

**VILLAGE OF SOUTH LEBANON  
REGULAR MEETING MINUTES  
OCTOBER 15, 2015  
6:30 P.M.**

1. Mayor Lawhorn opened the meeting at 6:30p.m. with the pledge.
2. Linda Allen – Absent                      Sue Johnson – Present  
Randall Atkins – Present                  Steve Riley – Present  
Jim Boerio – Present                      Jim Smith – Present
3. Mayor Lawhorn opened the floor to the Public
4. Debbie Bush- 411 Mary Lane – Wants to ask Council to do something about the speeding throughout the Village that will slow people down. Passed around a picture of “rumble strips,” a letter to Council with community member’s signatures, and a copy of Facebook comments. Mayor Lawhorn acknowledged Ms. Bush’s concerns, stated this has been brought up almost every meeting and that we are doing our best to get people to slow down.
5. Mayor Lawhorn presented the following minutes for approval:
  - a. Regular Meeting - September 3, 2015 – A motion to approve made by Smith, seconded by Boerio, all yeas.
  - b. Workshop – September 3, 2015 – A motion to approve made by Boerio, seconded by Smith, all yeas
  - c. Regular Meeting – September 17, 2015 – Atkins stated that on the 3<sup>rd</sup> page, item #16 - talks about the bad place on Pike street – the last sentence should be “Pike” not Ilene. Boerio suggested that on 2<sup>nd</sup> page, item #10 – talks about the “rates” – would like clarification on what rates are being discussed, “property tax.” – A motion to approve with changes made by Boerio, seconded by Smith, all yeas.
  - d. Special Meeting - September 24, 2015 - A motion to approve made by Boerio, seconded by Smith, all yeas.
6. Mayor Lawhorn presented a resolution to Approve and Authorize Change Order #1 with Civil Solutions Associates, Inc., for the Zoar Road Improvements Project and declaring it an emergency. Mayor Lawhorn asked Administrator Haddix to explain the emergency. Haddix explained that there was some additional money left over that was appropriated for Pike Street, that will add more paving to roughly where the red barn is, another .36 miles. This is roughly \$69,818.10, and should be done by November 28<sup>th</sup>, stated Haddix. A motion to suspend the reading rules made by Smith, seconded by Atkins, all yeas. A motion to adopt Resolution 2015-31, was made by Smith, seconded Riley, all yeas.

7. Administrator Haddix gave a project update –
  - a. Shepherds Crossing Project - supposed to start early/mid-November.
  - b. Trane - still working on HVAC quote for school.
  - c. Wood Knoll Section 2 - still waiting on a developer to provide the maintenance bond.
8. Mayor Lawhorn held second reading of an Ordinance Approving Zoning Map Amendments at Rivers Crossing South Development From R-3PUD and I-1 to R-3 totaling 76.810 Acres. A motion to suspend full reading of ordinance made by Smith, seconded by Riley, all yeas.
9. Mayor Lawhorn held first reading of an Ordinance to Amend the Village of South Lebanon Income Tax Ordinance, Effective January 1, 2016.
10. Mayor Lawhorn held first reading of a Resolution Authorizing Sale of Vehicles on Govdeals.com. Haddix stated that 1 cruiser will be sold and stated each time an items value is \$1,000 or more a resolution must be made. Smith asked that anytime, anything is going to be sold that Council be notified.
11. Mayor Lawhorn requested a motion to Approve Radio Tower and Waive Fees Relative to Warren Country Board of Commissioners' Wellfield Site, deferred to Haddix for explanation. He stated that this is an 80ft. tower; point-to-point, high- frequency, low power, comparable to a DISH Network, dish; back to their tower on Zoar Road. It's a one-way deal and the fall zones are completely within their property, adding that it be a recommended condition any future location of antennas would require Council approval. Smith asked if the communication is for telemetry for the wellfield. Haddix confirmed and stated that it is not for telecommunication, and the other option would be to run fiber optic cable. Haddix stated this is a request for a motion to waive all fees and approve a special use permit for the tower. A motion to waive fees was made by Smith, seconded by Boerio, all yeas. A motion to issue a special use permit was made by Smith, seconded by Riley, all yeas.
12. Mayor Lawhorn requested a motion to approve invoices to be paid. A motion to approve made by Smith, seconded by Boerio, all yeas.
13. Mayor Lawhorn requested a motion to approve invoices for Bruce McGary. Atkins asked what the work on Ohio Municipal League was for. McGary stated that work was for Tax Ordinance. Smith asked about the drafted emergency service gate easement, when/ if it was discussed by council. McGary stated that they met a guy last meeting that brought that issue up and he drafted documents to start negotiating with property owners. Stated it relates to Lots 43 and 44 at Homestead in Riverbend Subdivision. Smith stated that a person came here but council did not take any action on it. McGary stated Council has not taken any action yet, he has prepared the document, it will be submitted to Council and it will be discussed and that he doesn't see it on the agenda tonight but he assumes next meeting. An unidentified member of the audience questioned council, inaudible; the


Mayor stated it won't be discussed tonight but he can say it's the lots at the end of Homestead Drive where it meets Cochran Road. Another unidentified member of the audience asked if it is where they plan to put up a gate; Mayor Lawhorn stated we are not going to discuss that tonight, and will probably be on the agenda the next meeting. A motion to approve made by Boerio, seconded by Riley, all yeas.

14. Atkins stated that he knows it has been discussed many times but he has been approached about speed again and that it is bad throughout the whole Village. Stated he doesn't know if we need to look into extra patrol. The Mayor said that would be something for Council to consider, seeing if the Deputies could get more overtime and man power to work it. Sgt. Boylan stated they don't currently have the man power. Haddix suggested they look at getting another Deputy for next year and what the cost would be. The Mayor asked for a motion for Jerry to speak to the Sherrieff regarding overtime for more officers; motion by Atkins, seconded by Smith, all yeas
15. Boerio stated that the pavement on Pike Street, between 48 and where Pike Street was repaired a year or so ago in front of the church is in very poor shape, especially if travel East bound. Would like to see what can be done about this. The Mayor stated that area is part of the 48 Intersection Project and that it will come in that far and is why it was not taken back to 48. He continues, "if you put it in and that project is supposed to start next year, you tear it back out and all the money that is spent is wasted." Boerio stated he would like to see what can be done. Haddix advised he would take a look at this week.
16. Riley stated that he has received many comments that the residents are very happy with the paving job on Pike Street and the stripping really helped.
17. Smith asked about the notification he received regarding the predator on McKinley Street and questioned as to why the ordnance we have in place didn't stop this for someone coming in new. McGary stated he was not aware of someone on McKinley Street but stated there is one on King. McGary stated that our ordinance does not apply to this individual, it is of his opinion that the Ordinance in place is unconstitutional, and has never enforced that Ordinance; but instead the state statute and evicted a number of sex offenders from our community. McGary continues that this individual was investigated, he has had numerous conversations with the Sheriff's office; this person was convicted prior to the State Statute going into effect in 2007. The State Statute was amended in 2007, to add preschools and child daycare centers; prior to that 2950.031 which went into effect in 2003, only regulated schools. McGary stated that we do not have any schools as defined by the Statute in the Village. A school is an institution that is licensed by the Ohio Dept. of Education, we have some preschool and daycare centers which are licensed by the ODJFS. This particular sexual offender was convicted and classified, prior to the 2007 law going into effect. It is in McGarys opinion that the Village's ordinance is in direct conflict with general State Law 2950.034; which is why he has always enforced the State Statute. McGary continues that he has a lot of communication about this individual with the Sheriff's Office who notified him and provided him with a judgement entry showing that this individual was only restricted with living in 1,000 feet of a school and he is not living within 1,000 feet of school as defined by Ohio Law and this Village and especially Sgt.

Brian Hounshell, who is assigned to the Sex Offender Division of the Sheriff's Office. McGary states that Sgt. Hounshell vocalized to him that the Sheriff's office is very concerned about the Village trying to enforce our Ordinance on this individual, because if this individual is not allowed to live on King Ave he will become homeless and therefore they will no longer have a way to check in on this individual. If he re-offends then they will have no way to verify then if they catch him after he has offended. It is a better deterrent to know where this individual is because he knows they will check on him. Smith thanked McGary for his comments and stated that if there are issues with the Ordinance then why don't we simply bring it to Council and get it cleaned up and make it effective. McGary questions why do we need a new ordinance if the State Statute is in effect and it does exactly what we want it to do.

18. Sgt Bolan stated that we are trying to stay on top of the speed issues and any information any one can provide is helpful as where to be and what time during the day people are noticing the speeders. He continued that he would talk to the Sheriff about the additional needs of the Village. Both the new Tahoe's are on the road.
19. The Mayor asked who will be attending the Warren County Municipal League Meeting on October 21, 2015.
20. A motion to adjourn the meeting was made at 7:12 by Boerio, seconded by Riley, all yeas.

  
Sharon Louallen, Fiscal Officer

  
Lionel Lawhorn, Mayor