

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
NOVEMBER 16, 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 the floor to the public.

Scott Doughman 260 E. Forest Avenue – Mr. Doughman thanked Council for their service and congratulated the winners of the election. He expressed his concern for the need of legislation to pre-define drug rehabilitation centers as practices and as enterprises. Mayor Smith thanked Mr. Doughman. Madison said that he has asked Solicitor Revelson to look into our zoning laws to research further. Mayor Smith asked for a motion to direct the Solicitor to do the final research to address the zoning. A motion made by Madison, seconded by Atkins. Revelson said that he understands everyone’s concern. This is a delicate issue as there are constitutional issues at play. Revelson stated that other communities are also deal with this delicate matter. All yeas.

Randall Taulbee 56 W McKinley St. – Mr. Taulbee conveyed his concern about the impact of this type of center to our community. Mayor Smith agreed.

Mayor Smith closed the floor to the public.

3. Mayor Smith presented Emergency Resolution 2017-56, indicating municipal services to be provided to certain real property annexed to the Village. Boerio asked Mayor Smith who is J. William Duning referenced on page 2, section 3, of resolution. Mayor Smith stated that he is an attorney for South Lebanon. Boerio said it states he is going to file the resolution with the County Commissioners. The ORC 709.023 states that the Clerk/Armstrong would do this. Mayor Smith said yes that Armstrong will provide a “Certified Copy” tomorrow morning and once annexation is finished then she will have several steps to complete. Boerio asked about Haddix’s memo stating that municipal utilities are not included in the municipal services resolution. It says that the County has water and sanitary sewer available but it doesn’t say that they are going to provide water and sanitary sewer. Solicitor Revelson said that they have a resolution that they are the providers so they have to do it. Boerio asked if you are referring to Resolution 17-0120. Haddix said it states that they agree to reduce the tap fees. Boerio said yes. Haddix said that it also states that they have to be sole provider of water and sewer to get the reduced fees. Boerio said if you look at their Resolution 17-

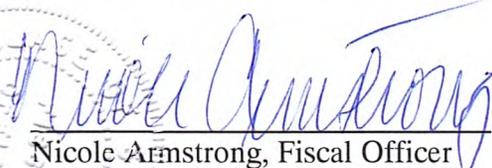
0120, it states that their agreement is conditional. I'm concerned that we are heading down the same road as the Book's Annexation. Mayor Smith said we put in the Book's Annexation that we would provide the services. Since the County already has these services, we are advised to leave it out of the resolution. Solicitor Revelson said that if we put it in the service resolution we are going to do it, like the Book's Annexation, then we have to do it. Boerio said that according to State law, they can't be the designated management agency unless there is a separate written contract with the Village. Riley asked what it would take to get it in writing from the County that they would provide the service. Mayor Smith, Revelson, and Haddix said that the County put it in a resolution. Madison stated that we have hired experts to protect our interests and review the resolution. Boerio said assuming this is a done deal, if this ever comes up again and the hard working people of the Village have to foot the bill for a new sewer over to the Powder Factory, I will not vote for it. Mayor Smith said that is fair enough. Mayor Smith said that this legislation drafted, keeps us out of the utilities. Mayor Smith said that the County will receive millions of dollars in tap fees from the developer with this project. Teasdale asked if the "River Corridor Annexation" is the Cartridge Factory. Mayor Smith said that it covers the whole annexation. Revelson said that there are additional parcels as part of the annexation. Mayor Smith said is a historic moment. The Powder Plant would be our Golden Lamb. Revelson reiterated that we are not agreeing to provide services. Mayor Smith explained that we have signed pre-annexation agreements that Council has ratified. Further discussion between Council, Mayor and Solicitor. Mayor Smith asked for a motion to suspend the three reading rule. A motion made by Madison, seconded by Teasdale, Atkins – ney, Boerio – yea, Johnson – yea, Madison – yea, Riley – ney, Teasdale – yea. A motion to adopt made by Madison, seconded by Teasdale, Atkins – ney, Boerio – yea, Johnson – yea, Madison – yea, Riley – ney, Teasdale yea. Boerio asked for clarification on the vote. Revelson said that it appears the resolution did not pass. Haddix said that we have the best annexation lawyer in the State and they reviewed this.

4. Mayor Smith asked for a motion to authorize the invoices for payment. A motion was made by Madison, seconded by Atkins, all yeas
5. Mayor Smith asked for a motion to approve the October Financial Statements. A motion made by Madison, seconded by Boerio, all yeas.
6. Mayor Smith held the third reading of Resolution 2017-52 authorizing the CDBG application for Fiscal Year 2018. A motion made by Madison, seconded by Boerio, all yeas.
7. Administrator Haddix reported that Mason-Morrow-Millgrove Road will be closed starting next Monday for approximately 3 – 4 weeks from John Quinn Blvd. to the First Baptist Church for the gravity sewer project.

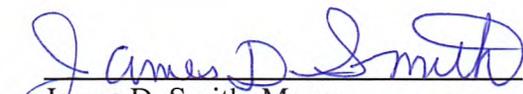
8. Haddix said that he serves on the Warren County Community Services Board and they are in the process of putting new signs in all the senior citizen facilities and in the Union Community Park across from the firehouse. In the meeting it was discussed to rename this park after an individual. Haddix recommended Larry Seargent as a representative of Union Township and the Village. Mayor Smith asked for a motion to submit his name. A motion made Riley, seconded by Boerio, Atkins – yea, Boerio – yea, Johnson – yea, Madison – abstain, Riley – yea, Teasdale - yea.
9. Mayor Smith stated it is in the best interest of South Lebanon for the resolutions to go forward and asked Council to reconsider. We have the opinion of the Solicitor and this is crucial for the Village. Riley asked if there was a Commissioner meeting coming up. The Solicitor said that with the holiday plus they can't meet unless it is an open meeting that it will be beyond the date or 20-days after November 1st. Solicitor Revelson elaborated. Mayor Smith brought back to the table as Resolution 2017-58, and asked for a motion to suspend the three reading rule. A motion made by Madison, seconded by Teasdale, Atkins – yea, Boerio – yea, Johnson – yea, Madison – yea, Riley – yea, Teasdale – yea. By title only, Resolution 2017-58, a motion to adopt made by Madison, seconded by Teasdale, Atkins – yea, Boerio – yea, Johnson – yea, Madison – yea, Riley – yea, Teasdale – yea.
10. Mayor Smith presented Emergency Resolution 2017-59, regarding incompatible land uses and zoning buffer with respect to property proposed to be annexed to the Village of South Lebanon. A motion to suspend the three reading rule made by Teasdale, seconded by Madison, Atkins – yea, Boerio – yea, Johnson – yea, Madison – yea, Riley – yea, Teasdale – yea. By title only, Resolution 2017-59, a motion to adopt made by Madison, seconded by Teasdale, Atkins – yea, Boerio – yea, Johnson – yea, Madison – yea, Riley – yea, Teasdale – yea. Mayor Smith thanked Council.
11. Teasdale asked if there is anything further to report with the school district related to the annexation. Mayor Smith said that there is a tentative meeting scheduled for December 5th.
12. Riley said that he would like to see the Village finish the turning lane patch by Barrett's. Mayor Smith agreed. Riley asked even if our road crew does a temporary patch to get through the winter.
13. Further discussion by Solicitor and Council along with audience about rehabilitation facility.
14. Boerio asked Haddix to update Council on the GCWW water usage to date and projected to the end of the year. Haddix said that he would provide the information to Council.

15. Mayor Smith mentioned that the Village holiday party is set for Tuesday, December 5th at the Golden Lamb.

16. Mayor Smith asked for a motion to adjourn the meeting. A motion to adjourn meeting at 7:54 pm made by Atkins, seconded by Madison, all yeas.



Nicole Armstrong, Fiscal Officer



James D. Smith, Mayor