

**CITY OF SOUTH LEBANON
REGULAR MEETING MINUTES
March 2, 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 – Absent
Rolin Spicer – Present

3. GUESTS

Bryan Corcoran introduced Amandine Binet from Liege, Belgium (host family: Mr. & Mrs. Stacey and Julia Cooke) and Alessia Zedda from Genoa, Italy (host families: Mr. & Mrs. Robbie and Beatriz Woodall and Mr. & Mrs. Bryan and Aubrey Corcoran), foreign exchange students at Kings High School. Mayor Smith read a proclamation to each recognizing them as Honorary Citizens of the City of South Lebanon. Photos were taken.

The City Clean-up Day is in conjunction with Earth Day, and is scheduled for Saturday, April 22, 2023. The event is scheduled for 3 hours, and Rumpke dumpsters will be available. The emphasis this year is to get business and community leaders involved.

4. Mayor Smith opened the floor to the public.

No public comments.

Mayor Smith closed the floor to the public.

NEW BUSINESS

5. RESOLUTION 2023-11, A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH SWEEPING CORP OF AMERICA TO PROVIDE STREET SWEEPING SERVICES IN 2023, 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 2023-11, a motion to adopt was made by Burke, seconded by Allen, all yeas.

RESOLUTION 2023-12, A RESOLUTION APPROVING AND AUTHORIZING MAYOR AND FISCAL OFFICER TO EXECUTE AMENDMENT #2 TO AGREEMENT WITH MCGILL SMITH PUNSHON INC. FOR THE MASON-MORROW-MILLGROVE ROAD WATERLINE EXTENSION PROJECT, AND DECLARING AN EMERGENCY

A motion to waive the three-reading rule was made by Combs, seconded by Allen, all yeas. By title only, Resolution 2023-12, a motion to adopt was made by Burke, seconded by Combs, all yeas.

6. ORDINANCE 2023-05, AN ORDINANCE VACATING A PORTION OF MULBERRY STREET, AND DECLARING AN EMERGENCY

Haddix shared the Mary Ellen Plat from 1902 stating that the Council had dealt with the east side of this last year. There is a 40' section of right-a-way that went between the lots on the north side of McKinley Street. Both sides of the street were the property owner's property. This is an emergency because residents are wanting to sell their house.

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

7. ORDINANCE 2023-06, FIRST READING, AN ORDINANCE VACATING A PORTION OF AN ALLEY FROM CAVOLTS' ADDITION TO DEERFIELD

8. AUTHORIZATION OF INVOICES

A motion to authorize the invoices for payment (\$214,314.86) was made by Combs, seconded by Burke, all yeas.

9. APPROVAL OF MEETING MINUTES
Regular Meeting – February 16, 2023

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

10. COMMUNICATIONS & REPORTS

Mayor Smith

- a. Overhead clean-up photos were shown explaining that it is part of our initiative to bring the bike trail back into compliance with long-term plans to develop it. Explaining that a ramp has been removed that has been there for decades which helps with the cleaning of Zoar Road; we will be able to use some of the materials obtained, like broken up concrete, for future projects. Boylan added that the cleaned up added additional parking spaces which could be used for the dump trucks. Once we get a new facility that will double the parking for the bike trail, and we will be able to add a restroom facility. Discussion and photos of the debris on the east side of Rogers Park ensued.
- b. Photos of Zoar Road repairs from last year were shared.
- c. Letters have already been drafted to send to the businesses regarding the City Clean-up.

- d. After the 10th of March the Lowes program for the donation of plants should begin.

Fiscal Officer Tina Williams

- a. Last week we received our 2023 renewal rates for our employee medical healthcare benefits with Anthem. The renewal rate came in with an 8.87% increase with no changes to our current plan. We are going to go out into the market and see if we can get a better group pricing. May 1 is our renewal date however we are getting started now and all employees were sent an email yesterday with a link to a questionnaire.
- b. Gave an update on the Star Ohio Investment Account, which Council approved on February 2, 2023 to allow the Fiscal Officer to invest interim deposits with the straight treasurers investment pool. On February 14, 2023 we invested \$4,000,000.00 from the general checking account over to the Star Ohio account, we received the February account statement and within those two weeks we earned just under \$8,000.00. Compare that to 2022 where we earned just over \$1,000.00 in our general checking account.
- c. Budget Binders should be delivered next week; this will be available online as well. The budget will be presented at the Council on March 16, 2023.

Administrator Jerry Haddix

- a. The pipe has been laid and a lot of the work has been completed on the Pauline Drive project. After looking at the project and the amount of money left in the ARPA account he suggest that we pave the section of road that has been disturbed. Photos were shown along Mary Lane, Claude Street, and a little section of Pauline Drive with an explanation given as to how the water flows. Mayor Smith added that the project did come in under budget.
- b. There are two sections of guardrail being replaced: Zoar Road, which does not have a repair date yet and Lebanon Road, which has been completed. Photos were shown.
- c. There is a BZA hearing March 15, 2023 at 6:00 p.m. regarding a swimming pool fence variance at 151 Bridgewater Drive.
- d. At the request of Mayor Smith, Haddix gave an explanation regarding the Comprehensive Plan for the City and what the Council has voted on to bring forward and what the Planning Commission follows. In 2014 the Council contracted with the Warren County Regional Planning Commission to undertake a Comprehensive Plan. As part of that plan they had the public input and from that they developed this plan. Part of the plan included a Future Land Use Plan for all the areas in the City as well as other areas that could possibly become part of the City. In 2015 Council was asked to approve that. In 2019 Council decided they

wanted an update to the plan. From that plan came a new updated plan overall. In 2021 the Council unanimously approved the updated plan. When we look at rezoning, at the staff and Commission level, the basis of any rezoning is the future land use. First it must be consistent with the future land use plan and then look at surrounding areas. In regards to this most recent case in 2015 the land use plan showed it as a community/commercial area which is a business area. After the 2015 plan we had a developer come in who was looking at a mixed-use development. The 2021 plan was updated to show it as a mixed-use like the Powder Factory having multi-family residential and commercial. So when the Planning Commission met it met all of the requirements. Mayor Smith stated the Council testified that they had reviewed Comprehensive Plan and the entire Council unanimously voted for it. Haddix stated that the zoning request was consistent with the Future Land Use Plan as well as consistent with the surrounding area as there were no houses directly adjoining. There may have been other issues to deal with after the fact however the rezoning is one step and that was the rationale behind the Planning Commission's decision. It was consistent with our plan and good planning practices. Mayor Smith stated that if Council did not want to change it to a business, they should have left it R-1, it should not have been voted to allow it to be mixed-use. The issue was very simple you either want business or you want R-1. This body voted 100% to make it mixed-use so when the Zoning Administrator says they are compliant then you have to make the decision which way you want to go. Everyone on Council besides Combs voted for the change to the Comprehensive Plan to mixed-use.

Assistant Administrator Jeff Boylan

- a. Gave an update on the dump truck situation stating we should be good as long as it comes in. Mayor Smith asked for a rendering of what it will look like to which Boylan stated he will have one for the next meeting.

Solicitor Andrew Meier

- a. An update was given on the Charter process. There was a Charter Commission meeting last night with the primary purpose being to discuss potential educational materials for distribution to community members. There are two parts to this process: 1 is a required part and 1 is an optional part. The required part involves distributing to all the registered voters in the city a booklet that is the actual Charter. The first page of the Charter would be on the front and the back page would be the mailing label to the registered voter. This must go out more than 30 days before the May 2, 2023 election. He has spoken with Haddix regarding getting with a printer and getting it out shortly before the 30-day deadline. The optional part, which was more of the topic of discussion last night, is what the educational material would look like. The thought process amongst the Commission members is to prepare a 1-2 page flyer that would be posted on the city's website with links included on the Facebook page and Twitter account. The flyer would contain very basic information about what a charter is and what is in the proposed Charter versus what a Statutory form of government would look like

a. Absent

Bill Madison

a. Gave follow-up on some comments from the public that had been made regarding the Sheriff's Office at the February 16, 2023 Council meeting. A brief history was given from when the Sheriff's Office first contracted with the Village of South Lebanon in 1998 and the population and retail growth since then versus having the same number of deputies assigned here as in 1998. Call information was given regarding the comment of no police presence on Zoar Road. Mayor Smith stated that the Police do a marvelous job and as the city grows the goal is to expand the department. He went on to explain the partnership the City has with the Sheriff's Office and the types of complaints that the City receives.

Sgt. Corey Adams

b. Shared that three members have been appointed to the Civil Service Commission: William Koher, William Melzer, and Kt Meshesha. The first meeting of the Commission will be held on March 9, 2023. We are working on putting together rules and regulations that the Commission members will review at their initial meeting and work on passing. If the Charter passes, then what likely will happen is that those three individuals will have to come before Council and be approved by Council because that is a change that the Charter makes from the Statutory process. We currently are operating under a Statutory process where the Mayor appoints the three individuals. If the Charter passes the Mayor would reappoint them and then the Council would have to approve them.

in the event that the Charter does not pass; an example was given using the wards system. The informational material would highlight for the community what this is all about, what are the pros, and what are the differences. The City cannot advocate through the website, Facebook, Twitter or any social media platforms one way or the other, we can only provide educational materials. He is working on putting together the 1-2 page pamphlet and getting it to the Commission Members by next week. On March 15, 2023 the Commission is going to approve what is put together or give comments on what needs to be changed. He will then work with Haddix to get all of the information onto Social Media. The second component that the Commission discussed, which is optional and would be at an additional cost to the City, would be to have a small postcard with a QR code on the back and the website link to the Charter and educational materials; this would be distributed to registered voters. The thought is that this QR code may be more user friendly for the voters. Haddix has been asked to get an estimate on the optional postcard which Council would have to approve as it is an additional cost. The Commission is recommending the postcard option but it is the Council's decision which he would like to have made at the next Council meeting.

Brenda Combs

- a. Addressed the email that Council had received on February 28, 2023 from Linda Allen responding to an email from Scott Snider. This broke the Sunshine Law, and this is not the first time as it has happened once before. This is giving the appearance that the Council is having meetings without the public being present and this is not allowed. She shared her strong feelings against this further stating that it cannot happen again as it is against the law. Election items were also in the email which then breaks ethics rules. Combs stated that Allen cannot speak for her. She further asked for Allen to not involve her in her illegal activities from now on.

Linda Burke

- a. Commented that it has been a difficult month and she hopes that at some point they can all work together and support each other. Continuing with the thought that they all felt blindsided by Planning and Zoning's decision. It was public information and no laws were broken as far as that goes. When people come and ask a question she feels that she should be able to answer them honestly and completely. It is not good to respond to all on any correspondence on the City email. There are Sunshine Laws and that gives a bad perception. She felt that there were some issues with this, she does not understand how it came out of Planning and Zoning, and it has never been explained. That was a serious issue that would have changed the way of life for all of us in this community.
- b. A request was sent to Mayor Smith, Jerry Haddix, and Andrew Meier for an Executive Session for personnel, she has received no answer. As the Chair of the Personnel Committee she would like to request a personnel meeting or go into Executive Session right now. She would like for there to be responses from these individuals when a Council Member reaches out to them with a problem as they are not being addressed. She should not have to call when she requests a meeting as they can respond to the Council Member. They were elected to represent this community and that is what she is trying to do along with the other Council Members. She has been shunned by the Mayor...Mayor Smith stated that is an inappropriate...Burke stated no, no, no, Brenda, Brenda got to say what she wanted to say so please...Mayor Smith stated he is not attacking anybody.

Meier stated that this was the intent of his correspondence that he sent to everyone earlier today to avoid situations exactly like this. This is ridiculous to him, it detracts from everything that the Council is here to do and he is not going to put up with it anymore. This has to stop and you can do your politicking in public; go outside and do it there, not in here. Burke commented that she is not politicking she is stating a fact as she is not running for anything. When she cannot get a response from any of the three of you...Mayor Smith stated that if you want to go into Executive Session a Council person has the right to make that. Burke stated that she wants to make that motion now to which Mayor Smith stated that they

will but it is not appropriate at this time as they are going through the Council reports.

Linda Allen

- a. Stated that Combs was correct and she did not mean to hit reply to all and she is sorry. She did not mean to offend anyone; it was to be a personal email. She was trying to thank the constituents for coming; it was a wonderful showing. We are going to move forward from this, it's over, it's done, it was voted down, we need to move on.

Maryan Harrison

- a. Nothing to report.

Rolin Spicer

- a. Shared that Grandin Road does not have a speed limit posted on one end and he is not even sure if 35 mph is through the curve and straight away. Conversation ensued amongst council members of it being 55 mph.

Mayor Smith

Stated that the administration, under the current rules, is not pushing for any discussion for employees. We have not taken any action for the Council to take action under the rules of the Mayor. If he has any issues with an employee it will be dealt with and then if we cannot resolve it at that level and we think discipline action needs to be taken at that point we will bring it to Council for any disciplinary action. From the last time we met with the individual that you are referring to in that email, we have worked through our issues and we are trying to get the individual trained and passed. This individual has been very effective in helping this community to move forward. As far as he knows there has been no charge for any kind of testing to which Haddix agreed. We are in the process of trying to get additional training because we do not have the facility to give training so we have had to bring different people in to help and they have made strides in that department.

Meier stated that on the floor right now is Burke's request to make a motion to go into Executive Session. If she or another Council Member wishes to go into Executive Session the motion needs to be made and he will need to identify the specific section of the Revised Code under which we are going to do that if in fact that is what is going to happen.

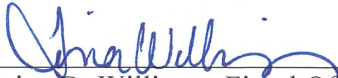
11. ADJOURN TO EXECUTIVE SESSION FOR THE PURPOSE AUTHORIZED UNDER SECTION 121.22(G)(1) OF THE OHIO REVISED CODE, CONFERENCE WITH THE CITY SOLICITOR TO CONSIDER THE APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE.

A motion to enter into executive session at 7:15 p.m. was made by Burke, seconded by Allen, all yeas.

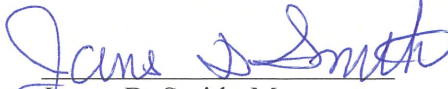
A motion to exit out of executive session at 8:37 p.m. was made by Spicer, seconded by Allen, all yeas.

Mayor Smith stated that no action was taken.

12. Mayor Smith asked for a motion to adjourn the meeting at 8:38 p.m. A motion was made by Burke, seconded by Harrison, all yeas.



Petrina D. Williams, Fiscal Officer



James D. Smith, Mayor

For an audio copy of the Mar. 2, 2023 minutes of the City of South Lebanon Council regular meeting, please contact Fiscal Officer at twilliams@southlebanonohio.org.