce.

Mayor Smith stated that they are still looking into a location, possibly the building across the street. He further remarked that he stills needs to discuss this with the staff.

4. Mayor Smith opened the floor to the public.

Mayor Smith asked the public who was there for the rezoning issue. He explained the rezoning process and stated that this evening Council would only be setting the Public Hearing, based on the recommendation from the Planning Commission, for February 23, 2023 at the Municipal Building; public interaction would take place at that meeting.

Rick Flamm, 5130 Vista Point Drive, Maineville – stated that the hearing is February 23, 2023 however the application states that you have to make a decision within 60 days.

Haddix remarked that after the Planning Commission makes a recommendation to the city Council the city Council has 40 days from the date they receive the recommendation. So, 40 days from today will be late February and there is a 30-day window to advertise in the newspaper. The hearing has to be held after 30 days of public notice; the notices will be in the Local News – Lebanon and Mason newspaper, the Public Notices of Ohio, and on our website. Adjoining property owners will also be notified.

Burke stated that she would like to know what guarantees we have that this ordinance for the first reading approving this zoning map amendment is not going to turn into one reading with the other two readings waived and become effective in thirty days or even with the three readings the ordinance becomes effective before any public comments can be made.

Haddix responded stating that the Council cannot adopt this ordinance until the public hearing has been completed.

Madison stated that there is a process to be taken and then questioned whether this was councilmember Burke's first or second year as a member of council.

Burke responded by asking councilmember Madison to keep his comments to himself.

Madison continued by stating that there is a whole process to follow and that council is going to follow this process the way it is laid out and will make a decision based on what favors our community; further stating that the public will have ample chances to voice their opinions.

Burke remarked that she has been on this council for five years and asked councilmember Madison to be respectful.

Haddix reiterated that 60 days after receipt of the application the Planning Commission must make a decision. They made their recommendation last week for the approval of the zoning application. The Council receives the recommendation from the Planning Commission and sets the Public Hearing. The Public Hearing must be advertised for 30 days and be held within 40 days of receiving the recommendation from the Planning Commission. After the Public Hearing the Council has 30 days to either adopt or deny the recommendation of the Planning Commission.

Flamm asked about incomplete applications, further remarking that the application was missing all property owners that live within 300' of the property. Haddix stated that he would forward that to our legal counsel.

Allen asked about the three readings, the first on January 5, 2023, the second on February 2, 2023 and then the third being on February 16, 2023 however the Public Hearing is not until February 23, 2023.

Haddix answered that it could not be adopted until after the Public Hearing. Meier agreed with this interpretation.

Charles Williams, 250 Vista Ridge Drive, South Lebanon – asked how often the Council has said no to the Planning Commission recommendations.

Allen answered stating that the Council has said no in the past to Planning Commission recommendations for leniencies, exceptions, or changes to the zoning regulations.

Glen Hofmann, 978 West Wind Cove, Maineville – stated that it was an accident that they had found out that this meeting was happening tonight. The head of their HOA was completely caught off guard when it was mentioned to her. They would like openness and transparency. Further asking if we need another hotel here.

Mayor Smith began explaining that the Planning Commission would present the case to Council, hear both sides of the argument and make a determination.

Burke remarked that there is Public Record and she had it on her phone from the Planning Commission. She stated that the Council agenda gave no specifications to any of this and she does not consider that transparent. She read the application and found that the real estate agent had plans to sell this as a B2 for a possible hotel chain. She further stated that these developers come in and leave the city with a mess. She is thinking about infrastructure and quality of life and it is sad that a Council Member has to dig to get this information.

Mayor Smith stated that if you engage in something without going through a process it will be no good. This is giving you the opportunity to voice your concerns and ultimately the Council will make the decision. You have to allow the process to take place.

Haddix commented that this is not a Public Hearing, the Public Hearing will be published in the newspaper this Sunday.

It was asked if they would get any information as to what the Council will be using in their decision process.

Meier stated that he is Council for the City and there is a process, this meeting is a step in that process. The first step is for the application to be filed which then goes to the Planning Commission. Once the Planning Commission makes a recommendation it is in front of Council however it does not get decided on until the time of the Public Hearing. The Public Hearing is the process to which all of you have come here to engage in. That process is the opportunity for two sides to present their case. The developer will state what they have done and plan to do, the Council and Public may ask questions to them that they must answer. A discussion will be had by all on what is going to happen, what should happen, and what shouldn't happen. After that process a decision is made by Council. Tonight, is not that time to have this discussion.

Ed Smith, 756 Winding River Blvd., Maineville – questioned when the developer does come in, that is his opportunity to say these are our plans and will it be approved, but the likelihood of the developer being involved at that time is zero so this is just about changing the zoning designation and putting anything in there that you want. It is misleading to think that the developer will be here and tell us exactly what their plans are and everything that is involved in that. If this change is approved, then I would assume at some point in time someone would have to come forward with their plans.

Mayor Smith stated that this change is for zoning only.

Don Biedermann, 5444 Grand Legacy Drive, Maineville – gave a brief background of his years of experience including time with planning and zoning. Further stating that he is very familiar with the planning and zoning processes and the location of this parcel that is being considered for rezoning. A brief history of the property location was given along with his suggestion that the owner seek R-1 development and not waste a lot of time and money on trying to rezone it to B-2.

Mayor Smith closed the floor to the public.

NEW BUSINESS

5. RESOLUTION 2023-03, A RESOLUTION AUTHORIZING A CONTRACT WITH THE WARREN COUNTY ENGINEER'S OFFICE FOR THE PURCHASE OF ROAD SALT FOR THE 2023-2024 WINTER SEASON, AND DECLARING AN EMERGENCY

A motion to waive the three-reading rule was made by Madison, seconded by Combs, all yeas. By title only, Resolution 2023-03, a motion to adopt was made by Madison, seconded by Allen, all yeas.

6. RESOLUTION 2023-04, A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND FISCAL OFFICER TO APPLY FOR AN OHIO ENVIRONMENTAL AGENCY EQUIPMENT GRANT APPLICATION AND FURTHER AUTHORIZING THE CITY ADMINISTRATOR TO PROCESS THE APPLICATION WITHOUT DELAY TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY, AND DECLARING AN EMERGENCY

A motion to waive the three-reading rule was made by Burke, seconded by Allen, all yeas. By title only, Resolution 2023-04, a motion to adopt was made by Madison, seconded by Combs, all yeas.

7. RESOLUTION 2023-05, A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE ENERGY ALLIANCES, INC. RELATIVE ELECTRIC AND NATURAL GAS AGGREGATION WITHIN THE CITY OF SOUTH LEBANON, AND DECLARING AN EMERGENCY

A motion to waive the three-reading rule was made by Combs, seconded by Madison, all yeas. By title only, Resolution 2023-05, a motion to adopt was made by Madison, seconded by Combs, all yeas.

8. RESOLUTION 2023-06, A RESOLUTION SETTING A PUBLIC HEARING ON THURSDAY, FEBRUARY 23, 2023, AT 6:00 P.M. AT THE SOUTH LEBANON MUNICIPAL BUILDING TO CONSIDER THE RECOMMENDATION OF THE PLANNING COMMISSION IN ACCORDANCE WITH ZONING REGULATIONS SECTION 15.7.7 FOR A ZONING MAP AMENDMENT FOR A CERTAIN PROPERTY LOCATED ON STATE ROUTE 48 (PARCEL# 12-01-451-002) CONSISTING OF 10.655 ACRES FROM R-1 [SINGLE FAMILY RESIDENTIAL DISTRICT] TO B-2 [GENERAL BUSINESS DISTRICT], AND DECLARING AN EMERGENCY

A motion to waive the three-reading rule was made by Madison, seconded by Combs, all yeas. By title only, Resolution 2023-06, a motion to adopt was made by Madison, seconded by Combs, all yeas.

9. ORDINANCE 2023-02, FIRST READING, AN ORDINANCE APPROVING A ZONING MAP AMENDMENT TO A CERTAIN PROPERTY IN THE CITY OF SOUTH LEBANON, CONSISTING OF 10.655 ACRES FROM R-1 [SINGLE FAMILY RESIDENTIAL DISTRICT] TO B-2 [GENERAL BUSINESS DISTRICT]

10. APPOINTMENT OF VICE MAYOR

Burke nominated Allen for Vice Mayor while Madison nominated Combs for Vice Mayor. Affirmative votes for Allen: Burke, Allen, Harrison, and Spicer. Affirmative votes for Combs: Madison and Combs.

Allen was appointed Vice Mayor.

11. OKI REGIONAL COUNCIL BOARD APPOINTMENT

Discussion ensued regarding the appointment with Haddix stating that it must be an elected official that is appointed with the meetings being held quarterly.

Burke made a motion to appoint Mayor Smith to the OKI Regional Council Board, seconded by Combs, all yeas.

- 12. A motion to accept the 4th quarter 2022 GovDeals Report of City Assets sold at auction was made by Burke, seconded by Harrison, all yeas.**

13. AUTHORIZATION OF INVOICES

A motion to authorize the invoices for payment (\$166,830.97) was made by Madison, seconded by Burke, all yeas.

14. AUTHORIZATION OF SOLICITOR'S INVOICE

A motion to authorize the invoice for payment was made by Burke, seconded by Madison, all yeas.

15. APPROVAL OF MEETING MINUTES

Special Meeting – October 25, 2022

A motion to adopt the minutes was made by Madison, seconded by Burke, all yeas.

Regular Meeting – January 5, 2023

A motion to adopt the minutes was made by Burke, seconded by Combs, all yeas.

OLD BUSINESS

16. RESOLUTION 2022-56, THIRD READING, A RESOLUTION ENDORSING WARREN COUNTY COMMUNITY SERVICES, INC. (WCCS) TO RECEIVE FEDERAL DESIGNATION AS WARREN COUNTY'S COMMUNITY ACTION AGENCY

By title only, Resolution 2022-56, a motion to adopt was made by Madison, seconded by Allen, all yeas (Burke recused herself).

17. ORDINANCE 2022-35, THIRD READING, AN ORDINANCE ESTABLISHING A TWO-HOUR PARKING REGULATION AND AUTHORIZING TWO-HOUR PARKING SIGNAGE ON CERTAIN PORTIONS OF HIGH AND BROADWAY STREETS

By title only, Ordinance 2022-35, a motion to adopt was made by Burke, seconded by Allen, all yeas.

18. RESOLUTION 2023-02, SECOND READING, A RESOLUTION EXPRESSING THE COUNCIL'S INTENT TO SELL UNNEEDED, OBSOLETE OR UNFIT PERSONAL PROPERTY BY INTERNET AUCTION AND REQUIRING PUBLICATION OF THE SAME; AND AUTHORIZING THE MAYOR AND FISCAL OFFICER TO EXECUTE ON BEHALF OF THE CITY A CONTRACT WITH GOVDEALS, INC. FOR THE CALENDAR YEAR 2023

19. ORDINANCE 2023-01, SECOND READING, AN ORDINANCE CONFIRMING THE SPELLING OF FOREST AVENUE IN THE CITY OF SOUTH LEBANON

20. COMMUNICATIONS & REPORTS

Mayor Smith

- a. Gave a State of the City stating that we went through 2022 with a balanced budget. We carried over surpluses and did a lot of development, worked on infrastructure, increased our staff, increased our equipment, including now having plows for all our trucks. We have acquired additional land. He has met with GE Credit Union, Lowes and Soil and Water to hopefully partner with them on the development of the green space on State Route 48, including the addition of sidewalks in that area. There are a lot of projects coming up in 2023; parks, sidewalks, streets and possible guardrails as well as new businesses. We will also be getting a new truck.
- b. The developers at the corner of Mason Morrow Millgrove Road are still moving forward they have just run into a lot of unexpected concrete.

- c. Thanked all the Charter Commission members, stating that they did an excellent job creating the Charter.
- d. Shared that we have received back the current Council picture and he will be getting it framed. However, we still need to get another picture taken of the last Council which will include Bryan Corcoran. We actually have a few pictures we need to have taken at that time.

Fiscal Officer Tina Williams

- a. Shared that we are still in the process of closing out 2022. Financials should be available at the next Council Meeting on February 2, 2023 and at that time we will go over how far we have come and how we are looking going into 2023.
- b. Stated that she has been contacted by the Ohio Ethics Committee about 2022's Financial Disclosures that are now required because we are a city, for those of you who were elected in November 2021.

Allen and Burke stated that they had already filled theirs out.

Combs stated that she has not received anything regarding this yet.

Allen commented that they send emails and reminders.

Williams remarked that Madison, Harrison, and Mayor Smith do not have to do it this year, however Allen, Burke, Combs, and Spicer do.

Williams stated that the purpose is for the Ohio Ethic Commission to determine if members of Council have any conflicts of interest.

- c. Questioned Council about the Thank You cards for sending out that they had previously requested. For clarification would Council like the generic message card signed or not signed? She also thought of getting two different types of cards depending on what they are being sent for.

Madison stated he would like them sent out to donors recognizing their contribution to the city.

Discussion ensued amongst Council members. With the option of printable cards with possibly the Municipal Building on the front but personalized messages printed within, possibly having the logo inside the card as well and then having the Council members sign them.

Williams remarked that we will be working on it and getting pricing.

Administrator Jerry Haddix

- a. Gave a follow-up to the earlier conversations stating that we do have a Zoning Code and we follow it step by step. There is no deviation from the Zoning Code, we follow the time frames, and publication requirements. Any insinuation other than that is false.

Assistant Administrator Jeff Boylan

- a. There is a truck being delivered to the dealership that is the same as one that we had on order last year; they contacted us asking if we were interested. We had talked about going to a gas engine this year, that would be a little cheaper however once again there is no guarantee that it will come in. So, this year we will be getting a 2024 model F-750 with a diesel engine.

Solicitor Andrew Meier

- a. Gave an update on the transition from Village to City. He is working with the State Personnel Board of Review as we transition on establishing the City's Civil Service Commission. He has spoken with Mayor Smith on how this process will work, he is also working with Haddix on drafting some rules that the Civil Service Commission will have to adopt and abide by. If the Charter passes, then there is one provision in the Charter that will make the process slightly different but we need to have this in place regardless of what happens at the election in May just so we are complying with everything that the State Personnel Board wants us to do.

Sgt. Corey Adams

- a. Shared that he is still waiting on confirmation that the Ford Explorer on order will be built and available this year. Further stating that it sounds like the demand is still very high while supply is very low. The dealership is confident that the order will be filled however confirmation has not been received.

Bill Madison

- a. Thanked Haddix for the overview of the Zoning process for the applicant going from Planning to Council. We have processes in place that guarantee that the public does have the chance to talk and if you are aware of those processes, you would understand that.
- b. Stated that they should review something as there was a disconnect this evening. There was someone on Council who thought that the information that was shared or transpired at the last Planning meeting that concerns the subject matter of 48 was not provided to Council. So, what is the proper channel of dispersing that information of what happens at Planning and then is presented to Council, in this case as a Public Hearing? What are the channels of that information getting to

us? Is that information supposed to be given to Council or do we receive the information at the Council meeting?

Haddix stated that the Planning Commission recommendation is in your packets, that is how we initially begin as part of the Zoning Code. The recommendation has to get transferred to the Council and that's a synopsis of what happened at the meeting/recommendation of approval. Any additional information on the subject matter can be requested and when we get to the Public Hearing the applicant will be here to give their information/presentation and then there will be the opponents and proponents after that.

Madison restated that Council does receive a packet per Haddix and we did receive a packet. In addition to that, if we did have questions, we could call you and ask.

Burke stated that they did not receive a packet to which Haddix remarked that the recommendation is what initially is sent.

Madison again stated, if we have questions about that we can call you before the meeting and discuss any information that we think we may need to perform our duties on the night of Council to which Haddix agreed stating that this is what we do on every rezoning. Madison reiterated in an effort to make sure the public knows we follow a process, it's a process we've done many other times in the past and that we are being very transparent to the residents; the residents have every chance to come and discuss their concerns. There is full compliance and transparency; the information is not being hidden from Council, we can call the administration and discuss any questions we may have.

Brenda Combs

- a. Nothing to report.

Linda Burke

- a. Stated that she does have a lot to say but she is not going to say it now. However, she does think that this particular situation, the way that it is worded in the packet, is not clear and the process of Planning and Zoning is not clear. Haddix could not give the dates...to which Haddix stated that he was wanting to be sure to get it correct and he knows the dates. Burke remarked that the public has the right to talk to Council too. Burke stated that she had people approach her and ask what was going on and she as an elected official feels that it is her responsibility to be transparent and honest as well. When the information from Planning and Zoning, the specifics, are not given to Council regarding Emergency Resolution 2023-06 "certain properties" it is not clear. Then Ordinance 2023-02, where is this at, it is not transparent. That is why she went looking for the information and she believes as a Council Member that is her job. She further stated that she has the right to ask the questions in public so that it is transparent, and everyone knows

what is going on and not to call Haddix. Further stating that the lack of respect shown to her tonight, she was not questioning Zoning and Planning, she wanted to know what the process is because once an Ordinance is passed it is difficult to get it changed. She has been on Council for 5 years and not one Zoning decision has been overturned.

Discussion ensued amongst Council members regarding possible zoning overturns in previous years.

Burke stated that people can come and address the Council. She wants to hear what they have to say, and it is a shame that she had to be publicly reprimanded by another Council member. If he wants to speak to her, he can do it like a gentleman after the meeting.

Linda Allen

- a. Stated that she was confused like Burke. When she googled it and saw all of the documents, she drove up there and it is a very narrow entrance. There is a hotel posted on the picture where the site is and that probably did propose a huge problem. However, when we get to the end of this we will see where we are at.

Burke stated that there is nothing wrong with having open discussions in Council, they do not have to be nasty.

- b. Thanked Williams for being so vigilant with the City's funds and doing such a great job.

Maryan Harrison

- a. Thanked everyone.

Rolin Spicer

- a. Stated that tonight was the result of a failure of communication. He does not see anything nontransparent happening but dated apparently. He thinks that possibly a Facebook page would be good so if people come across something like this, they can have that discussion and they would know to come February 23, 2023 instead of tonight.

Mayor Smith stated that was a good point. He discussed how people who want to develop property come in and go to the Commission and say they want to do this but ultimately the Council makes a decision with no animosity. Everyone will get an opportunity on February 23, 2023. The case will be presented and if the Council does not like what they see then it stays R-1.

Mayor Smith again stated that Spicer has a good idea. Maybe when Haddix sends things out he could send a text out to the Council, but we cannot taint the process.

Madison asked Mayor Smith if he could restate that again to be sure that all other Council members know that and understand it.

Mayor Smith stated that the process is critical for transparency. If we act in a way that is contrary to what the process is and break the chain it gives opponents either for or against to have the ability to come back and say you were unfair to us and we never got due process. As long as the Public Hearing takes place there is no problem however debating a Public Hearing prior to the Public Hearing could be a problem.

Spicer stated that he did not know about this until he came in this evening. He feels that we need a mechanism where people can discuss this. Mayor Smith remarked that the only thing that could be done is to say this is what is going, this is what is requested, this is the date but there could be no real details until you have your hearing because we are the body setting the hearing to give both sides a fair shake. Spicer shared that we need to convey that to everyone that is coming in like tonight.

Harrison asked if it is posted on the City's website to which Haddix stated that once the Public Hearing is set it can be advertised on the website, front board, newspaper, and the notices sent.

Mayor Smith remarked that he is open to any suggestions to which Spicer stated he is in favor of a Facebook page.

Discussion ensued between Council members regarding a Facebook page.

Madison reiterated that the comment on the process was just to have it bubble up here about the information that Planning has and when it can be shared with the public and when it can be shared in its full content with the Council without tainting the process. The technicalities are there, and we have to follow them. The public comes in and the first thing they think is we are trying to hide something and why haven't we brought this to their attention, the meeting was to set the Public Hearing so that they can speak to it and so can we.

Allen remarked that about four times Madison has mentioned Council tainting the process, why would he think that? Madison remarked that he meant accidentally not intentionally. When a Council member sits here and says that no one shared any information with them and they had to dig for it and they don't think that is right and we need to be fully transparent then you are casting a light on this Council that I sit on and I have to defend that. When someone says that information is being hidden or you hear words of transparency and doubt and wanting to make sure that the public is guaranteed a voice, which they are in the process, then I have to come out and protect the Council and City and be sure that the public knows we are following the process, we are being fully transparent, and they will have ample opportunity to speak to us.

Mayor Smith stated that Haddix is the Zoning Administrator, so everything falls under him.

Madison stated that our City and staff do a great job and he wants to make sure that is fully reflected to the public.

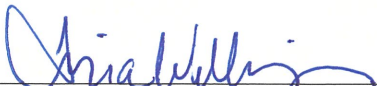
Allen remarked that the Council does a great job also.

Rich Bertagna, 370 Vista Ridge Drive, South Lebanon – stated that his suggestion to be totally transparent would be for Haddix to send a letter or email to each HOA Board that way you know it goes to everyone.

Haddix remarked that they would have to change the Zoning Code if they wanted to change the notification requirements.

Burke commented that this evening she was not accusing anyone of being nontransparent. The agenda was confusing and she would have liked to have seen which property they were talking about and that goes for anything that they do. When we come in here and see maps, we don't always know where the location is. It is just helpful and more information for us to understand. It was very vague this evening on what properties were even being discussed.

21. Mayor Smith asked for a motion to adjourn the meeting at 7:17 p.m. A motion was made by Allen, seconded by Madison, all yeas.


Petrina D. Williams, Fiscal Officer


James D. Smith, Mayor

For an audio copy of the Jan. 19, 2023 minutes of the City of South Lebanon Council regular meeting, please contact Fiscal Officer at twilliams@southlebanonohio.org.