

Linda S. Burke
Mayor

Linda Allen
Councilmember

Sharon Carmack
Councilmember

Brenda Combs
Councilmember



Lisa Fedor
Councilmember

Maryan Harrison
Councilmember

Rolin Spicer
Vice-Mayor

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

FEBRUARY 15, 2024, at 6:00 P.M.

1. Meeting Call to Order
2. Roll Call
3. Prayer/Pledge of Allegiance
4. Guest Maggie Hess, Warren County Career Center
5. Floor open to the public
6. New Business Emergency Ordinance 2024-03 – Rescinding Ordinance 89-30 in its entirety and adopting Rules of Council of the City of South Lebanon

Emergency Ordinance 2024-04 – Accepting the Stricker Road Annexation of .8459 Acres in Union Township, Warren County, Ohio to the City of South Lebanon

Ordinance 2024-05, First Reading, Approving zoning upon Annexation at 556 Mason-Morrow-Millgrove Road contained in the Lenig Annexation in accordance with the City zoning regulations

Ordinance 2024-06, First Reading, Approving zoning upon completion of annexation at 1770 Mason-Morrow-Millgrove Road contained in the Hudawn Annexation in accordance with the City zoning regulations

Emergency Resolution 2024-05, Approval of a contract with Rozzi's Fireworks for a fireworks display on July 4, 2024, 2025 and 2026

Appointment to the Tax Review Board

Approval of Invoices

Approval of Law Director Invoice

Approval of the January Financial Statements

Approval of Meeting Minutes:
Regular Meeting – February 1, 2024

7. Old Business
8. Communications and reports from City Officials and Committees
 - a. Mayor
 - b. Director of Finance
 - c. Administrator
 - d. Law Director
 - e. Sergeant
 - f. 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

From: Jerry Haddix, City Administrator

Date: February 13, 2024

Subject: Rules of Council Ordinance

The ad hoc Rules of Council committee met twice and on February 6th, voted unanimously to recommend the new Rules of Council. After reviewing the draft rules, the Mayor & staff are recommending a change to Section H.2. as shown on the attached Rules of Council. The Ordinance, if passed, would also rescind the previous Rules of Council from 1989.

This is being presented as an “emergency” due to Rules of Council being a requirement of Section 3.10 of the City Charter.

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

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2024-03**

**AN ORDINANCE RESCINDING ORDINANCE NO 89-30 IN ITS
ENTIRETY AND ADOPTING RULES OF COUNCIL OF THE CITY OF
SOUTH LEBANON, OHIO, AND DECLARING AN EMERGENCY.**

WHEREAS, Section 3.10 of the City of South Lebanon Charter states that “The Council shall determine its own rules and order of business in conformity with the provisions of this Charter”; and

WHEREAS, the Mayor has created a special Council committee (Rules of Council Committee) for the purpose of reviewing the Rules of Council and to recommend any changes to the Rules of Council established by Ordinance No. 89-30; and

WHEREAS, on February 6, 2024, the Rules of Council Committee unanimously voted to recommend adoption of the attached Rules of Council; and

WHEREAS, immediate action is required to meet the requirements of Section 3.10 of the City Charter in establishing Rules of Council, and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

Be it **ORDAINED** by a two-thirds of the Council of the City of South Lebanon, Ohio as follows:

Section 1. The City Council hereby rescinds Ordinance No. 89-30 in its entirety and adopts the Rules of Council as attached and incorporated herein.

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

Section 3. All formal actions of City Council regarding this Ordinance were passed in an open meeting of City Council in compliance with all legal requirements, including, but not limited to, Section 121.22 of the Ohio Revised Code.

Section 4. 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.

Adopted this ____ day of _____, 2024.

Linda S. Burke, Mayor

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

Rules Suspended: _____ (if applicable)

First Reading: _____

Second Reading: _____

Vote: ____ Yeas
 ____ Nays

Effective Date: _____

Prepared by and approved as to form:

Andrew P. Meier
Law Director
City of South Lebanon, Ohio

By: _____
Date: _____

CITY OF SOUTH LEBANON, OHIO RULES OF COUNCIL

The Council of the City of South Lebanon, Ohio shall operate according to the following Rules:

A. Compliance with Law

The Rules of the Council of the City of South, Lebanon, Ohio (“the Rules”) shall be in addition to all provisions set forth in the Charter of the City of South Lebanon, Ohio (“the Charter”) and Ohio law. To the extent the Rules conflict with the Charter and Ohio law, the Charter and Ohio law shall apply.

B. Meetings of Council

1. Regular Meetings: Regular meetings of Council shall be held on the first and third Thursdays of each month and shall commence at 6:00 p.m.
2. Workshop Meetings: A Workshop meeting of Council shall be held immediately following the first Regular meeting of the month. No formal action of Council shall be taken during a Workshop meeting.
3. Special Meetings: Special meetings are governed by Section 3.12 of the Charter. Unless otherwise provided in the notice of any such special meeting, special meetings shall commence at 6:00 p.m. on the day provided in the notice.
4. Open to the Public: All meetings of Council shall be open to the public and held in accordance with the Charter and Ohio law and, unless otherwise ordered by majority vote of the Council, shall be held in Council Chambers in the Municipal Building currently located at 10 High Street, South Lebanon, Ohio 45065.

C. The Chair – Powers and Duties

1. Roll Call: The Mayor shall take the chair at the hour appointed by Council to meet and shall immediately call the meeting to order. The role shall be called by the Clerk of Council, who shall enter into the minutes of the meeting the names of the members present. If a quorum is present, the meeting shall proceed consistent with the rules. If there is not a quorum, then the Mayor shall adjourn the meeting.
2. Temporary Chair: If the Mayor is absent, the Vice Mayor shall call the meeting to order and chair the meeting. If both the Mayor and Vice Mayor are absent, the Clerk of Council shall call the meeting to order and call the role. If a quorum is present, Council shall proceed to elect, by a majority vote, a temporary chair for the meeting.
3. Appeals from Decision of the Chair: The chair shall preserve decorum and decide all questions on order, subject to appeal to Council. If there is an appeal from a ruling of the chair, the question shall be: “Shall the decision of the chair stand as the decision of

Council?” If a member violates the rules, the Chair shall call him or her to order, in which case he or she shall relinquish the floor, unless permitted to explain.

4. Votes: All questions shall be stated by the Chair. In the case of a roll call vote, the roll call shall be taken by the Clerk of Council. Upon completion of the roll call, the Clerk of Council shall announce the result. The result of an oral vote, such as on a Motion to Adjourn, shall be declared by the chair without reference to the Clerk. Where the results of an oral vote are in doubt, the chair may, and on the demand of any member shall, call for a roll call vote. It shall not be an order for members to explain their votes during the call of the roll.

D. Members of Council – Duties and Privileges

1. Seating Arrangements: Seats in the Council chambers shall be arranged at the discretion of the Mayor.
2. Addressing the Chair: Members, when about to speak to a question or make a motion, shall address the chair as “Mayor”, who shall then pronounce the name of the member entitled to the floor. Members addressing Council shall confine themselves to the question under debate and avoid personalities.
3. Limitations on Debate: No member shall be aloud to speak more than once upon any one subject until every member choosing to speak has spoken, no more than twice upon the same subject, nor for a longer time than five minutes each, without leave of Council as expressed by a majority vote of the members present.
4. Voting: Council shall vote in order of the roll call, with each member voting by use of the word “yea” or “nay” or “yes” or “no”. Any member who abstains from voting shall be deemed to have voted with a majority on the issue at hand, unless the member was prohibited from voting by Ohio law or was compelled to abstain by circumstances which in his or her opinion give rise to a conflict of interest.
5. Division of a Question: On demand of any member, a question under consideration that covers two or more subjects shall be divided where the question admits of such division.
6. Personal Privilege: The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned, or impuned.
7. Dissents and Protest: Any member shall have the liberty to consent to or protest against any Council ordinance, resolution, or decision, and have the reason or reasons thereof entered upon the journal. Such dissent may be made in writing, in respectful language, and presented to Council not later than the next regular meeting following the passage of such ordinance, resolution, or decision.

8. Demand for Roll Call: Any member may demand a roll call vote upon any question before Council at any time before the decision on said question is announced by the chair.
9. Excusal from Attendance: Any member who will be absent from a meeting shall notify the Mayor, Clerk of Council, or City Administrator of such absence as soon as possible before such meeting. Absences reported shall be brought before Council for approval and inclusion in the minutes.
10. Excusal During Meeting: No member shall be excused while Council is in session except upon permission of the chair.

E. Order of Proceedings

1. Agendas: The Clerk of Council shall prepare the agenda for each meeting and make available to each Council member and other individuals as necessary, copies of the agenda, along with copies of items of business filed by Council members, ordinances, resolutions, petitions, correspondence, reports, or any other items placed on the agenda. These packets shall be made available, to the extent possible, to each member not later than 48 hours before the meeting. The deadline for filing of agenda items shall be no later than 12:00 p.m. on the Monday before the meeting, unless otherwise approved by the City Administrator. Copies of the agenda will be available in Council chambers for the use of the public.
2. Order of Business: At all regular meetings of Council, the order of procedure shall be as follows unless otherwise provided herein or by majority vote of Council:
 - a. Call to order at 6:00 p.m.
 - b. Roll Call
 - c. Pledge of Allegiance
 - d. Approval of Minutes of Prior Meetings
 - e. Guests
 - f. Floor open to the public. Any items brought before Council by a citizen of an administrative nature shall be referred to the City Administrator for a report at the next regular meeting. Any matter of a policy nature shall be placed on the agenda of the next regular Council meeting. Citizens desiring to address Council must sign the visitor sheet and state their name and address prior to speaking. Comments are limited to three minutes. Large groups are encouraged to select no more than three spokespersons.
 - g. New business
 - h. Old business
 - i. Communications or reports from City Officials, Committees, and Boards
 - j. Adjournment

3. Change in Order of Proceedings: Upon motion of any member, the order of business in any meeting may be altered by affirmative vote of the majority of the members present.

F. Motions

1. Passage of Motions: When a motion is made, it shall be stated by the chair before debate. Any member may demand that it be reduced to writing. A motion shall not be withdrawn by the movant without the consent of Council. A motion must be seconded in order to be brought to a vote and the motion shall be deemed passed if it receives the affirmative vote of a majority of the members of Council according to the charter.
2. Order of Procedure: When a question is before Council, no motion shall be entertained except for the following:
 - a. To adjourn
 - b. To lay on the table
 - c. Previous question
 - d. To postpone to a certain time
 - e. To refer
 - f. To amend
 - g. To postpone indefinitely

Said motions shall have precedence in the foregoing order.

3. Motion to Adjourn: A motion to adjourn shall be an order at any time except as follows:
 - a. When repeated without intervening business or discussion
 - b. When another member is speaking
 - c. When the previous question has been ordered
 - d. While a vote is being taken

A motion to adjourn is not debatable, except as to the time to which the meeting shall be adjourned.

4. Motion to Lay on the Table: A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the consideration of the subject may be resumed upon motion of a member voting with the majority and the consent of the majority of the members present.
5. Previous Question: Previous question shall be stated in these words: "Shall debate now close?" The motion shall pass if the majority of the members present shall favor it. If the motion is ordered, there shall be no further amendment or debate, but the question shall be put immediately to a vote.

6. Motion to Postpone: Motions to postpone may be amended as to time, except a motion to postpone indefinitely. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.
7. Motion to Amend: A motion to amend shall be susceptible of but one amendment. An amendment once rejected may not be moved again in the same form.
8. Motion to Suspend Rules: Section 4.04 of the Charter shall be applicable.
9. Motion to Reconsider: A motion to reconsider a proposal that has been acted upon favorably must be made before adjournment of the session of Council at which the vote was taken. A motion to reconsider any other action taken by Council may be made not later than the next regular meeting after the vote of Council thereon. In either case, such motion may be made only by a member who voted with the prevailing side. The concurrence of a majority of the members present shall be sufficient for reconsideration of the vote. If a motion for reconsideration is lost, it shall not be entertained again.
10. Motion to Pass Ordinance or Resolution: The reading and passage of each ordinance or resolution shall be made pursuant to the Charter. A suggested statement of a motion for emergency ordinances is as follows:
 - a. "I move to suspend the rule requiring the reading of ordinance number ____ on two separate days and authorize adoption on the first reading."
 - b. "I move to adopt ordinance number ____."

G. Committees

1. Standing Committees: In order to facilitate the functioning of Council and to coordinate Council's operations with the City Administrator and Administration, the following committees of Council are hereby established. These committees are intended to compliment and not conflict with the duties of the City Administrator and the Administration as developed in the Charter. All committees are developed to assist the Administration and to provide Council with information regarding the functions of the City.
 - a. Finance and Budget Committee
 - b. Economic Development Committee
 - c. Parks and Recreation Committee
 - d. Personnel Committee
 - e. Public Works Committee
 - f. Public Utilities Committee
 - g. Annexation Committee
 - h. Events Committee
 - i. New Housing Authority Review Committee

2. Special Committees: Special committees for particular purposes may be formed and appointed by the Mayor at any time.

H. Miscellaneous

1. Record of Proceedings: The Clerk of Council shall maintain a written record of all meetings of Council, which shall be approved at the following regular meeting if possible. To assist the Clerk of Council in reviewing the proceedings and maintaining the record of Council meetings, audio recordings shall be taken and maintained for a period of two years. There shall be no audio and/or video recording device used by anyone except by the Clerk of Council for the purpose of maintaining audio and/or video recordings of Council meetings.
2. Decorum in Council Chambers: The chair shall maintain decorum in Council chambers during sessions. Persons, other than members of Council, City Officials, and Members of the Press, shall not be permitted upon the floor of the Council, or to address Council, except upon introduction by the chair or a member of Council. ~~If anyone, other than a municipal official, desires to speak to a member of Council while it is in session, the member, if agreeable to the request, shall leave his seat and retire to the rear of the Council chambers or elsewhere until the conversation is finished.~~
3. Amending Rules: A majority vote is required to alter, amend, rescind, or supplement these rules. Any proposed alterations, amendments, or supplements shall be submitted in writing at a regular meeting and placed on the agenda for the next regular meeting under the Order of new business. Such proposed alterations, amendments, or supplements may be adopted at the meeting at which the same are submitted.
4. Law Director: The Law Director shall, when requested by a member of Council, give a verbal opinion on any question of law concerning municipal affairs, in open Council, but he may if he deems the matter of importance, take a reasonable time to submit his opinion in writing.
5. Use of Electronic Devices: With the exception of the City-provided devices to Council members, the use of personal electronic devices within the Council Chambers is strictly prohibited while a Council meeting is in-session, unless granted permission by the Chair. This shall include City officials and audience members.
6. Social Media Activity: No member of Council shall post, comment or share on any social media platform where such activity of an individual member of Council could be construed (either explicitly or implicitly) as being an official or approved representation of the City or the City Council.



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: February 13, 2024

Subject: Striker Road Annexation Acceptance Ordinance

On December 5, 2023, the County Commissioners approved the 0.8459 ac. Striker Road annexation and transmitted to the City on December 12, 2023. The Ohio Revised Code requires sixty (60) days to elapse prior to the municipality accepting the annexation.

This is being presented as an “emergency” to allow for City services to begin immediately upon passage. Specifically, the Owner is developing the adjoining property and this property is needed for their planned access on Striker Road.

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

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2024-04**

**AN ORDINANCE ACCEPTING THE ANNEXATION OF 0.8459 ACRES IN UNION
TOWNSHIP, WARREN COUNTY, OHIO TO THE CITY OF SOUTH LEBANON,
OHIO AND DECLARING AN EMERGENCY**

WHEREAS, a petition for annexation of approximately 0.8459± acres in Union Township, Warren County to the City of South Lebanon described in attached Exhibit A and shown on the map or plat attached as Exhibit B was filed with the Warren County Commissioners on November 21, 2023. The petition followed the expedited type 2 annexation process provided for in Ohio Revised Code Section 709.023; and,

WHEREAS, the petition was signed by all owners of real estate in the unincorporated territory of the township proposed for annexation; and,

WHEREAS, by resolution adopted on December 5, 2023, the Board of County Commissioners of Warren County, Ohio approved the annexation of 0.8459± acres in Union Township to the City of South Lebanon, Ohio; and,

WHEREAS, the clerk of the Warren County Board of County Commissioners had a certified copy of the record of the annexation proceedings, including all resolutions of the Board held in connection with the 0.8459± acre annexation, delivered to the Director of Finance on December 12, 2023; and

WHEREAS, more than sixty (60) days from the date of delivery of the record of the annexation proceedings to the City has elapsed in accordance with provisions of Section 709.04 of the Ohio Revised Code and the Director of Finance has now laid the resolution of the Warren County Commissioners granting the annexation and the annexation papers before Council at this next regular scheduled meeting to accept or reject the petition for annexation; and

WHEREAS, it is the desire of the owners, and in the interest of the City, that all municipal ordinances and powers be immediately effective in the annexed territory, that City services be immediately available to the territory and that territory immediately be within the City so that the City can begin providing services and for the preservation of the peace, health, safety and welfare of the annexation territory, the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Lebanon, at least two-thirds of all members elected thereto concurring:

Section 1. The annexation of 0.8459± acres described in Exhibit A and shown on the map or plat labeled Exhibit B previously approved by the Warren County Board of County Commissioners by Resolution on December 5, 2023, be and is hereby accepted by the City.

Ordinance No. 2024-04

Page 2

Section 2. The Director of Finance is hereby directed to make three copies containing the petition, the map or plat accompanying the petition, a transcript of the proceedings of the Board of County Commissioners, and resolutions and ordinances in relation to the annexation, including this Ordinance. The Director of Finance shall then deliver one certified copy to the Warren County Recorder for recording it in the Recorder's official records. The other two copies shall be certified by the Director of Finance and forwarded to the Ohio Secretary of State and the Warren County Auditor. The Director of Finance shall pay any associated fees and costs and to take any other action required by statute.

Section 3. The Director of Finance is further directed to notify the Warren County Board of Elections of the changes in the boundaries of the City in writing which shall include a certified copy of this Ordinance with its attached exhibits, including the legal description and annexation plat, within thirty (30) days of the adoption of this Ordinance.

Section 4. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 5. This measure is hereby declared to be an emergency measure in accordance with Ohio Rev. Code § 731.30 that is necessary for the immediate preservation of the public peace, health, safety or welfare of the City and its residents for the reason the annexation territory has an immediate need for City services, the owners of the annexation territory desire to have the property immediately subject to the City's authority and for City services immediately available to the property. In addition, it is in the interest of the City and its residents and inhabitants to have its municipal ordinances, powers and services immediately applied throughout the municipality without delay, including in newly annexed territories; and this Ordinance shall be in full force and effect immediately upon its passage.

Section 6. That it is found and determined that all formal actions of the Council concerning and relating to passing 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 _____, 2024.

Linda S. Burke, Mayor

Attest: _____

Petrina D. Williams, Director of Finance/Clerk

Ordinance No. 2024-04
Page 3

Rules Suspended: _____ (if applicable)

First Reading: _____

Second Reading: _____

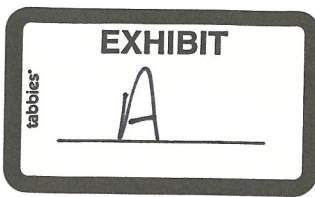
Vote: _____ Yeas
 _____ Nays

Effective Date: _____

Prepared by and approved as to form:

Andrew P. Meier
Law Director
City of South Lebanon, Ohio

By: _____
Date: _____



DESCRIPTION FOR:

**CITY of SOUTH LEBANON
ANNEXATION**

LOCATION:

**"STRIKER ROAD AREA"
0.8459 Acres**

Situate in Military Survey Number 1548, Hamilton Township, Warren County, Ohio and including all of Lots 1 and 2 of the Striker Road Plat recorded in Plat Book 91, Pages 43-44 (all records of the Warren County, Ohio Recorder's Office) as conveyed to Beaver Creek Site Management, LLC by deed recorded in Document Number 2023-016021 and also including 0.0316 ac. of right-of-way dedicated to the Warren County Commissioners on said plat and being more particularly described as follows:

Beginning at the northeast corner of said Lot 2 in the existing corporation line of the City of South Lebanon and west line of the original 77 acre (64.25 acre net) tract as conveyed to Terry L. Irwin, Trustee and Lea F. Irwin, Trustee of the Irwin Family Living Trust dated July 18, 2016 by deed recorded in Document Number 2018-029037;

Thence with said corporation line, along the west line of said Irwin tract, South 01°04'16" East, 536.80 feet to the north line of Lot 30 Open Space of Willow Grove recorded in Plat Book 51, Pages 94-95 as conveyed to Heartland, Ltd., LLC by deed recorded in Official Record 1976, Page 830;

Thence, along the north line of said Lot 30 Open Space, South 88°53'59" West, 116.31 feet to an east line of Striker Road (R/W Varies) as shown on the aforesaid Striker Road Plat;

Thence in part along east lines of said Striker Road, with the west line of aforesaid Lot 1 and extension thereof, crossing said right-of-way of Striker Road and with the west line of aforesaid Lot 2, North 08°59'56" East, 545.43 feet to the northwest corner of said Lot 2;

Thence continuing along said right-of-way of Striker Road, with the north line of said Lot 2, North 88°55'44' East, 20.97 feet to the point of beginning.

Containing 0.8459 acres of land, more or less.

Subject to all legal highways, easements and restrictions of record.

McGill Smith Punshon, Inc.

3700 Park 42 Drive, Suite 190B ■ Cincinnati, Ohio 45241

513.759.0004 ■ Fax 513.563.7099 ■ www.mspdesign.com



The above description is the result of a Plat of Annexation by McGill Smith Punshon, Inc. under the direction of Richard D. Nichols, P.S. No. 7929, dated the 14th of July 2023. The bearings in the above description are based on the subject property record plat recorded in Plat Book 91, Pages 43-44, records of the Warren County, Ohio Recorder's Office.

Prepared by: McGill Smith Punshon, Inc.

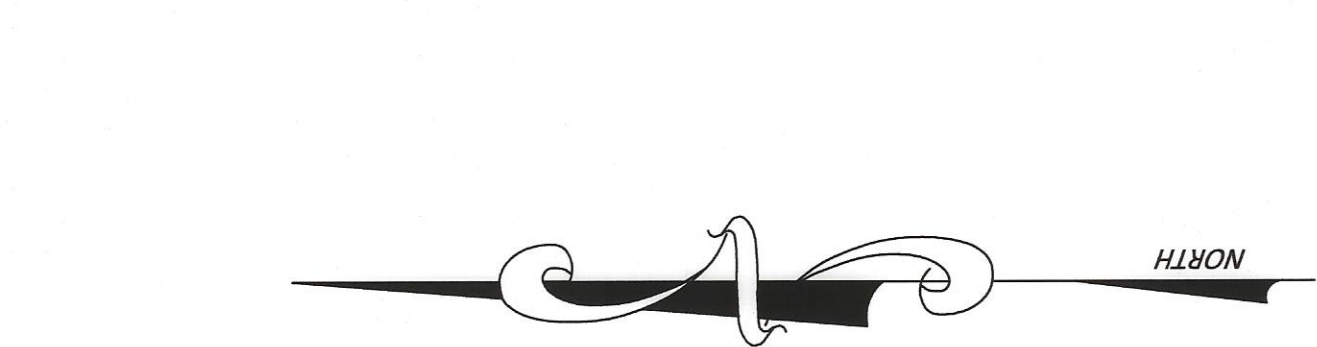
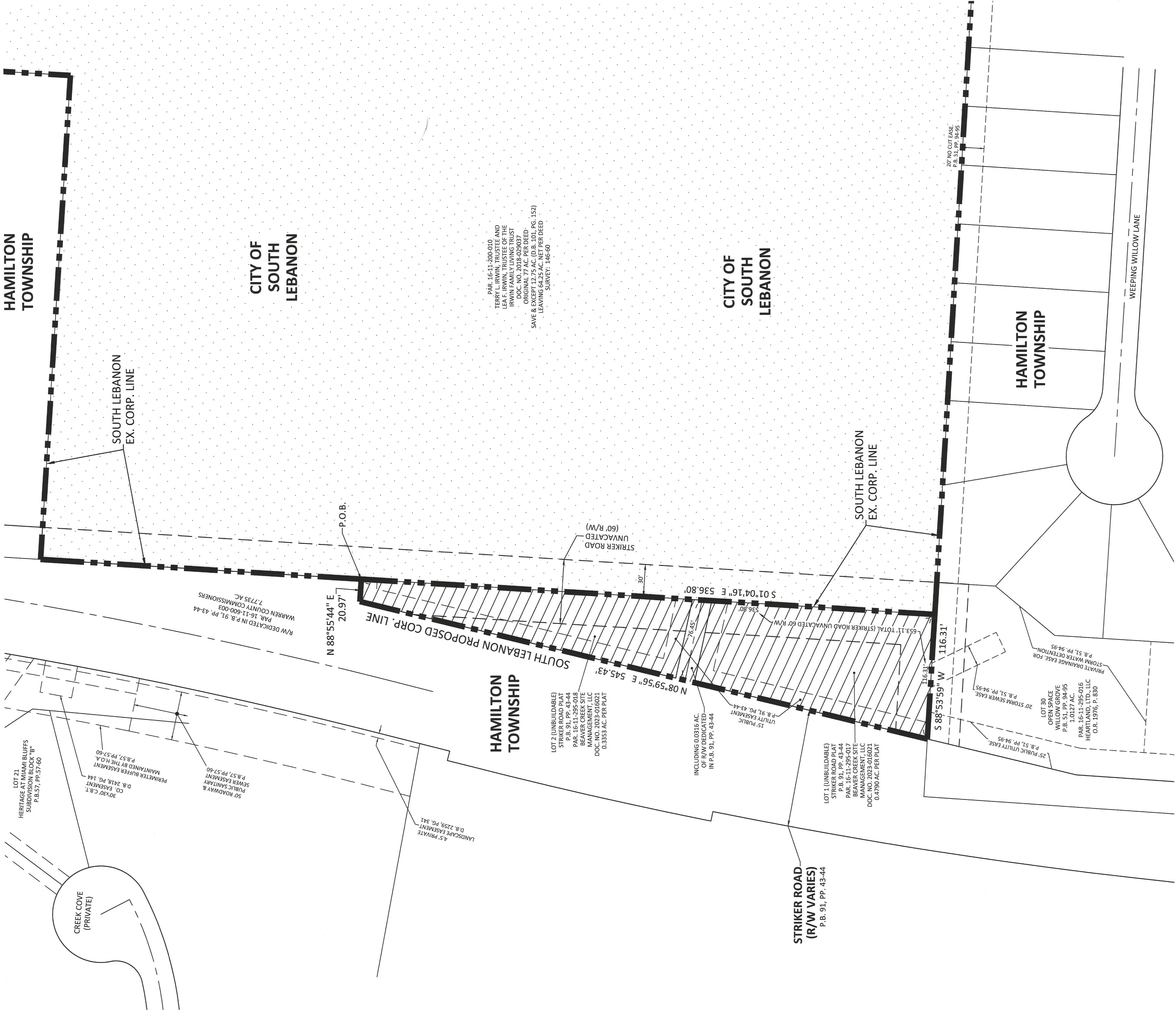
Date: 31 AUG 2023

MSP No.: 16448.02

16448023-LEG-ANX-00



Richard D. Nichols
10/30/23



COUNTY COMMISSIONERS:

WE, THE BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY, OHIO DO HEREBY APPROVE THIS PLAT ON THIS

5 DAY OF December 2023.

COMMISSIONERS: [Signature]

[Signature]

CITY APPROVAL:

CITY OF SOUTH LEBANON CLERK

COUNTY RECORDER:

FILE NO.

RECEIVED THIS DAY OF AT A.M./P.M.

RECORDED THIS DAY OF AT A.M./P.M.

RECORDED IN PLAT BOOK NO. PAGE

FEE:

BY: DEPUTY WARREN COUNTY RECORDER

COUNTY AUDITOR:

TRANSFERRED THIS DAY OF 20

BY: DEPUTY WARREN COUNTY AUDITOR

EX. CITY OF SOUTH LEBANON CORP.

AREA TO BE ANNEXED TO THE CITY OF SOUTH LEBANON

TOTAL AREA IN PROPOSED ANNEXATION: 0.8459 ACRES ±

ACREAGE BREAKDOWN BASED ON RECORDS AND SHOULD BE CONSIDERED APPROXIMATE:

PARCEL	OWNER	DEED REFERENCE	ACRES
16-11-295-017	BEAVER CREEK SITE MANAGEMENT, LLC	DOC. NO. 2023-016021	0.4790 AC. (LOT 1- STRIKER ROAD PLAT- P.B. 91, PP. 43-44)
16-11-295-018	BEAVER CREEK SITE MANAGEMENT, LLC	DOC. NO. 2023-016021	0.3553 AC. (LOT 2- STRIKER ROAD PLAT- P.B. 91, PP. 43-44)
			0.0316 AC. (PART OF DEDICATED R/W IN P.B. 91, PP. 43-44)
			0.8459 AC. TOTAL

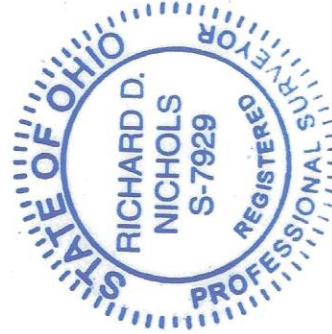
PERIMETER OF PROPOSED ANNEXATION AREA= 1219.51 FEET
CONTIGUOUS BOUNDARY WITH CITY OF SOUTH LEBANON= 536.80 FEET
CONTINUITY WITH CITY OF SOUTH LEBANON= 44.02 %

BEARINGS ARE BASED ON THE SUBJECT PROPERTY RECORD PLAT RECORDED IN P.B. 91, PP. 43-44, RECORDS OF THE WARREN COUNTY, OHIO RECORDER'S OFFICE.

THIS PLAT WAS PREPARED FROM EXISTING DEEDS, PLATS AND SURVEYS OF RECORD NOTED HEREON, AND IS NOT THE RESULT OF A FIELD SURVEY.

[Signature] 10/30/23

RICHARD D. NICHOLS
OHIO PROFESSIONAL SURVEYOR No. 7929



MILITARY SURVEY NUMBER 1548
HAMILTON TOWNSHIP, WARREN COUNTY, OHIO

PLAT OF ANNEXATION
CITY OF SOUTH LEBANON
"STRIKER ROAD AREA"

MSP
DESIGN
McGill Smith Punshon
3700 Park 42 Drive
Suite 1508
Cincinnati OH 45241
Phone 513.759.0004
www.mspdesign.com

Date	14 JUL 2023
Scale	1" = 50'
Drawn By	CMIB
Proj. Mgr.	RDN
Survey Database	N/A
DWG	16448023-ANX-200
X-Ref(s)	
Project Number	16448.02
File No.	16448
Sheet No.	1 / 1

Architecture
Engineering
Landscape Architecture
Planning
Surveying



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: February 13, 2024

Subject: Lenig & HuDawn Zoning Upon Annexation Ordinance

Attached for the first readings are the “Zoning Upon Annexation” ordinances for the recent Lenig & HuDawn annexations. The City zoning code requires the City to determine the permanent zoning for annexed properties based on the zoning prior to the annexation.

The South Lebanon Planning Commission recommended that both properties should be zoned B-2 which is most similar to the prior B-2 zone from the County. The public hearings were held on February 1, with no comments from the public on either case.

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

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2024-05**

**AN ORDINANCE APPROVING ZONING UPON COMPLETION OF ANNEXATION
AT 556 MASON-MORROW-MILLGROVE ROAD CONTAINED IN THE LENIG
ANNEXATION IN ACCORDANCE WITH SECTION 15.7.13 OF THE CITY ZONING
REGULATIONS**

WHEREAS, in accordance with Section 713.12 of the Ohio Revised Code and Section 15.7.8 of the Zoning Regulations of the City of South Lebanon (Zoning Regs), the Council held a public hearing on February 1, 2024, at 6:00 p.m., after publication and other proper notice thereof, to consider the recommendation of the Planning Commission to amend the zoning map of the following identified property that was annexed into the City, effective March 24, 2023; and:

<u>Owner(s)</u>	<u>Property Address</u>	<u>Parcel No.</u>	<u>Acreage</u>
Michael & Kimberly Lenig	556 Mason-Morrow- Millgrove Road South Lebanon, OH 45065	12-01-126-009	1.003 ac.

WHEREAS, upon considering the recommendation of the Planning Commission, a copy of which is incorporated by reference herein, and any input received prior to and during the public hearing from the property owners, other proponents, and any opponents, the Council finds the process has been in accordance with Article 7 [Amendment Procedures], and specifically satisfies the criteria of Sec. 15.7.13 [Zoning Upon Annexation] of the Zoning Regs and shall be approved without further modification.

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

Section 1. That the Council does hereby amend the Zoning Map of the City of South Lebanon, Ohio for the following identified parcel:

<u>Property Address</u>	<u>Parcel No.</u>	<u>Acreage</u>	<u>Permanent Zoning Classification</u>
556 Mason-Morrow- Millgrove Road South Lebanon, OH 45065	12-01-126-009	1.003 ac.	B-2 (General Business District)

Section 2. Upon the expiration of all readings and the period of referendum provided by law (the effective date), within fifteen (15) days of the effective date, the Zoning Administrator shall amend the Official Zoning Map to reflect the zoning changes in accordance with Sec. 15.7.14 [Zoning Map Amendments] of the Zoning Regs.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Ordinance No. 2024-05 Approve Zoning Upon Annexation at 556 Mason-Millgrove-Morrow Road
Page 2

Section 4. That it is found and determined that all formal actions of the Council concerning and relating to passing 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 _____, 2024.

Linda S. Burke, Mayor

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

Rules Suspended: _____ (if applicable)

First Reading: _____

Second Reading: _____

Vote: ____ Yeas
 ____ Nays

Effective Date: _____

Prepared by and approved as to form:

Andrew P. Meier
Law Director
City of South Lebanon, Ohio

By: _____
Date: _____

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2024-06**

**AN ORDINANCE APPROVING ZONING UPON COMPLETION OF ANNEXATION
AT 1770 MASON-MORROW-MILLGROVE ROAD CONTAINED IN THE HUDAWN
ANNEXATION IN ACCORDANCE WITH SECTION 15.7.13 OF THE CITY ZONING
REGULATIONS**

WHEREAS, in accordance with Section 713.12 of the Ohio Revised Code and Section 15.7.8 of the Zoning Regulations of the City of South Lebanon (Zoning Regs), the Council held a public hearing on February 1, 2024, at 6:15 p.m., after publication and other proper notice thereof, to consider the recommendation of the Planning Commission to amend the zoning map of the following identified property that was annexed into the City, effective July 13, 2023; and:

<u>Owner(s)</u>	<u>Property Address</u>	<u>Parcel No.</u>	<u>Acreage</u>
1770 MMM LLC	1770 Mason-Morrow- Millgrove Road South Lebanon, OH 45065	12-07-100-003-1 12-07-100-003-2	6.603 ac.

WHEREAS, upon considering the recommendation of the Planning Commission, a copy of which is incorporated by reference herein, and any input received prior to and during the public hearing from the property owners, other proponents, and any opponents, the Council finds the process has been in accordance with Article 7 [Amendment Procedures], and specifically satisfies the criteria of Sec. 15.7.13 [Zoning Upon Annexation] of the Zoning Regs and shall be approved without further modification.

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

Section 1. That the Council does hereby amend the Zoning Map of the City of South Lebanon, Ohio for the following identified parcel:

<u>Property Address</u>	<u>Parcel No.</u>	<u>Acreage</u>	<u>Permanent Zoning Classification</u>
1770 Mason-Morrow- Millgrove Road South Lebanon, OH 45065	12-07-100-003-1 12-07-100-003-2	1.003 ac.	B-2 (General Business District)

Section 2. Upon the expiration of all readings and the period of referendum provided by law (the effective date), within fifteen (15) days of the effective date, the Zoning Administrator shall amend the Official Zoning Map to reflect the zoning changes in accordance with Sec. 15.7.14 [Zoning Map Amendments] of the Zoning Regs.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Ordinance No. 2024-06 Approve Zoning Upon Annexation at 1770 Mason-Millgrove-Morrow Road
Page 2

Section 4. That it is found and determined that all formal actions of the Council concerning and relating to passing 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 _____, 2024.

Linda S. Burke, Mayor

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

Rules Suspended: _____ (if applicable)

First Reading: _____

Second Reading: _____

Vote: ____ Yeas
 ____ Nays

Effective Date: _____

Prepared by and approved as to form:

Andrew P. Meier
Law Director
City of 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

MEMORANDUM

To: Mayor & City Council
From: Jerry Haddix, City Administrator
Date: February 13, 2024
Subject: 2024-2026 4th of July Fireworks

Attached is the resolution and contract for Rozzi's Fireworks for the 4th of July fireworks. The cost is \$10,000 per show for the next 3 years, up from \$9,680 per show for 2022 & 2023. This is just over a 3% increase over the 2022-23 cost. Union Township usually pays for ½ of the costs but we are waiting for their confirmation.

The 4th of July festival continues to grow in part to the great show put on by the Rozzis every year.

The deposit for this year's show is due this month. Therefore, it needs to be approved as an emergency.

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

**CITY OF SOUTH LEBANON, OHIO
RESOLUTION NO. 2024-05**

**A RESOLUTION APPROVING AND FURTHER AUTHORIZING MAYOR AND
DIRECTOR OF FINANCE TO EXECUTE A DISPLAY CONTRACT WITH ROZZI'S
FAMOUS FIREWORKS FOR A FIREWORKS DISPLAY IN THE CITY ON JULY 4TH,
2024, JULY 4TH, 2025, AND JULY 4TH, 2026, AND DECLARING AN EMERGENCY**

WHEREAS, the Council desires to have a fireworks display in the City for its citizens on the 4th of July, 2024, 4th of July, 2025, and July 4th, 2026, and,

WHEREAS, Rozzi's Famous Fireworks desires to provide such a 4th of July fireworks display, and has tendered a Display Contract to the City for execution, a copy of which is attached hereto; and,

WHEREAS, the Display Contract price is \$10,000.00 per display, subject to certain adjustments should the display be canceled or postponed; and,

WHEREAS, historically, the Union Township Board of Trustees has participated in the said fireworks display, including paying one-half the costs under the terms of the Display Contract, and the City is awaiting confirmation from the Township re: this Agreement.

WHEREAS, immediate action is required to process the deposit payment and secure the display for the July 4th, 2024, event, and such action is necessary in order to preserve the public peace, health, safety or welfare of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Lebanon, Ohio, at least two-thirds of all members elected thereto concurring:

Section 1. That the Council approves and authorizes the Mayor and Director of Finance to execute the Display Contract, as attached.

Section 2. The recitals contained in the Whereas clauses set forth above are incorporated by reference herein.

Section 3. All formal actions of City Council regarding this Resolution were adopted in an open meeting of City Council in compliance with all legal requirements, including, but not limited to, Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution is hereby declared to be an emergency measure in accordance with Section 731.30 of the Ohio Revised Code for the immediate preservation of the public peace, health, safety, and general welfare; and, this Resolution shall be in full force and effective immediately upon its passage.

Resolution No. 2024-05

Page 2

Adopted this ____ day of _____, 2024.

Linda S. Burke, Mayor

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

Rules Suspended: _____ (if applicable)

First Reading: _____

Second Reading: _____

Vote: ____ Yeas
____ Nays

Effective Date: _____

Prepared by and approved as to form:

Andrew P. Meier
Law Director
City of South Lebanon, Ohio

By: _____

Date: _____

ROZZI dba ROZZIS' FAMOUS FIREWORKS
DISPLAY CONTRACT
THREE YEAR 2024-2025-2026 (revised)

This Agreement entered into **this 5th day of February 2024** by and between **ROZZI INC dba ROZZIS' FAMOUS FIREWORKS** (Rozzi's') or ("Seller") of P.O. Box 5, Loveland, Ohio 45140 and **City of South Lebanon, OH** ("Buyer") \WHEREAS, Rozzi's' has submitted its proposal to display fireworks at an event to be held the **4th, day of July 2020 & the 4th, day of July 2021** and given by Buyer, and Buyer desires to hire Rozzi's' to furnish and shoot the fireworks display at such event. In consideration of the foregoing and of the covenants, terms, and conditions herein contained, the parties agree as follows:

1. Rozzi's' shall furnish and shoot the fireworks display **on July 4th, 2024, 2025 and 2026 at the location of Rogers Park, South Lebanon, OH** (Event Site) Rozzi's' agrees to provide experienced operators to set up and fire the fireworks display, to comply with regulations outlined in NFPA 1123-2018 edition, ORC §3743.54. OAC 1307:7-7-56, and any local regulations required by the AHJ. **Please specify a rain out date: _____**
2. Rozzi's' shall obtain all necessary state and local permits as required by law.
3. Rozzi's' shall obtain Public Liability and Property Damage Insurance in an amount of Ten Million Dollars (\$10,000,000.00) and provide Buyer with a Certificate of Insurance showing the amount of insurance in force and naming Rozzi's' as its insured, and Buyer, as an additional insured, and such other parties associated with the event as Buyer may request, and which are approved by Rozzi's' insurance company as the insurer.
4. Rozzi's' shall not be responsible for damages to automobiles or other personal property that is parked or located or placed by others within 1000' distance from the mortars to fire the fireworks display. Buyer shall notify spectators who will be viewing the fireworks display of impending fallout from the fireworks display and the potential damage to spectator's automobiles and property by posting warning signs at the Event Site.
5. Buyer agrees to pay Rozzi's' the sum of **\$10,000.00 for the each display 2024, 2025 and 2026** for insurance, material, labor and services rendered in the setup and firing the fireworks display for a total contract price of \$ 30,000.00. ("Contract Price"). Payment shall be made as follows: a nonrefundable deposit of **\$2000.00 is due upon signing of this contract but no later than February 20th, 2024, the balance of \$ 8000.00 is due within 10 days of completion of the fireworks display but no later than July 14th, 2024. In regard to 2025 and 2026 a nonrefundable deposit of \$ 2000.00 is due February 10th of the applicable year the remaining balance due within 10days of completion of the fireworks display but no later than July 14th of the applicable year.**
6. In addition, if applicable, Buyer agrees to pay all onsite fire fees charged by the AHJ.
7. Buyer and Rozzi's' agree that should the fireworks display be canceled due to rain, high winds, or inclement weather, Buyer shall pay to Rozzi's' in addition to the Contract Price sum in paragraph 5 above the following:
 - (A) 10% of the Contract Price if the display equipment is left in place at the Event Site, and the fireworks display is fired the following night. If the fireworks display is postponed for more than one night, an additional 5% charge would be made for each additional night that the fireworks display is postponed. Should there be a need to require additional security to protect the equipment at the Event Site, all such cost and expenses are to be at the cost and expense of Buyer and shall be paid to Rozzi's'.
 - (B) Should there be a need to disassemble the display equipment and remove it from the Event Site and reassembled at a subsequent date as agreed upon by the parties, Buyer shall pay Rozzi's' the additional sum of 20% of the Contract Price.
8. Should the event be canceled and no make up date set by the parties, the Buyer shall pay Rozzi's' 45% of the Contract Price.

The decision to proceed forward to fire the fireworks display is solely that of Rozzi's', and it is understood and acknowledged by Buyer that the decision of Rozzi's' not to shoot the fireworks display because of rain, high winds or inclement weather is final and does not constitute a failure of performance by Rozzi's' or a breach of this Agreement.

9. Buyer will designate and secure for Rozzi's' adequate space for the fireworks display as required by the Table of Distances outlined in NFPA 1123-2018 edition and provide all such necessary police protection for the Event Site as required by NFPA 1123-2006 edition, ORC §3743.54 OAC 1307:7-7-56 and any local regulations. Rozzi's' will cooperate with reasonable requests made by the AHJ to make compliance with all safety requirements. Should there be a need to meet requirements beyond those required by statute or administrative regulations or the AHJ, the cost incurred to meet those requirements shall be paid by Buyer.
10. This Agreement shall not be construed to create a partnership between the parties hereto.
11. In the Event of fire, accident, strike, delays, flood, acts of God or other causes beyond the control of the parties, other than those specified in paragraph 7, that would prevent the performance of the fireworks display, the parties hereto release the other from any and all performance obligations herein contained and from any and all damages that result or may result from the inability to perform the fireworks display.

IN WITNESS WHEREOF, the parties by themselves or their duly authorized corporate officers have executed this

Agreement on the _____ day of _____, 2024

SELLERS:

ROZZIS' FAMOUS FIREWORKS

By _____

Nancy M Rozzi

Its _____

President

BUYER:

City of South Lebanon

(Name of Buyer)

By _____

Linda Burke

Its Mayor _____

Approved as to form:

ANDREW P. MEIER

LAW DIRECTOR

CITY OF 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

MEMORANDUM

To: City Council

From: Tina Williams, Director of Finance

CC: Linda S. Burke, Mayor
Jerry Haddix, City Administrator
Andrew Meier, Law Director

Date: February 13, 2024

Subject: Appointments to Tax Board of Review

Municipalities with a local earnings tax are required by the Ohio Revised Code to have a local Tax Review Board consisting of three (3) members. The purpose of the board is to hear a taxpayer's appeal of their tax assessment.

At the Council meeting on February 1, 2024, two (2) appointments were made to the Tax Review Board, Matt Nolan and Gary Duffield, leaving one remaining vacancy. A motion was made to table the final appointment until the February 15, 2024, meeting.

Per Section 7.02(B) of the City Charter, the Mayor shall recommend appointments and removals to all Boards & Commissions (except as provided in the Charter).

The City Administrator has recommended the following individual be considered for appointed to the Tax Review Board:

Darrell Tucker
5449 Creek Park Drive
South Lebanon, Ohio 45065

**CITY OF SOUTH LEBANON
BOARDS AND COMMISSIONS 2024**

PLANNING COMMISSION

Linda Burke	Mayor (12/31/27)
Linda Allen	Council Representative
Darrick Zucco	Member (12/31/25)
Susanne Mason	Member (5/12/27)
Clyde Adkins	Member (12/31/29)

BOARD OF ZONING APPEALS

Rolin Spicer	Council Representative (12/31/25)
Bill Pollack	
Sean Rahe	
Randy Bader	Appointed 2/1/24
Graham Hastings	Appointed 2/1/24

CIVIL SERVICE COMMISSION

William Kocker	Member (Term 2/2/23 - 2/2/25)
William Melzer	Member (Term 2/2/23 - 2/2/27)
KT Meshesha	Member (Term 2/2/23 - 2/2/29)

BOARD OF CONTROL

Linda Burke	Mayor
Tina Williams	Finance Director
Lisa Fedor	Council Representative

RECORDS COMMISSION

Jerry Haddix	Administrator
Andrew Meier	Law Director
Tina Williams	Director of Finance
Steve Vidic	Member (appointed 1/4/24)

TAX REVIEW BOARD

Matt Nolan	Appointed 2/1/24
Gary Duffield	Appointed 2/1/24
Darrell Tucker	Needs Council - appointment

WARREN COUNTY REGIONAL PLANNING COMMISSION

(Term April 1, 2024 through March 31, 2025)

Brenda Combs	Council Representative
Sharon Carmack	Alternate Council Representative

OKI REGIONAL COUNCIL OF GOVERNMENT

(Term January 1, 2024 - December 31, 2024)

Linda Burke, Mayor	Council Representative
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WARREN COUNTY MUNICIPAL LEAGUE

Maryann Harrison	Council Representative
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**The Warren County Municipal League First Dinner of 2024 will be
Wednesday February 21, 2024.**

Shaker Run Golf Course
1320 Golf Club Dr
Lebanon Oh 45036
5:30pm. Networking
6:15 Dinner
Speaker 7pm.
Mexican Dinner - New 2024 cost \$35pp.

We welcome Warren County Engineer Neil Tunison to speak about his accomplishments in his 10 years in the Engineering Office, plus his 27 Years as an elected official as our Warren County Engineer! Neil is retiring at the end of 2024. Neil can share with us his vision for the rest of 2024.



Thank you, Ed Williams and TEC Engineering, Inc. For your sponsorship for our February Dinner with Neil Tunison.



Make your Reservations:

Text/Call/email

Darlene Hicks

Executive Director

513-464-0681

dhicks@cinci.rr.com

Reservations must be in by Friday the 16th.

Excellent leadership and teamwork lead to exceptional achievements!