

**VILLAGE OF SOUTH LEBANON  
REGULAR MEETING MINUTES  
JANUARY 19, 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 – Present                              George Teasdale - Present

3. Mayor Smith opened floor to the public:

Adam Mc Gee – 5214 Homestead Drive. Mr. Mc Gee thanked Council for the resolution that was passed at the last meeting.

Matt Van Schoyck – 5222 Homestead Drive. Mr. Van Schoyck asked Council for an update on the signage ordering, time of installation, and notification. Mayor Smith stated that Council needs to vote on the vacation. Solicitor Revelson said that signage will go up but until the vote happens by Council it can't be official.

Mayor Smith closed the floor to the public.

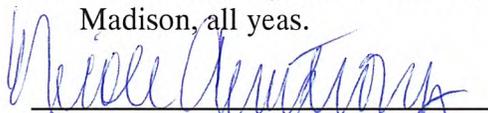
4. Mayor Smith presented Emergency Resolution 2017-09 approving the plat for the Riverside Subdivision Phase One. Haddix stated the Riverside Subdivision is located at the former Siemens site at Mason Morrow Millgrove Road. Phase One of the Riverside subdivision is for 42 single family homes and Ryan Homes is the builder. Haddix said that the inside demo of the Siemens building is currently taking place and hopefully the building comes down soon. Boerio asked if they are planning to go ahead with the demolition fairly quickly. Haddix stated yes that they have the demo permit. Boerio stated that if you look at the actual resolution the first whereas clause states that the Planning Commission met on January 12 and conditionally approved the plat. What were the conditions. Haddix stated it was to meet the tax map room conditions so there were corrections to the plat. Mayor Smith stated this is common that the engineers find something that may not be consistent to what we agreed to so we make those corrections with the developer agreeing to them. Haddix stated that Choice One reviewed the final plat. Boerio said that the third whereas says that immediate action is required to preserve the Village's authority to review and approve said subdivision plat and asked if the Village only has a certain amount of time to review it. Haddix said yes I believe so. Mayor Smith responded when we agree to put in a development we have a turnaround time in order to complete our obligation. Boerio asked if that is something that is in the agreement with the developer. Mayor Smith stated it is the way it was drafted. Mayor Smith asked for a motion to suspend the rules and declare an emergency Resolution 2017-09.

A motion was made by Madison, seconded by Boerio, all yeas. A motion to adopt Resolution 2017-09 was made by Madison, seconded by Boerio, all yeas.

5. Mayor Smith presented Emergency Resolution 2017-10 granting an easement to Duke Energy for the renovation of the old South Lebanon Elementary School and asked for a motion to suspend the rules and declare an emergency. A motion was made by Atkins, seconded by Boerio, all yeas. By title only Resolution 2017-10, a motion to adopt was made by Boerio, seconded by Atkins, all yeas.
6. Mayor Smith presented Emergency Resolution 2017-11 authorizing lighting agreement with Duke Energy. Boerio said if you look at Haddix's cover letter, it says that the developer is responsible for the installation and also operation until public improvements are accepted. If you look at the actual resolution, it says that the developer is responsible for the installation and the Village will be responsible after the public improvements are accepted but it doesn't say that the developer is responsible for the operation and maintenance until the public improvements are accepted. Haddix said the way this is worded the agreement does say that we will actually pay the bill and then bill it back to the developer. I have it in writing from the developer. Boerio asked if that is in writing somewhere. Haddix said yes. Mayor Smith asked if no further discussion, I need a motion to suspend the rules and declare an emergency. A motion was made by Boerio, seconded by Madison, all yeas. By title only Resolution 2017-11, a motion to adopt was made by Atkins, seconded by Boerio, all yeas.
7. Mayor Smith asked if no corrections or additions that I need a motion to approve the meeting minutes from:  
  
Regular Meeting October 6, 2016 – A motion to approve was made by Boerio, seconded by Madison, all yeas.  
  
Workshop Meeting October 6, 2016 – A motion to approve was made by Boerio, seconded by Madison, all yeas.  
  
Regular Meeting October 20, 2016 – Boerio stated that Atkins last name is spelled wrong in the minutes. Teasdale asked if there is a rule that the minutes have to be word for word. Mayor Smith said no that the minutes can be summarized but historically have tried to do word for word. Atkins asked if there is reason that we are so far behind on the minutes. Mayor Smith stated transition. A motion to approve the minutes as amended was made by Boerio, seconded by Atkins, all yeas.
8. Mayor Smith asked for a motion to authorize the payment of the invoices. A motion was made by Madison, seconded by Teasdale, all yeas.
9. Mayor Smith asked Haddix to cover the Warren County Drug Task Force contribution. Mayor Smith stated that this is for our annual contribution and

- asked for a motion to approve our contribution. A motion was made by Atkins, seconded by Teasdale, all yeas.
10. Mayor asked for a motion to authorize the December financial statements. A motion was made by Madison. Boerio said that there were a lot of voided checks and asked Armstrong if this is typical. Armstrong said when the check number count is off the previous checks are voided. Boerio asked Armstrong about page 6 of 15 that we received a payment from Rivers Crossing Community Church for cruiser use. Mayor Smith stated that it is for special detail and this occurs across the State that they are required to pay compensation back to the Village. The motion was seconded by Boerio, all yeas.
  11. Mayor Smith stated the first item he has is the Vice Mayor position is open for nomination. Boerio nominated Riley, seconded by Atkins. Riley accepted. All yeas. Mayor Smith said that the vote indicates a vote for Steve Riley.
  12. Haddix said that the first item he has is related to the Duke Energy resolution. We received an invoice for \$12,505.82 for the work that they have to do on the electric. Mayor Smith stated that the original estimate was for approximately \$30,000. Riley asked where did we come up with the estimate for \$30,000. Haddix said that Duke Energy came up with it and gave it to Trane. Haddix said until they get into a job they don't know so they overestimate. Mayor Smith asked for a motion to approve the Duke Energy invoice. A motion was made by Atkins, seconded by Madison, all yeas.
  13. Haddix stated that we received a final invoice for the boat ramp which is \$20,415. They had some extra work that needed to be done so I'm recommending the payment of the invoice minus 10% to take care of a punch list of items. Atkins asked if they looked at the cracks in the concrete. Haddix said yes and they are going to touch them up. Riley said that the problem he has with this is that the bid was for \$14,000 and now we are paying \$20,000. Haddix said this is the first invoice we got. Atkins said so they did the extra work without the Village knowing. Mayor Smith stated that the amount of concrete for the base was more than what was estimated. Riley said that when he originally looked at it that it didn't go all the way to the water but it did the next time he saw it. I can understand a couple thousand more but we are paying six thousand more. Mayor Smith stated when the project came in it was more. Atkins said that usually when you bid a project it's going to cost that amount or they do a change order and they didn't do that. Mayor Smith said that he recommends paying the invoice. Boerio said that he is okay with paying it but in the future anytime something like this occurs that we should ask for a change order. Haddix said that this is atypical and that a change order is done ahead of time and not after the fact. A motion to approve the invoice less the 10% was made by Boerio, seconded by Madison, all yeas.

14. Haddix stated back in December one of the bills that passed was Senate Bill 331 and what got tacked onto that Bill was taking away all local authority to regulate small cell towers in the right-of-way. If it meets the definition of a small cell tower, we have to let it go in.
15. Haddix said at the Planning Commission meeting we had the site plan review for the Patel Convenience Store at 22 & 3. It is a 5500 square feet with eight fueling pumps and two additional commercial spaces.
16. Boerio asked Solicitor Revelson to look at section 729.52 of the ORC there is a sentence that says sewer funds shall not be used for the extension of sewerage system to serve unsewered areas or for any other purpose. Does section 729.52 apply and can we build that sewer and pay for it out of the sewer fund. I would like Solicitor Revelson to take a look at it. The Solicitor said that he would look at it.
17. Haddix said that we have Brianna Yarbrough in the audience tonight and she is our Court Clerk. She does a great job and is a joy to have in the office. Mayor Smith asked her if she has been here six months yet. Yarbrough said that it was December 15<sup>th</sup>. Mayor Smith said that he didn't realize she has already been here that long. She is very conscientious and does a great job for the Village. Mayor Smith recommended to Council that Yarbrough become a permanent employee of the Village of South Lebanon. A motion was made by Atkins, seconded by Boerio, all yeas. Mayor Smith and Council welcomed her aboard. Armstrong said that she is a pleasure to work with.
18. Teasdale asked Mayor Smith if at the next workshop meeting we could spend time talking about 2017 priorities. Mayor Smith said yes.
19. Riley asked Haddix to have the guys look at the potholes on the ballfield side of Oeders Park on Hobart. In addition, we need to take a look at removing the trees coming around the curve by Chief Napier's house. Riley asked if it is feasible to have a special meeting to for the Cochran Road vacation. Mayor Smith stated we are already looking to do that.
20. Mayor Smith asked for a motion to go into executive session to discuss personnel at 7:28 pm. A motion was made by Madison, seconded by Teasdale, all yeas.
21. Mayor Smith asked for a motion to return from executive session at 7:38 pm. A motion was made by Madison, seconded by Teasdale, all yeas.
22. A motion to adjourn the meeting at 7:39 pm was made by Atkins, seconded by Madison, all yeas.

  
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Nicole Armstrong, Fiscal Officer

  
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James D. Smith, Mayor