

**CITY OF SOUTH LEBANON  
REGULAR MEETING MINUTES  
July 6, 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. PUBLIC HEARING: FISCAL YEAR 2024 TAX BUDGET

Mayor Smith opened the floor to the public.

No public comments.

Mayor Smith closed the floor to the public.

Mayor Smith thanked the Budget Committee and the Director of Finance for their hard work on the 2024 tax budget.

4. GUESTS

Rich Surace, Energy Alliances, Inc. was in attendance for Council questions regarding the Natural Gas and Electric Aggregation plans. Mr. Surace has been working on the process from the Public Hearings, Plan of Operation, and the application to PUCO.

5. Mayor Smith opened the floor to the public.

No public comments.

Mayor Smith closed the floor to the public.

NEW BUSINESS

6. RESOLUTION 2023-25, A RESOLUTION APPROVING OF AND AUTHORIZING THE DIRECTOR OF FINANCE TO SUBMIT THE [INTERIM] TAX BUDGET FOR FISCAL YEAR 2024 TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY

A motion to waive the three-reading rule was made by Burke, seconded by Madison, all yeas. By title only, Resolution 2023-25, a motion to adopt was made by Madison, seconded by Burke, all yeas.

7. RESOLUTION 2023-26, A RESOLUTION APPROVING AND FURTHER AUTHORIZING MAYOR AND DIRECTOR OF FINANCE TO EXECUTE AN AGREEMENT FOR SERVICES WITH RUMPKE OF OHIO, INC. FOR SOLID WASTE COLLECTION AND DISPOSAL INCLUDING CURBSIDE RECYCLING FOR RESIDENCES IN THE CITY FOR A PERIOD OF FIVE YEARS WITH A RESERVATION OF RIGHTS TO REBID A NEW CONTRACT OR EXTEND THE CONTRACT A MAXIMUM OF TWO – ONE YEAR INTERVALS, AND DECLARING AN EMERGENCY

A motion to waive the three-reading rule was made by Burke, seconded by Combs, all yeas. By title only, Resolution 2023-26, a motion to adopt was made by Madison, seconded by Combs, all yeas.

8. RESOLUTION 2023-27, A RESOLUTION APPROVING AND AUTHORIZING MAYOR AND DIRECTOR OF FINANCE TO EXECUTE AN EASEMENT AGREEMENT FOR A PERPETUAL WATERLINE EASEMENT ON THE PROPERTY OWNED BY THE CITY OF LEBANON NECESSARY FOR THE CONSTRUCTION OF A WATERLINE, AND DECLARING AN EMERGENCY

A motion to waive the three-reading rule was made by Burke, seconded by Madison, all yeas. By title only, Resolution 2023-27, a motion to adopt was made by Burke, seconded by Combs, all yeas.

9. ORDINANCE 2023-21, AN ORDINANCE RESCINDING ORDINANCES 2023-17 AND 2023-18 WITH RESPECT TO THE ELECTRIC AND NATURAL GAS GOVERNMENTAL AGGREGATION PROGRAMS IN THE CITY OF SOUTH LEBANON, AND DECLARING AN EMERGENCY

Haddix explained that inadvertently we had presented two plans of operation for the aggregation program prior to the public hearings that were held on June 21, 2023. In order to correct this and give the public proper input we are rescinding those and then reapproving subsequent to the public hearing.

A motion to waive the three-reading rule was made by Combs, seconded by Burke, all yeas. By title only, Ordinance 2023-21, a motion to adopt was made by Madison, seconded by Combs, all yeas.

10. ORDINANCE 2023-22, AN ORDINANCE ADOPTING AND APPROVING A PLAN OF OPERATION AND GOVERNANCE FOR ELECTRIC GOVERNMENTAL AGGREGATION IN THE CITY OF SOUTH LEBANON, AND DECLARING AN EMERGENCY

A motion to waive the three-reading rule was made by Burke, seconded by Madison, all yeas. By title only, Ordinance 2023-22, a motion to adopt was made by Burke, seconded by Madison, all yeas.

11. ORDINANCE 2023-23, AN ORDINANCE ADOPTING AND APPROVING A PLAN OF OPERATION AND GOVERNANCE FOR NATURAL GAS GOVERNMENTAL AGGREGATION IN THE CITY OF SOUTH LEBANON, AND DECLARING AN EMERGENCY

A motion to waive the three-reading rule was made by Madison, seconded by Burke, all yeas. By title only, Ordinance 2023-23, a motion to adopt was made by Burke, seconded by Madison, all yeas.

12. ORDINANCE 2023-24, AN ORDINANCE CREATING THE POSITION OF SENIOR MAINTENANCE WORKER IN THE PUBLIC WORKS DEPARTMENT, ESTABLISHING COMPENSATION, AND DESIGNATING COMPENSATION OF CERTAIN CITY EMPLOYEES TO SPECIFIC CITY FUND(S) FOR THE NEWLY CREATED POSITION OF SENIOR MAINTENANCE WORKER, AND DECLARING AN EMERGENCY

Allen questioned why this position is being labeled “Senior Maintenance” to which Haddix commented that it is an added experience, supervisory, and training level. This will give someone in the maintenance staff the opportunity to progress forwards. Allen asked if this was the position being made to move an employee from one position to another to which Haddix stated that was the intention. Allen remarked that when she sees the word “Senior” she thinks of those in line of seniority to which Mayor Smith stated that is not what this implies; this is based on skill not seniority.

A motion to waive the three-reading rule was made by Madison, seconded by Combs, all yeas. By title only, Ordinance 2023-24, a motion to adopt was made by Madison, seconded by Burke, all yeas.

13. ORDINANCE 2023-25, AN ORDINANCE AMENDING SECTION 5.06 [ON-CALL DUTIES] OF THE CITY’S PERSONNEL POLICY MANUAL, AND DECLARING AN EMERGENCY

Williams asked for clarification on how we will handle payroll if someone calls in sick. It says they do not have to fulfill the duties of being on-call, does that then forfeit the \$200.00 for the week? If someone is not able to respond within 90 minutes, does that forfeit the \$200.00 for the week? She wants to have a correct understanding of whether they would just blanket get the \$200.00 regardless if they were available. Mayor Smith stated that the \$200 is for the 7 days but unless there is an incident down the road, we should just leave it. Adding that if there is an abuse of it, we can always bring it back. Burke shared her opinion that if you do not do the work, you do not get the pay. There will always be special circumstances that we can work around but we should not just blanket say that they will get the \$200.00 no matter what. Mayor Smith stated that it is for 7 days and if you only missed 1 day you don’t want to penalize them. Worse case you could take \$28.00 away for that day. Madison gave a scenario regarding being out for a work-related injury or working over 24 hours and then penalizing them by withholding the \$200.00, this would not be right. Haddix stated that there is incentive in the policy to not call in sick. Haddix continued to explain the on-call policy to the

Council. Haddix stated that if it does become an issue, we can revisit the topic. Burke stated that possibly they could just lose the pay for that day and not the entire week. Allen commented that if someone else is then called in who wasn't on call and had prior plans what do they receive. Williams remarked that they would get call-out pay. Williams continued stating that she would prefer to not have to allocate it day to day. Further commenting that we are required to give an employee time off if they have been out driving for so many hours. Meier added that this can always be amended in the future if it becomes a problem.

A motion to waive the three-reading rule was made by Madison, seconded by Combs, all yeas. By title only, Ordinance 2023-25, a motion to adopt was made by Combs, seconded by Madison, all yeas.

**A motion to make the effective date for Ordinance 2023-25 July 17, 2023 was made by Burke, seconded by Madison, all yeas.**

**A motion to change the effective date for Ordinance 2023-25 from July 17, 2023 to July 24, 2023 was made by Allen, seconded by Combs, all yeas.**

#### 14. AUTHORIZATION OF INVOICES

A motion to authorize the invoices for payment (\$307,398.76) was made by Madison, seconded by Burke, all yeas.

#### 15. APPROVAL OF MEETING MINUTES

Regular Meeting – June 15, 2023

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

#### 16. COMMUNICATIONS & REPORTS

##### Mayor Smith

- a. Shared that there was one of the largest crowds ever at the extraordinary 4<sup>th</sup> of July event. We had a drone record the entire town during the event. Combs added that there were upwards of 20,000 people and 4 bands performed.
- b. Stated that we need to utilize the committees. The Parks and Recreation Committee will be meeting soon.

##### Director of Finance Tina Williams

- a. A Travel Authorization Form was given to Council for Mayor Smith to attend the Washington DC Fly-in from September 17-20, 2023. Our Policy Manual states that Council must preapprove any travel and the expenses for hotel and airfare prior to those reservations being made. We know the transportation and hotel

costs at this time however, airfare has not been booked because it has not been approved so the other amounts are estimated.

**A motion to approve travel expenses for Mayor Smith to attend the Warren County Washington DC Fly-in was made by Combs, seconded by Madison, all yeas.**

Administrator Jerry Haddix

- a. Rich Surace from Energy Alliances, Inc. was introduced to Council. Mr. Surace has been handling the energy aggregation and working on the process from the Public Hearings, Plan of Operation, and the application to PUCO which is planned to go in tomorrow. We now have quotes on our electric for the City. The current rate from Duke Energy is \$0.1017/kWh, a quote from Dynegy is \$0.05695/kWh through May of 2025. The theory is that that would lead into the next round of aggregation which is a 2-year program. This will save us close to \$32,000.00 a year.

Mayor Smith asked Surace if there was anything out in the pipeline that is much lower right now that you are working on. Surace shared that if he had to guess based on what they are seeing now he would say that prices would be roughly \$0.07. They have renewed 20 communities from May to August and they have ranged from 6.5 to 6.9. Prices have come up a little bit so if he had to give a general on where they see things and where they may be there is a good opportunity to save at least 30%. This would be for the City usage as we have a blend of usage from buildings to street lighting which has different usage than a residential home. Street lighting is cheaper because it uses power at night which is considered off peak power.

**A motion to allow the City Administrator to sign the Letter of Authorization For Release of a Governmental Aggregation Eligible Customer List was made by Burke, seconded by Combs, all yeas.**

- b. There have been surveyors in town working on Forest Avenue and Hobart Street.
- c. We plan to get moving on some more projects this fall; hopefully we can get the sidewalk by the park this year.

Assistant Administrator Jeff Boylan

- a. Shared that we now have a new pickup truck that is currently getting undercoated and having a lightbar attached; we should receive it shortly. The big truck is still being built.
- b. The Broadway Street Storm Drain Project should start this year. This project will also include a widening of the radius coming in off of Main Street to Broadway Street. Haddix shared that the reason they were doing Broadway was because

there was extra money left over from the Pauline Drive/Mary Lane project. Williams added that there are still ARPA funds available to use this year or next.

- c. Mayor Smith asked if we have received a new police cruiser to which Boylan remarked we have and parts are being ordered for it.

Law Director Andrew Meier

- a. Officially on July 1, 2023 we became a Charter City.

Haddix placed Charter copies for each Council Member in their drawers and displayed it on the screen.

Meier discussed some miscellaneous details, things to pay attention to, and a couple of things to address.

The fundamental premise in developing the Charter was to make it a smooth transition. The intent of the Charter Commission was to essentially keep as much in place as possible without creating too many situations where a bunch of changes were required. All our ordinances, resolutions, policies, and rules are still in place, and they are not impacted by the Charter. The Council does have the ability to change these things through other ordinances, resolutions, or rules.

Areas discussed included:

- 3.03 Vice-Mayor
- 3.08 Salaries of Elected Officials
- 3.10 Rules and Journal of Council
- 3.11 Council Meetings & Executive Session
- 4.04 Reading of Ordinances and Resolutions
- 5.01 (B) Appointment
- 6.01 General Provisions
- 6.02 Director of Finance
- 6.06 Director of Public Service and Safety
- 7.01 Creation of Boards and Commissions
- 7.04 Board of Control

**A motion was made to appoint Burke to the Board of Control by Allen, seconded by Spicer, all yeas with Burke recusing from the vote.**

- 10.02 (B) Contracting Powers and Procedures
- 11.03 Continuation of Ordinances, Resolutions, Codes, Rules, and Regulations
- 11.04 Continuation of Employees
- 11.05 Continuation of Appointments
- 11.08 (B) Continuation of Members of Council

Sgt. Corey Adams

- a. The new cruiser is in as are the exterior lights and equipment however the interior accessories are cab specific, he should be working on that in the next few weeks.

Bill Madison

- a. Thanked Combs for representing the Council at the July 4<sup>th</sup> event, she did an excellent job.
- b. Questioned Meier regarding the property on Mason Morrow Millgrove Road at the gravel pits, it looks like there is a new gravel pit taking shape which will require trucks to cross the road to take their harvest to process it. Are there any restrictions that we should be putting in place regarding possible large/unlicensed dump trucks crossing the road and negotiating traffic? It is a road that we have a lot of facilities under, and the road may not have been designed to handle these types of loads to which Meier stated that he would look into it and be sure that nothing is happening that would impact the City negatively.
- c. Asked if the city has a dangerous dog ordinance and if it could be discussed in the future. Burke informed Council of a situation involving a neighbor's dog who had bitten three individuals and the dog was then removed. Madison stated that this would be in reference to large breed dogs at events in the city. Meier stated that there are state statues that address dog bites. Mayor Smith remarked that Madison is talking about public events and what our regulation is on animal control.
- d. Addressed Haddix stating that there is a lot of solicitation for energy right now and he wants to know if those people are coming to the Municipal Building and registering themselves to which Haddix stated he would have to check with the Clerk of Courts as she handles the transient vendor applications. Combs asked if they could ask the solicitors to see their permit to which Haddix stated they can and if they don't have it get their information and call it in. Sgt. Adams remarked that you must call it in because they do not follow social media.
- e. Addressed Meier stating that as we are now at the end of our Council sessions individual Council Members are discussing issues and sometimes it seems as if we are discussing things across the dinner table. Is there any subject matter that it should be limited to? Are there boundaries to issues that the Council can discuss related and unrelated to the City? Are they putting themselves at risk discussing issues that may not be appropriate? Meier stated that he would look into it and it could also be addressed in the Rules of Council that are from 1989.

### Brenda Combs

- a. Shared an update on the July 4<sup>th</sup> festivities stating that everything went well. Further stating that the talent was fantastic, the food trucks were really good.
- b. The crosswalks worked well on July 4<sup>th</sup> with people stopping to let others cross the street. Burke stated that we need more crosswalks around town to which Mayor Smith remarked that we are working on it.
- c. Remarked that Deputy Smith who worked the July 4<sup>th</sup> festivities was outstanding however we may need 2 deputies next year.

### Linda Burke

- a. The Warren County Regional and Planning Commission meeting was cancelled for this month because there was nothing on the agenda.
- b. Her neighborhood needs new street signs as you cannot read the names any longer. Mayor Smith stated that we would pass that along. Mayor Smith asked Boylan if their signs were standard to which Boylan stated they were not with Burke adding that they were decorative. Boylan remarked that if the City replaces the signs they will be standard signs.
- c. Thanked Combs and everyone for the 4<sup>th</sup> of July festivities, she appreciates all that she does.
- d. Stated that this Council and Administration along with Meier's help run pretty well. They all work together, respect each other, and she is proud to be a part of this Council. People ask her if she likes what she does and she tells them that she really does because it's not just a job to her.
- e. Asked if there were any reports of fireworks before or after July 4<sup>th</sup> to which Sgt. Adams stated that there were very few calls. Burke added that her neighborhood was horrible on Monday night. Deputy Black did respond to one call in the Stone Brook subdivision where he educated some people on the House Bill change regarding fireworks. Burke went on to state that she did post the ordinance on her neighborhood page of what you can and cannot do. Harrison asked if we could put those on the City website to which Williams remarked that they are already there they just need to be highlighted. Haddix stated that they could be added to the rolling screen at the top of the page.

### Linda Allen

- a. Thanked Combs for the 4<sup>th</sup> of July festivities, adding that they were just amazing. She really appreciates her representing the Council.



Maryan Harrison

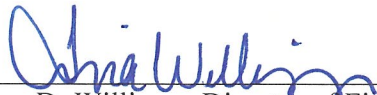
- a. Thanked Combs further stating that it was a lot of fun to be a part of the July 4<sup>th</sup> festivities.
- b. Asked for some possible financial assistance to purchase candy to be thrown at the crowd during the parades that the Council participates in. Williams remarked that there could not be any political signage. Meier stated that as long as the signs do not say “vote for” or “elect” and only had your name and Council that would be fine. Burke added that they participate in parades for Memorial Day, 4<sup>th</sup> of July, and Christmas and it would be nice to have some money built into the budget for this as normally the Council members pay for all the candy themselves.
- c. There seems to be a problem with the motorized devices that are now being ridden on the streets. It is quite scary, and we need to do something about it; maybe have classes and advise them that they must abide by the laws too. Someone is going to get killed and that scares me.
- d. Thanked Sgt. Adams for the great service the police provide.

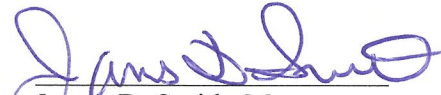
Rolin Spicer

- a. Questioned Meier about the ordinance from 1989 and how rigidly we should structure our meetings. Mayor Smith stated not that rigid as it was removed after that. Spicer remarked that there is no mechanism for Executive Session in it. Mayor Smith stated that the new one will be completely revamped, further adding that after the Council added it in it was removed a few years later. Mayor Smith remarked that it may be difficult to find the minutes but it was removed. Meier stated that it is unclear but as of right now until we can find an ordinance that repeals it all it exists. Mayor Smith asked about repealing it now while they are in session to which Meier went on to state that he will be drafting something new for the next Council meeting where he will present it.

Mayor Smith stated that the Parks & Recreation Committee will address the issues that are being discussed regarding the events in town. They will also bring in the Fire and Police departments to discuss the security of the fireworks.

17. Mayor Smith asked for a motion to adjourn the meeting at 7:26 p.m. A motion was made by Madison, seconded by Harrison, all yeas.

  
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Petrina D. Williams, Director of Finance/Clerk

  
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James D. Smith, Mayor

For an audio copy of the July 6, 2023 minutes of the City of South Lebanon Council regular meeting, please contact Fiscal Officer at [twilliams@southlebanonohio.org](mailto:twilliams@southlebanonohio.org).