

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
MAY 1, 2014
6:30 P.M.**

1. Mayor Lawhorn opened the meeting at 6:30 p.m. with the Pledge.

2. Linda Allen - Present Sue Johnson - Present
Randall Atkins – Present Steve Riley – Present
Jim Boerio – Present James Smith – Present

3. Mayor Lawhorn opened the floor to the public:

John Moore – Fern Valley Way – Stated that he requested records from the Village in regards to time cards for the Administrator, as well as shared network calendar and his personal calendar that are shared on the server. Moore states he only received half of what he requested and the other half had redacted information. He says the Administrator took it upon himself to redact information, and that he had no authority to do. Moore shows a visual of what a normal calendar printed off Microsoft by the week would like. Moore states that the Administrator has put lines through different things and that he feels that things are being hid. Moore states the things that are crossed through are supposedly supposed to be things that are not village business; however his haircuts, shots for his wife for a trip, and his personal lunches remain. Moore feels that whatever the administrator is hiding by redacting is not right. Moore continues that he did go through the administrator's time sheets, he references that on page 2 of the handout, which he gave council, lists all of the appointments that are per his email to the office staff, as well partially off his calendar are appointed that are not showing any flex time used or on his time sheet that anything was altered other than 8 hrs. Moore references September 14, 2013 that there is a 2 hr. window where the Administrator's calendar states "compiled Loveland project files," though on his time card is says nothing about flex time being used, it shows 8 hrs. He continues that there is also miscellaneous doctors appoints, a 2 ½ hour lunch on December 20th, that goes along with that. Moore states the he went through each individual time card that he had, and he finds there are a lot of discrepancies in the date of the time card, he references the date in the upper right hand corner says one date while the actual date in the middle of the week is something different, the hours do not add up, they are in the wrong slots, the time's he is supposed to be out of the office show the Administrator working and vice versa. Moore says there are actually 2 timecards submitted with the same time frame, and it appears the Administrator was paid twice for the same amount of time. Moore states he does not understand how this was done because the Mayor signed off on the time cards approving the time and they were not checked. Moore addresses his handout and says if you look at the examples the dates do not

match, the hours do not match, but we still paid the Administrator based off what was submitted. He says this is like another issue of covering up, being paid for something he should not be paid for. Moore states that he has brought numerous examples to council and he feels they need to look into their decisions to renewing the administrator's contract, for money he should owe the Village for the IT bill that should of not existed because of he was trying to do things that were underhanded. Moore says that Council turned a blind eye on that last time, but here is the proof of what the Administrator has done. He says he hopes council takes the initiative and does something about it, and not only is this spitting in face of the Village, the tax payers, and the very foundation of what this village was based on if we keep allowing him to do this. Moore says if you guys give him control of the budgets, the Administrator can't fiscally control himself with his timecard, what do you think he will do with the budget. Moore says that something needs to be done and said, point blank. He hopes council does something before it is too late.

The Mayor asks the solicitor if he redacted the records, he states he did not. McGary states that what Moore is talking about are redactions that the Administrator made based on items that do not document the policy functions procedures of the Village, and therefore is not a public record.

Moore states that is stored on the Villages server and therefore he finds it to be public record. McGary says that is not correct, that is not the law. Moore asks him to check the definition. McGary says that is not the law.

Sarah Wilson - W. Pike Street – Wilson says the turnout of the cleanup was amazing and wants to thank those who stood up and said we are taking back our town. She said they did come across some things that were very disheartening. Wilson congratulated Council member Smith, though he was not able to attend the cleanup due to his graduation of college, he did reach out to her and she appreciated that greatly. She thanked the businesses within the community as well as Darlene who gave donations. They were able to get some t-shirts paid for by Duvall Automotive, trash bags came from the local market in town, gloves from the Mayor. She stated the Mayor opened himself up to the community and she wants to thank him for that because even though there is a lot of negativity in town for him to be part of the cleanup was huge and told her that he loved this town.

4. Mayor Lawhorn presented Resolution 2014-10 for the third reading, authorizing the renewal, of an employment contract for Gary Vidmar. Atkins asked if any work was done, that they talked last council meeting about changes that need to be made. Mayor stated he did not remember any changes that needed to be made. Atkins pointed out it was regarding the job description in his contract. Mayor stated he would like to ask for executive session to review.

5. Mayor Lawhorn presented Emergency Resolution 2014-11 for the reappointment of Bruce McGary for Village Solicitor. Mayor stated he would like to ask for executive session to review.
6. Mayor Lawhorn said he would like McGary to explain Kohl's Tax Evaluation. McGary stated a contract was entered into with Kings Local School District and the Warren County Auditor's Office to obtain the appraisal, to defend the appeal to the Board of Tax Appeals by Kohls, as well as to support the evaluation of that property placed by the Board of Revision, Kings had filed a Cross Appeal to the Board of Tax Appeals. When the original complaint was filed with the Board of Revision, Kohls, using a preform evaluation, asserted that the value of the property was \$4.5 million for 2012, that would be tri-annual '12, '13, '14. The Country Auditor valued it at \$6.1million. The Board of Revision heard the case; an independent fee appraisal was presented as evidence by Kohls at \$5.1million. McGary said the Board of Revision lowered the valued from \$6.1million to \$5.5million. Kohls wanted it at \$5.1million, Board of Revisions set it at \$5.5million. Kohls then appealed it to the Board of Tax Appeals in Columbus, Kings Local School District filed a cross appeal asserting it be worth \$8.5million. McGary said that Kings once again approached the Village, like they had done in the previous tri-annual, and asked the Village to financially participate in obtaining an appraisal to defend the appeal in Columbus. This time the County Auditor participated allowing us to share in 3^{rds} the expense for the appraisal. McGary said he structured it so the appraiser did the leg work, came up with his opinion of value while paying half and then if decided his appraisal merited being reduced to writing then we would authorize that and then pay balance. This past week he said the appraiser had come up with his number and asked if we want to go forward and reduce it to writing; Samuel Kuntz is opinion came in at \$6.4million. McGary hopes this number will result in the Board of Revision's value being increased. Kings Local School District, as well as Matt Nolan at the Warren County Auditor's office would like to move forward and contribute. McGary finds it to be prudent for Council to move forward as well, he believes our additional share is \$833.00. He states that preventing Kohl's from having that value reduced will allow us to make up cost.

Smith asked what the appraisal of 2012 was; McGary said Kohls said \$4.5million while the County Auditor said \$6.1million and stated they were paying tax on \$6.1million until it was dropped to \$5.5million by the Board of Revision. McGary added that you only pay tax on 35%.

Smith said it is a dilemma we have; Kohls is making wages for jobs here and then we have Kings School District also vying for revenue. He stated it puts us in a peculiar situation. The TIF will also be affected stated the Mayor.

McGary stated that having done these cases, it's his experience that a lot of companies do this as part of their business practice; their desired impact is to have the taxes reduced. If they do go with Kohl's appraisal then our tax revenue will go

down and it will impact the TIF. If they go with ours it will increase and at least allow us to maintain to TIF revenue for those projects.

10. Mayor Lawhorn asked for motion, McGary stated that there is already a contract in place he is just looking for approval to go forward. He stated unless there is no objection he will move forward. No objections were made. Mayor Lawhorn asked for executive session. Motion made by Allen, second by Boreio all yeas 6:51pm The Mayor asked McGary to join them.
11. Mayor Lawhorn asked for motion to end Executive Session. Motion made by Atkins, second by Boreio all yeas
12. Mayor Lawhorn presented Resolution 2014-10 for the third reading, authorizing the renewal of an employment contract for Gary Vidmar. McGary stated that he would recommend that the resolution be modified to read, instead of an addendum #1, insert "employment agreement." Secondly McGary recommends that paragraph 6 be modified to read, "Assists the Fiscal Officer in the preparation of the budget for the next fiscal year." Motion made by Allen, second Johnson. All members yeas with the exception of Smith. Smith, nay with the recommendation that this goes to Personal to be looked at and reported back to council in reference to the complaint issued to council at the meeting.
13. Mayor Lawhorn presented Resolution 2014- 11 reappointment of Bruce McGary as Village solicitor and establishing compensation. Atkins stated that the personal committee met and discussed raising McGary's compensation to \$26,500.00 and keeping his hourly rate \$100.00. Smith said compared throughout the country it is very close. Mayor asked for a motion to wavier rules. Motion by Allen, second by Boreio. All yeas. Motion to adopt by Atkins, second Allen. All yeas.
14. McGary stated that on behalf of himself and his family he thanks the Council.
15. Atkins asked if the light tower that was talked about was purchased. The Mayor advised no. Atkins asked why it was not yet purchased, stated this was agreed upon in December. He stated he brought it back to council again, was advised it would be checked on and he heard nothing. He finally found out they still do not have lights. Smith agrees with Atkins that the lights need to be purchased and it's an extreme safety issue. The Mayor advised that when the Administrator returns Monday he will have him order them. Atkins also asked if we have proper safety attire to be worn at night, and said if we don't we need to make sure they get it. Riley stated they also need hi-visible rain gear. Smith would like Superintendent to submit a list of required safety equipment the Village needs.
16. Smith stated there is a building on the corner of 48 and MMM Rd, that was a Geothermal Business Building, that now has a large amount of debris and garbage behind it. He would like them to be contacted to clean this up.

17. Allen stated there are tires and debris on the empty lot on Dog Alley. Mayor stated that trees are being trimmed in that area and will have it looked in to. Sgt. Boylan stated that the Superintendent was putting up signs and cleaning up that area.
18. Mayor Lawhorn stated that Alvin Bishop has approached him about selling the Village the old junk yard. The Mayor would like permission from council to talk to him. Motion by Smith, second by Allen, all yeas
19. Mayor Lawhorn stated he was contacted by Ryan Homes and that they will begin taking orders June 1, 2014 for their new development. Both single and double family homes.
20. Motion was made to adjourn at 7:39 by Boreio, second by Allen, all yeas



Sharon Louallen, Fiscal Officer

Lionel Lawhorn, Mayor