

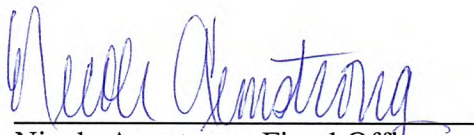
VILLAGE OF SOUTH LEBANON
SPECIAL MEETING MINUTES
JANUARY 26, 2017
6:30 P.M.

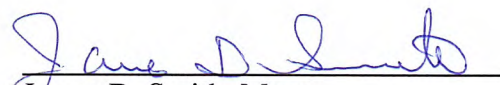
1. Mayor Smith opened the meeting at 6:30 p.m. with the Pledge.
2. Randall Atkins – Present Bill Madison - Present
Jim Boerio – Present Steve Riley – Present
Sue Johnson – Absent George Teasdale - Present
3. Mayor Smith stated that this special meeting is for two purposes which are the creating of two tax assistant positions and the vacation of Cochran Road. Atkins asked if the tax assistant positions were permanent part-time. Mayor Smith said that they are permanent. Boerio asked when a person is hired for either of these positions then Council would have to approve the salary. Mayor Smith said yes; however, we are hoping that we can wrap up the salary tonight since there will be no benefits. Mayor Smith stated that these positions will be pay grade 2. Boerio reiterated that it would be somewhere in that range but the final salary would be approved by Council. Teasdale asked if there would be benefits offered. Mayor Smith said no not for part-time. Teasdale asked if pay grade 2 will be enough to get the talent that we need. Mayor Smith said that Armstrong feels for part-time it would be sufficient. Mayor Smith said if we have an issue with the pay that we will come back to Council to discuss. Mayor Smith stated if no further discussion I need a motion to suspend the rules and declare an emergency Resolution 2017-12. A motion was made by Atkins, seconded by Boerio, all yeas. By title only Resolution 2017-12, a motion to adopt was made by Madison, seconded by Teasdale, all yeas.
4. Mayor Smith stated that the second piece for this meeting is the vacation of Cochran Road Ordinance 2017-02 which is now before Council for discussion. Mayor Smith said that we received a document from the Ritchey family today. Solicitor Revelson said that Council has a copy of the document which is from 1935. The Solicitor said that there are two documents the first one is an easement for highway purposes and the grantor of that document was a Ritchey decedent, Chauncey, and he gave the County the ability to put in Cochran Road. The attachment you will see is a 1904 map that the County did in order to allow Cochran Road to be put in. Solicitor Revelson said what he believes happened is they didn't memorialize this in an easement document of any sort until 1935. So, you are wondering if this document allows the Ritchey's, or the current owners, to be able to traverse across that parcel and I do not believe so because various portions of the property were sold which gave away any sort of ability to cross that parcel. This document was the Ritchey's giving the County the ability to cross not the other way around so I do not think this has any relevance. Mayor Smith asked if anyone would like to make a statement to Council.

5. Kathy Steele – 4982 Zoar Road. It wasn't until a couple of weeks ago in the January meeting that we realized how closed off this was going to be. It is not something that the Ritchey family wants or was expecting. I am a niece to Wilbur and Jenny Ritchey and I live on the other side of what is going to be the barrier. The expectation from the beginning was that the family would still have some kind of access. We realize that the road is closing but we were taken back with the lack of access and even when they were talking about putting in a gate the family would still have access. Madison stated as a Council we are sympathetic to your position but I'm sure that you can appreciate the complexity of this issue. Ms. Steele stated if you knew my Uncle you would not find a more gentle and God-fearing man. Riley stated he is disappointed because of the farm being sold period. When I was a young kid, I hunted and until recently use to hunt on the property. Madison said the other side of the coin is now that the property has been developed and other families have purchased property it now comes down to a legal matter and we follow the Solicitor's advice. Madison said if I can say anything of importance to you probably legal counsel would be something that you might benefit from because it is at that level that we work at. Ms. Steele said that the family understands that but there were a lot of promises made by the developer. Unfortunately, the developer got the promised made to him in writing but we did not. Another thing that we ask is that they respect the private property and that the barriers be totally erected on their side of the property and not spill over. There are some pine trees planted which they received permission to put in and it is landscaped very well and taken care of and so the concern has been that they were going to lose that because someone else is taking care of it. We ask that the private property be respected and not to landscape on private property.
6. Matt Van Schoyck – 5222 Homestead Drive. Mr. Van Schoyck stated that we can all appreciate the emotional attachment to the property and the historical perspective. We purchase this land based on the legal documents that are filed with the County and we are simply trying to enforce that and create a safer living environment for everyone. Wilbur and Jenny are wonderful people and I spoke with them many times and had a good relationship with them and they have got to know my kids. I think the legalities and the paperwork are all laid out and this is what has been communicated to us for six years that the intention of the Village was to shut down this connection once certain events happened with the last one being the Emerald Drive extension being completed. The last phase might not be completed but it does connect Zoar Road out to Cochran through the Wynstead Subdivision. Mr. Van Schoyck said he appreciates Council honoring your word expeditiously as possible. Riley asked if we are aware of what type of barrier is going to be put up. Mr. Van Schoyck said that what we have always discussed is that a temporary barrier would go up and once the ordinance is effective then it would be the homeowner's determination as what we want to do on our property. He thanked Ms. Steele for bringing up the pine trees and stated that Wilbur gave us permission to put them there and will continue to mow around it but I'm not trying to say that we are taking over that land so if he doesn't want me to mow around them then I'm happy to let it go. Madison said that the Ritchey's made

every effort to accommodate the neighborhood so maybe at some point you could may accommodation for them by giving them so type of passage through that area. Mr. Van Schoyck said that he agrees but don't think it's not really the Village's determination to decide that.

7. Bev Williams – 5221 Homestead Drive. This is a legal issue so that if anyone were to get hurt on our property they can sue us. From a legal standpoint, I'm not quite sure that our insurance company would like that we have continued to allow public access through something we own and they are taking that legal responsibility for.
8. Boerio asked Haddix about section three that it refers to installing a barrier so where is the intent to install that barrier. Haddix said initially some temporary barriers at the property line and another one close to the entrance of the Ritchey's driveway. Boerio asked where will the signs be put. Haddix said one will be on Homestead Drive and another one past Wynstead. Riley asked Haddix what is going to be the temporary barrier. Haddix said a barricade. Atkins said that we need something that's not moveable like a concrete barrier. Haddix said that he would ask Superintendent Ledford what we have. Atkins asked if he understands correctly that the homeowners are going to put the permanent barrier. Haddix said if Council decides to go ahead and vacate then we can remove some sections of pavement. Mr. Van Schoyck said that the barrier needs to be more than just a wood barrier. Boerio suggested a guardrail but it needs to be something fairly substantial. Mayor Smith stated that Haddix really can't answer that until you vote on it. Also, the portion of the Ritchey property, the vacation of it, I think those discussions should be with the family. Solicitor Revelson said on section one of the Ordinance I need to know when Council wants to make it effective. Atkins asked if we need to allow a legal amount of time. Boerio asked if that date could be February 17th. Mayor Smith said Ordinance 2017-02 is amended to February 17th. Mayor Smith presented Ordinance 2017-02 and asked for a motion to suspend the rules and declare an emergency. A motion was made by Boerio, seconded by Riley, all yeas. By title only Ordinance 2017-02, a motion to adopt was made by Boerio, seconded by Riley, all yeas.
9. Mayor Smith thanked Council for attending the special meeting and asked for a motion to adjourn. A motion to adjourn at 7:19 pm was made by Madison, seconded by Boerio, all yeas.


Nicole Armstrong, Fiscal Officer


James D. Smith, Mayor