

**V ILLAGE OF SOUTH LEBANON
MINUTES
REGULAR MEETING
MAY 21, 2009
6:30 P.M.**

Sherrri Carbo – Present
Dean Evans – Present
Glenn Holloway –Present

Bill Madison – Present
Jeff Sturtevant – Absent
Kristi Young – Absent

1. Mayor Smith opened the meeting at 6:30 p.m. with the Pledge.
2. Mayor Smith presented the following minutes for approval:

Workshop – April 2, 2009 – a motion to approve made by Holloway, seconded by Evans, all yeas.

Special – April 9, 2009 – a motion to approve made by Carbo, seconded by Madison, all yeas.

Regular – April 15, 2009 – a motion to approve made by Madison, seconded by Holloway, all yeas.

Special – April 28, 2009 – a motion to approve made by Carbo, seconded by Madison, all yeas.

3. Mary Alice Pare' – update on quilt show – it will be for three days and there are 34 vendors. She said every room that was available is being used and some rooms have more than one vendor. She said the building will be all cleaned by this weekend. She said they have cashed in all their chips with their children and friends and she said she can not believe how generous people have been. She praised Tony, Phil, Chris, and Scott for all the hard work they did. She stated Sharon and Bob helped them with so much. Mary Alice said they will have 30 volunteers from the alternative school to help with setting up.

Norma Strain – said she was asked by the mayor to have a quilt made for the village and she presented a quilt to him. She explained it has a picture of each of three schools that have stood there and surrounding are pictures of graduating classes and a picture of Miss Lucille who taught there. She said there is also a picture of her mother-in-law who raised ten children in South Lebanon and all ten attended the elementary school here.

Mayor Smith thanked her for the quilt and stated it will be displayed in the council chamber with pride. He also commended Norma and Mary Alice for the job they have done planning this quilt show and wished them success.

4. Chris Koch – Union Township Trustee – stated he appreciates the time allowed him to speak to council tonight. He said Union Township sent an agreement to the village for an SUV for the Sheriff’s Department. He said that agreement was sent back to the township with a resolution. He said he spoke to Mr. Craig and Mr. Evans and he does not understand why the agreement was returned. He said he found the other agreement for a cruiser and they are basically the same and he looked them over and he stated he does not see that much difference. He said he knows this is a tense period and he wanted to reach out and said nothing is unreasonable among reasonable people. Council member Madison said a deadline was for May 1st and we had no time to look at before we had to act and the intension of the resolution for the vehicle was so the township could act before May 1st. Keith Nixon said to provide insurance the vehicle must be in our name and we only had one meeting to address the issue and in fact we held a special meeting and put the resolution together. Council member Evans questioned the time frame from notice to administrator to council seeing the documents. It was explained that it was received and given to our solicitor for review and then presented at the special meeting. Sgt. Boylan said it was given to him and he gave it to Bob within a couple of days. Council member Carbo asked Chris why the agreement was not given to Bob Craig. Chris said Sgt. Boylan did bring it to Bob. Bob explained that the cover letter sent with our resolution to the township stated that preference going forward. Chris asked what preference and Bob stated that communication be brought directly to the administrator by the township. Mayor Smith said it was delivered with a short turn around date and went to our legal council and a special meeting was called to pass a resolution so the township could move forward and the village had no knowledge it was even being drawn up. Chris said he apologizes to each council member if they thought he was here to point fingers he just came to ask if we can work this out. He said it is hard to speak for the other trustees but says they are willing to go ahead with the state contract under the current contract. Keith asked what disagreement the township has with the resolution sent by council to them and Chris stated it was a whole new agreement and does not know. Council member Holloway said he does not have a problem with an agreement as a whole but questions the need of an SUV. He stated the gas and insurance will much higher and that is his personal feelings. Chris said that is what was requested by the Sheriff’s Department and Bob said most post commanders drive one. Bob stated he thinks the resolution showed the intent of council to work this out. Keith said they are passing a resolution tonight to allow the mayor to negotiate terms of fire protection and Chris asked to keep those separate issues. Council member Evans said if we have three months surely we can come to an agreement and whether we need one if we can get one let’s get it. Council member Madison said the issue is there are newer council members not present under any other agreement and it was appropriate to send to our solicitor for comment and we did not receive it in a timely manner. Council member Evans said he wants to tell Union Township that we will talk to them. Chris said that is why he is here and apologizes again if anyone took offence to how he presented himself. Things are going downhill; there is a riff between us over annexations and different things that have happened. Council member

Madison said he would put forth a personal opinion going forward between the village and township if we could do that in a professional manner and I guess my comment is keep it out of the papers. Chris said he has two board members he has to work with and he has zero power by himself. Bill said with the annexation issue, never once did the township come to council and make known their expectations. Bill said he congratulates and applauds Chris for coming tonight. Chris said he has not seen any of council before the township, not to spin it back on you, but we have not had any of you come before the trustees and I am here because we have to start talking. Sheri asked if the deadline for the SUV has been extended and Chris said he is willing to pay the extra to go with the state contract but can not speak for the other two trustees. Chris said he would encourage council to take out the parts of the new agreement they don't like and send it back to us because I have to work with the other two. Mayor Smith said regardless of the agreement we have to have a resolution supporting the agreement and we did that. We will simply look at both agreements and work it out. He said as stated before we could have resolved this earlier had we received this in a timely manner. Council acted prudently to keep the process going. Facts are facts, council only has two meetings a month and it really would have not been dealt with until today had a special meeting not been called. Everyone here was in favor of getting the vehicle and that is way we are going forward and we are beating this thing to death. Chris stated he is not beating anything to death he just came to ask can we work this out.

5. Ordinance 2009-04 was presented for a second reading. This is concerning skateboards. A motion to adopt the second reading was made by Holloway, seconded by Madison, all yeas.
6. Resolution 2009-07 was presented for the third and final reading, which allows the mayor to negotiate with Union Township concerning fire protection. A motion to accept the third reading was made by Madison, seconded by Holloway, all yeas.
7. Solicitor Nixon's invoice was presented for authorization in the amount of \$2100.00. A motion to allow payment was made by Holloway, seconded by Madison, all yeas.
8. Solicitor Nixon said he is updating the income tax ordinance and we do not have a gambling tax and he wants council aware it is being added. He said also he can add the hotel tax at this time. Madison asked if we would be more marketable to a hotel coming in if we did not charge that and Fiscal Officer Louallen said it is in the cost of the rooms not a cost to the hotel. Keith said the county has a 3% already and it supports the visitor bureau and the municipality can add a 3% as well. Louallen asked if Bill wanted her to see if the village can use the 3% to support something specific as well and he said yes.

9. Sharon asked council to approve Nicole to attend the Ohio Municipal League tax seminar. The total cost for the seminar and hotel would be \$603.00. Carbo asked if she recommends this and Sharon said yes, it is very informative. A motion to allow the payment to attend was made by Holloway, seconded by Carbo, all yeas.
10. Mayor Smith asked to change the June workshop to June 11th instead of the 3rd. A motion to allow the change was made by Madison, seconded by Carbo, all yeas. Sheri asked how will Kristi and Jeff know and Sharon stated she notifies anyone not a meeting when there are date changes or activities they need to know.
11. Mayor Smith opened the floor to the public:

Marilyn Fowler – 226 Vista Ridge – she stated she appreciates how hard the mayor and council worked to get the gate between the communities and try to keep the traffic issues resolved. No one could have for seen the developer going bankrupt. She said she wants to know if there is anything council can do that will make sure whoever ends up with ownership of the development has to maintain the gate. Keith stated the covenant is recorded with property and should move forward to anyone who buys it. Carbo said Hines Griffith have spent \$4000 to repair the gate and are washing their hands of it. Keith said it does pass on but the bank that got it back is having trouble too. Carbo said someone from the bank said they are not responsible and not part of the deal and we could put a brick wall up. Keith asked who said that and Sherri said Fred Darlington from Peoples in West Chester. Keith said this is a private agreement between two parties. Marilyn said eventually the property will be sold but can the village stop permits or something to make the new owners responsible for the gate? She said cars are speeding through the neighborhood in the evenings and she has had two cars in her yard. Keith said maybe Hines Griffith should put a gate in their area. Marilyn said they believe the gate is being vandalized. Sgt. Boylan said they had a camera at the gate and all they found was the gate malfunctioning and beating itself to death. Marilyn asked how we slow down the cars. Holloway said he received a letter about the cars and he sat in the area 40 minutes and counted 8 vehicles that never slowed down or stopped. Carbo recommended that the street committee meet and discuss this issue and look at stop signs and speed bumps and how that would help with this in the mean time. She said she is sure that won't be accepted with open arms by the residents but the way she looks at the letter they have placed public safety issues on this council. Mayor Smith said many other developments have had to use these measures for traffic safety as well. Sherri stated we need to figure out the least amount of bumps that would deter the trucks and speeding traffic. She said we need to look at stop signs in Stone Brook as well because people come barreling around those roads as well. Bob will coordinate a street committee meeting and bring back a recommendation. Sgt. Boylan said he disagrees because they put a speed box up last year and so no speeds like that. Evans asked if a permanent box would be expensive and Sgt. Boylan said they run \$3000 to \$4000. Sgt. Boylan said he had some extra patrol

watching the stop signs and wrote some tickets. Keith said basically Hines Griffith has the option of suing the bank.

Floor closed to the public.

12. Bruce Brandstetter – Brandstetter Carroll – passed out a summary of the hydraulic study given to council at the last meeting. He reviewed it. Stated that the hydraulic model needed to be redone because a lot has happened in the village since the last one was done. Bruce said the reason for this is to look at Cincinnati Water for water service. He said there are some recommendations that need to be addressed no matter what the decision is concerning Cincinnati Water. He said we need to continue with meter replacements. Bruce said 4” mains need to be replaced as well. Carbo asked if #4 would need to be addressed regardless and Bruce said yes. Madison said replacing the 4” mains stand out to him because he is not sure they ample for fire coverage. Bruce said on page 16 the recommendation is to upgrade 34 of the 81 fire hydrants throughout the village. Bruce said page 18 it refers to connecting to Cincinnati Water and it makes sense for quality as well as quantity. Bruce said the tower would be used and the water would not just sit there. Bob said it is to be filled during the night and pulled down during peak hours. Madison asked what the quality of Cincinnati Water was. It was said that it is softer than ground water and they don’t have the exact numbers but Cincinnati Water is softer than Mason’s. Carbo asked if we go with Cincinnati Water is the intention to replace both our water and what we use from the county and Jim said no not at this time but Keith said we could eventually. Mayor Smith said this study is based only on our existing water service. Bruce stated the 4” mains would need to be replaced to get up in other areas. The representative from Cincinnati Water said sometimes it is beneficial to have the tower opposite your source of water. The water system will still be yours we will provide the source of water. He stated Cincinnati Water could be the way not to have volume issues for future growth. Bob said we would retire our well fields.

Mayor Smith said we need time to review this information and will put on the agenda for discussion on June 11th. Also Cincinnati Water is sharing in the hydraulic study costs.

13. Administrator Craig said the county is receiving the monies and will fund the five to six properties we have slated to be demolished. Evans said when something is demolished we should have the driveway, blacktop and seed it with grass.

Head Start had to amend the lease agreement based on the grant monies they will receive.

The application was sent for review for the I71 exit planting.

Main Street Park grant – Brandstetter Carroll are working on that.

I am making a recommendation that for the year 2012 we propose a match of 51% to apply for that grant.

Phil would like internet at the water plant so he can send his reports electronically to EPA. He will check with Johnny Miller – it was suggested it be restricted.

14. Council member Madison said we have not done any sidewalk improvements for several years and this summer we need to get some completed. In the past we figured the cost of replacing sidewalk and the resident paid for material and we furnished the labor. Mayor Smith said we will meet with the fiscal officer and see what projects we can do.
15. Council member Carbo said she has heard comments of residents wanting a neighborhood watch because of concerns about Bernie's Place. Evans asked Sgt. Boylan if there was a stabbing there last week. Sgt. Said there was no stabbing it was not what it seemed. Bob said if the BZA should extend the permit one of the conditions would be the drug dogs could go in any time. Carbo said for the record she thinks it should be closed.
16. Council member Holloway stated he has heard complaints about all the dust created by the dirt move from O.T.'s and the apartments. Evans said they should be running a sweeper all day. Bob said they have been running one just not often enough.
17. A motion was made to go into executive session to discuss possible litigation by Holloway at 8:34 p.m., seconded by Madison, Carbo – yea, Evans – yea, Holloway – yea, Madison – yea.
18. A motion to return from executive session was made at 8:46 p.m. by Madison, seconded by Carbo, Carbo – yea, Evans – yea, Holloway – yea, Madison – yea.
19. A motion to oppose the renewal of the conditional use permit for Bernie's Place was made by Madison, roll called and a unanimous vote to send a recommendation to the zoning board that the conditional use permit not be re-issued.
22. A motion to adjourn the meeting was made at 8:47 p.m. by Holloway, seconded by Madison, all yeas.

Sharon Louallen – Fiscal Officer

James D. Smith - Mayor