

**VILLAGE OF SOUTH LEBANON
REGULAR MEETING MINUTES
APRIL 20, 2017
6:30 P.M.**

1. Mayor Smith opened the meeting at 6:30 p.m. with the Pledge.
2. Randall Atkins – Absent Bill Madison - Present
Jim Boerio – Present Steve Riley – Present
Sue Johnson – Present George Teasdale - Present
3. Guest Major Steve Arrasmith, Warren County Drug Task Force – presented the 2016 Annual Report.
4. Mayor Smith opened the floor to the public.

Mayor Smith closed the floor to the public.
5. Mayor Smith presented Emergency Resolution 2017-21 authorizing plat for Woodknoll Section 4. Mayor Smith asked Haddix to cover resolution. Haddix stated there are two resolutions the final plat authorization and development agreement. The final plat is for eleven lots at the end of Mary Lane Extension and Sunset Drive. Haddix stated that Ed Farruggia is here representing the developer. Boerio asked about the wording in the development agreement if it is what we have been using previously. Haddix stated that the prior Solicitor drafted and Solicitor Revelson made some changes to it regarding the subdivision regulations. A motion to suspend the reading rule and declare an emergency was made by Boerio, seconded by Madison, all yeas. By title only Resolution 2017-21, a motion to adopt was made by Madison, seconded by Boerio, all yeas.
6. Mayor Smith presented Emergency Resolution 2017-22 authorizing the development agreement. Mayor Smith asked for motion to suspend the reading rule which was made by Boerio, seconded by Madison, all yeas. By title only Resolution 2017-22, Mayor Smith asked for a motion to adopt. A motion to adopt was made by Boerio, seconded by Madison, all yeas.
7. Mayor Smith presented Emergency Resolution 2017-23 authorizing agreement with Choice One and hearing no discussion asked for a motion to suspend the reading rule. A motion was made by Boerio, seconded by Madison, all yeas. By title only Resolution 2017-23, Mayor Smith asked for a motion to adopt. A motion was made by Boerio, seconded by Madison, all yeas.
8. Mayor Smith discussed Resolution 2017-24 for the purchase of a skid loader through a State contract. Further discussion by Council and Mayor Smith. Mayor Smith asked for a motion to suspend the reading rule and declare an emergency.

A motion was made by Madison, seconded by Teasdale, all yeas. By title only Resolution 2017-24 Mayor Smith asked for a motion to adopt. A motion was made by Madison, seconded by Teasdale, all yeas.

9. Mayor Smith stated before we do the reading of the proposed compensation for employees, we will need to go to executive session so I will cover a few more items.
10. Mayor Smith asked for a motion to approve payment of the invoices. A motion was made by Madison, seconded by Boerio, all yeas.
11. Mayor Smith asked for a motion to approve for payment the Solicitor's invoice. A motion was made by Boerio, seconded by Madison, all yeas.
12. Mayor Smith asked for a motion to approve March financial statements. Boerio asked Armstrong when we write checks are they void after 90 days. Armstrong replied no. A motion to authorize the March financial statements was made by Boerio, seconded by Teasdale, all yeas.
13. Mayor Smith asked for a motion to go to execution per ORC 122.22 (G)(1) to discuss proposed compensation for employees at 7:12 pm. A motion was made by Boerio, seconded by Madison, all yeas.
14. Mayor Smith asked for a motion at 7:31 pm to return from executive session. A motion was made by Boerio, seconded by Madison, all yeas.
15. Mayor Smith presented Ordinance 2017-05 the First Reading by title only setting the rates for compensation for full-time compensation.
16. Mayor Smith said that he attended the Little Miami Conservancy 50th Anniversary. The LMC thanked the Village of South Lebanon for our continued support to maintain the river corridor
17. Solicitor Revelson stated that he is working on the sewer agreement with the Patel's and a draft has been submitted to them.
18. Haddix stated that Brenda Combs is here and requesting a community yard sale day for June 24th to have the fees waived for the yard sale permits for the entire day. Mayor Smith asked for motion to allow. A motion was made by Madison, seconded by Boerio, all yeas. Teasdale asked if we are approving the date and Mayor Smith said yes. Teasdale said to let everyone know that we in Stonebrook have a community garage sale every year sometime in May and could've coordinated the day. Teasdale said it is April 29th. Mayor Smith asked for a motion. Boerio asked what are we approving. Haddix stated waiving the fees for Stonebrook. Boerio wanted to confirm that we are still going forward with the June 24th date Teasdale said that he is not asking for Council to waive the fees

because you probably have people who have already paid the fees. Mayor Smith asked for a motion to allow the April 29th date as the Stonebrook Community Yard Sale date. A motion was made by Madison, seconded by Boerio, all yeas.

19. Haddix said that tomorrow at 1:00 pm at the Community Center is the dedication of the Union Township Hall historical marker. Mayor Smith said that he is unable to attend. Mayor Smith and Council asked Haddix if he would stand in for the Mayor. Mayor Smith asked Haddix to relay his best wishes and said the markers have a big impact to the community. Madison said that Maryan Harrison has been very active in this community for a number of years and Council recognizes this.
20. Haddix said that you have a photograph of a dead Ash Tree on Riverstone Drive between Vista Pointe and Stonebrook in the right of way. It is a victim of the Emerald Ash Borer and stated he is planning on getting quotes from a tree company to take it down. Teasdale asked Haddix if it is on private property. Mayor Smith said that it is actually of the right of way. Haddix said it is on our side. Riley asked about the tree behind it. Haddix said it is a small dead Ash Tree. Boerio wanted to confirm that we are just taking down the tree in the right of way correct. Haddix said yes. Riley asked if we could take the other tree down as well. Boerio said that is on private property. Haddix said there is tree on the south side that you can't see but the one on private property we can't take care of. In addition, there are some more trees on Zoar Road that we need to take a look at this summer. Riley said that we should also look at tree removal around Chief Napier's house on the curve.
21. Haddix said that we have the bids out for the Mason Morrow Millgrove sewer project and the bid opening is May 3rd. We want to award that as soon as possible to make sure that is completed before the intersection project gets going.
22. Haddix said that we have the final plans from the architect for Administration Building. It should go to the County for permitting probably in another week or so in order to get the HVAC going.
23. Sgt. Boylan discussed the recent drug overdoses.
24. Sgt. Boylan said that he gave Haddix a copy of our Ordinance concerning curfew violations. Haddix said that he wasn't able to pass it out yet. Sgt. Boylan said we currently have an Ordinance for a curfew for minors dated 1994 but the issue is most curfew Ordinances are for ages under 18 but ours is under age 17 and asked Council to adopt an Ordinance along the lines of the City of Lebanon. Mayor Smith asked if no objections for Solicitor Revelson to draft it. No objections made by Council.
25. Madison said to add to the conversation earlier, he was out walking this week and a neighbor politely described their frustration with the residence discussed earlier

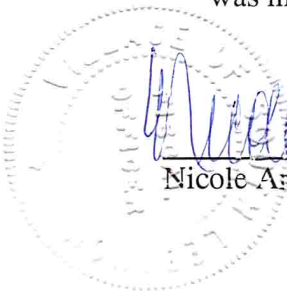
by Sgt. Boylan. A concern for safety due to the proximity of their house and this house that they have people knocking on their door at all hours of the night and of course it's the wrong residence and causes a lot of concern. Madison said that he heard about some type of awareness march due to the frustration in this area. Further discussion by Council and Mayor.

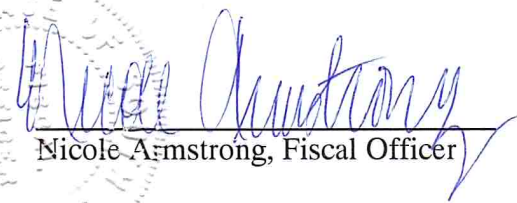
26. Teasdale asked about the Pavement Rating Study in our packets and asked if it was going to be discussed. Haddix said that we talked about the road repair plan last meeting and put in the packet for everyone to look at. Mayor Smith said that was a previous sample. Haddix said that it doesn't include the south side of town which needs to be added. Boerio asked if this is going to be updated. Haddix said to some extent. Mayor Smith said that he asked the staff to take a look where there are areas with problems.
27. Riley said he has a couple of items. Asked about the International Property Maintenance Guidelines and hopes that Solicitor Revelson can do something for us to address these problems. Boerio asked if this is on the website. Haddix said that it isn't. Boerio said that it should be put on the website so that citizens know what our standard is. Haddix that it is a large booklet.
28. Riley stated that the other item he wants to discuss is from the last meeting and we never voted on it. This is the property owner on Lebanon Road that is going to put in the four houses. We never voted on to let this guy go to the County to see if they would allow him to hook up to sewer. Wasn't it part of the question that he would do two lots with us and two lots with Warren County, correct. Haddix said yes. Riley said the more he thought about it that it comes back to the Books property. We allowed Mr. Books to go to the County so why wouldn't we do this for him. Haddix said because this one is reasonably close. Haddix said our line is on Lebanon Road. Riley said that Warren County sewer is on Sunny Lane and thinks that we should allow him to go to the County and ask. Mayor Smith said that we require, when subdivisions come in, for them to build a lift station if needed. That is what this gentleman will have to do to a certain degree for these two homes. Boerio said we authorized Books to go to the County. Mayor Smith said at that point we didn't think we could sewer it but we can. Haddix said if you do that I would have him do it on his own. Solicitor Revelson said that I think what Haddix is saying is that the last one didn't work out well. Riley said we probably know that is the way it will go but let him ask. Riley said that we allowed Mr. Books to do so then we should allow this gentleman to go to the County to ask to hook up to the sewer. Solicitor Revelson said the difference is that it isn't going to cost \$250,000 to hook up to our sewer which is what it would have been for Mr. Books so I think there is a difference comparing one versus the other. Haddix said we have the service available he doesn't want to spend the money. Madison said to me this board should act in the interest of the community. The interest of the community overrides the interest of an individual. We have sewer there and it is a policy that when a developer comes in and develops that they use our facilities. In the case of Books, we took an alternative

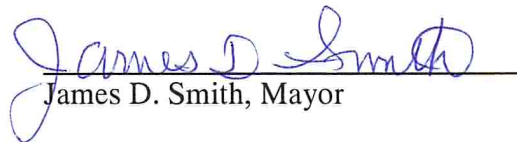
route because we did not have sewer out there at the time and those are the only occasions when we do that. The only occasions that we go to the County is when we do not have services available in the area that we as a community will develop and benefit. This individual is developing a small four lot area and we have services there. I think it is in our best interest that he uses our services and pays us tap fees and our sewer rates rather than another municipality. We are going to pay for the road traffic generated and we should also share in the revenue. Riley said we are going to spend \$240,000 to run sewer to one piece of property and this gentleman wants to buy two sewer taps from Warren County and two sewer taps from South Lebanon. Madison said that is an entirely different situation. It is an investment when we extend that sewer out just like every other time that we extended sewer it has paid handsomely to this community. We have grown because of it. Madison said this isn't a same scenario. Riley said that we allowed Books. Mayor Smith said every time you get a new customer to the sewer system it adds revenue. If you allow customers to go away from that system, it will hurt you. Mayor Smith stated we have homes that have this small sub station now. The home at the end of the street off Lebanon Road has one. It is no different if a developer for a small or big subdivision they will build that infrastructure and turn it over. Riley said that we allowed Mr. Books to go to the County then we should allow this gentleman to go to the County and ask. Madison stated that he disagrees and thinks this community needs to benefit from that project. We will pay the maintenance on the roads, sidewalks, and everything else. Then, we will have two homes in our community that pay sewer to someone else for no more than the convenience of this person. What kind of precedence is that going to set. Riley said we should take a vote. Teasdale said that he had second thoughts about this after the last meeting. Maybe it would be helpful to his developer to avoid these pump stations. Riley said that it isn't our place to tell this guy he can't. Mayor Smith/Madison said that it is our place because it is our municipality. Mayor Smith said that he takes the position that it is no. Riley said that he makes a motion to allow this gentleman to go to Warren County to ask for permission. Mayor Smith said that Atkins should be here at the meeting for a full complement of Council. Riley said and we are going to run sewer out Cochran Road. Mayor Smith that you are talking about two different things you are talking about three businesses. That piece of property is putting business in this community that creates jobs, pay taxes, utilities, and that developer has agreed to pay us back \$100,000 for part of that project. If you give sewer customers away, that is less dollars to maintain our system. Boerio asked if there is any other case that is similar to this one or situation anywhere where Warren County and South Lebanon have sewers that are in the same area. Mayor Smith said we have no cases. Boerio asked that we roll this discussion over to the next meeting when Atkins is here. Boerio said that Riley has a point in that we did allow Books to go to the County so there is a little bit of a similarity. Madison said that the similarity is if we had sewer out to Books already and a business wanted to develop beside Books with our sewer already in place and we allowed them to go across the street and access the County rather than us then that would be a fair comparison. Boerio agreed that is a good comparison but nevertheless we did

allow Books to go to the County. We need to roll this discussion over to get Atkins input.

29. Boerio asked at one time we talked about vacating some of the Cochran Road property that's on the Ritchie property. Is there anything new on that. Haddix said that the Ritchie's asked that the temporary barrier be moved so that they can use circle drive around their house. We will have to get together with them to discuss what they want. Riley said they asked to have the barricade moved. Haddix said the barricade on their side. Boerio said that we should talk to the Ritchie's and see what their preference is to at least follow up on this.
30. Boerio asked about the Siemens property that it seems like activity has slowed down. Haddix said that the model home is done and IRG is working on ways to building financing to have the buildings torn down. The entryway is currently being constructed.
31. Boerio asked Haddix if we have any approved junkyards in South Lebanon. Haddix said no. Boerio said if you look at our zoning ordinances section 15.10.7 deals with junk vehicles and says unless you are an approved junkyard you can't store junk vehicles. There is also a section in the ORC and I would like Solicitor Revelson to take a look at 4513.65 that deals with junk vehicles and this section talks about building fences or barriers to conceal junk vehicles. Solicitor Revelson said the way this is worded if it is junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded object or debris defined as junk. Boerio said that 4513.65 talks about a business and respects a person's ability to run a business but it does go on to talk about concealing these things by fences, vegetation, or the like. Madison said that we addressed that at some point and that is when he put the fence up in back but it's been awhile. Solicitor Revelson said he would check it out and that it is a frequently litigated zoning issue junkyards.
32. Mayor Smith asked for a motion to adjourn the meeting at 8:31 pm. A motion was made by Boerio, seconded by Madison, all yeas.




Nicole Armstrong, Fiscal Officer


James D. Smith, Mayor