

MINUTES OF: LEBANON CITY COUNCIL

DATE: APRIL 14, 2009

Council of the City of Lebanon met in regular session on April 14, 2009 in the Council Chambers. The meeting was called to order at 7:00 p.m. with the following members present; Messrs: Monroe, Rodriguez, Norris, Mrs. Flick and Mayor Brewer. Also present was Deputy City Manager, Scott Brunka, City Attorney, Mark Yurick, and City Auditor, Sharee' Dick.

Motion to excuse Mr. Aylor and Mr. Cole from tonight's meeting was made by Mrs. Flick seconded by Mr. Rodriguez. Mayor Brewer asked for a show of hands, all were in favor.

The invocation was given by Mr. Norris. Mayor Brewer asked everyone to remain standing for the Pledge of Allegiance.

At this time Mayor Brewer asked for consideration of Council minutes for the March 24 regular meeting. Motion to adopt the March 24 minutes as submitted was made by Mrs. Flick seconded by Dr. Monroe. Roll call vote to adopt was unanimous in favor. Motion to adopt the minutes of the April 7 work session was made by Mrs. Flick seconded by Mr. Rodriguez. Roll call vote was as follows: Mr. Norris, absent; Mrs. Flick, yes; Mayor Brewer, absent; Dr. Monroe, yes; Mr. Rodriguez, yes.

Mayor Brewer presented Joe Sapp a Certificate of Appreciation and thanked him for his service to our country.

Mayor Brewer read a Proclamation for Arbor Day. Council thanked Hewett Mulford and Libby Campbell for their dedication to the tree program.

Mayor Brewer read a Proclamation for Child Abuse Prevention Month. Sheriff Larry Sims, Prosecutor Rachel Hutzel and Teresa Wiles thanked Council for their continued support.

Mayor Brewer read a Proclamation for Hair Cuts for Habitat. Keith Taylor and Jim McDonald explained the event and thanked Council for their support.

Ed Smith of New Housing Ohio invited everyone to the Open House at 900 Franklin Rd. on April 17<sup>th</sup> from 12:00 to 5:00 p.m.

**Ordinance No. 2009-027** An Ordinance authorizing the City Manager to execute Lease Addenda for use of office space in Sams House was read in title only by the City Attorney.

This legislation will approve a 2-year lease agreement with the Lebanon Optimist Club, the Lebanon Rotary Club, and the Lebanon Lions Club to use donated office space in Sams House on N. Broadway. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-027 was made by Dr. Monroe seconded by Mr. Norris. Roll call vote to adopt was unanimous in favor.

**Ordinance No. 2009-032** An Ordinance authorizing the City Manager to execute an Agreement with Associated Railroad Contractors, Inc., and declaring an emergency was read in title only by the City Attorney. This legislation will approve a contract with Associated Rail Contractors to complete the rehabilitation of Bridge 2.10 and Bridge 5.90 necessary to support the continued operations on the city-owned rail line, in the amount of \$272,651.

Mayor Brewer asked Council to consider postponing Ordinance Nos. 2009-032, 033 and 034. Mr. Clements explained the legislation. After a brief discussion, motion for Ordinance Nos. 2009-032, 033 and 034 to receive a first reading and appear on the next Council work session agenda for consideration of adoption with emergency language was made by Mrs. Flick seconded by Dr. Monroe.

**Ordinance No. 2009-033** A Supplemental Appropriation Ordinance and declaring an emergency was read in title only by the City Attorney. This legislation approves additional appropriation in the Capital Improvement Fund in the amount of \$440,700 to support the cost of the rail line rehabilitation annual sustainment repairs for 2009, and future rail bridge rehabilitation requirements.

**Ordinance No. 2009-034** An Ordinance authorizing a transfer from the Capital Improvement Fund to the Capital Reserve and Replacement Fund and declaring an emergency was read in title only by the City Attorney. This legislation approves a transfer in the amount of \$95,000 from the Capital Improvement fund to the Capital Reserve and Replacement Fund to partially support future rail bridge rehabilitation requirements.

**Resolution No. 2009-035** A Resolution waiving Sewer Tap fees for 114 Hickory Lane was read in title only by the City Attorney. This legislation approves a waiver of the sewer tap-in fee for 114 Hickory Lane in the amount of \$2,640.00 due to additional construction costs incurred for the installation of a 6" sanitary lateral. Mr. Clements explained the legislation. Motion to adopt Resolution No. 2009-035 was made by Mr. Norris seconded by Dr. Monroe. Mrs. Flick stated that she did not support waiving the entire tap in fee. Roll call vote to adopt was as follows: Mr. Rodriguez, yes; Mrs. Flick, no; Mayor Brewer, yes; Mr. Norris, yes, Dr. Monroe, yes.

**Ordinance No. 2009-036** An Ordinance establishing a Video Service Provider Fee to be paid by any Video Service Provider offering Video Service in the City of Lebanon; authorizing the City Manager to give notice to the Video Service Provider of the Video Service Provider Fee; and declaring an emergency was read in title only by the City Attorney. This legislation approves establishing a Video Service Provider Fee in the City of Lebanon in accordance with the Ohio Revised Code. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-036 was made by Mrs. Flick seconded by Mr. Norris. After a short discussion, roll call vote to adopt was unanimous in favor.

**Ordinance No. 2009-037** An Ordinance authorizing the City Manager to execute an Agreement with John R. Jurgensen Company was read in title only by the City Attorney. This legislation will approve an agreement with John R. Jurgensen Company to perform the 2009 Street Resurfacing Program, in the amount of \$443,776.96. Mr. Clements explained the legislation. Mrs. Flick seconded by Dr. Monroe made motion for this legislation to receive a first reading.

**Ordinance No. 2009-038** An Ordinance authorizing the City Manager to modify an existing Agreement with HDR Engineering, Inc., and declaring an emergency was read in title only by the City Attorney. This legislation approves a contract addendum with HDR Engineering, Inc. for additional design fees for the State Route 123/63 Connector Project to comply with the Ohio Department of Transportation Project Development Process, in the amount of \$206,934. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-038 was made by Mr. Norris seconded by Mrs. Flick. Roll call vote to adopt was unanimous in favor.

**Resolution No. 2009-039** A Resolution authorizing the City Manager to enter into an Agreement with the Ohio Department of Transportation for the SR 123/63 Connector Project was read in title only by the City Attorney. This legislation will approve a Local Project Administrator (LAP) Agreement with the Ohio Department of Transportation to permit the City to manage the SR 123/63 Connector Project. Mr. Clement explained the legislation. Motion to adopt Resolution No. 2009-039 was made by Dr. Monroe seconded by Mrs. Flick. Roll call vote to adopt was unanimous in favor.

**Ordinance No. 2009-040** An Ordinance authorizing the purchase of a Ford Truck for the Electric Division was read in title only by the City Attorney. This legislation will approve the purchase of a F450 dump truck for the Electric Department to replace a 1992 fleet dump truck from the state bid list in the amount of \$45,289. Mr. Clements explained the legislation. Mr. Norris seconded by Mrs. Flick made motion for this legislation to receive a first reading.

**Resolution No. 2009-041** A Resolution authorizing the City Manager to execute one easement Agreement and three Right-of-Way Agreements for the Miller Road Improvement Project was read in title only by the City Attorney. This legislation approves one easement and three right-of-way and easement agreements necessary to complete the Miller Road Improvement Project. Mr. Clements explained the legislation. Motion to adopt Resolution No. 2009-041 was made by Mrs. Flick seconded by Mr. Norris. Roll call vote to adopt was unanimous in favor.

**Ordinance No. 2009-042** A Supplemental Appropriation Ordinance and declaring an emergency was read in title only by the City Attorney. This legislation approves additional appropriation in the Parking Fund in the amount of \$37,600 to provide funding for a change order to the Downtown Streetscape Project allowing for the replacement of parking meter heads; and, in the FEMA Fund in the amount of \$164,775 to support the distribution of public assistance dollars received as a result of damage incurred during the September 14, 2008 wind storm. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-042 was made by Mrs. Flick seconded by Mr. Norris. Roll call vote to adopt was unanimous in favor.

Mayor Brewer asked for the City Manager's report. Mr. Clements advised that the next work session of Council would be April 20 including the CIP briefing, the next regular Council meeting would be April 28 and Planning Commission would be April 21 all at 7:00 p.m.

Dr. Monroe said it was great to see the people representing Arbor Day and he appreciated Joe Sapp coming out this evening. He also thanked Teresa Wiles, Larry Sims and Rachel Hutzel for supporting Child Abuse month. He thanked Ed Smith and said he was looking forward to seeing the improvements to the building at 900 Franklin Ave. He thanked the folks from Habitat for coming tonight as well.

Mr. Norris stated that he was very proud of Joe Sapp. He reminded the community of the passing of Sandy Stevens and John Evers.

Mrs. Flick said she was happy to see her fellow Council members all back and she appreciated attendance at this evenings meeting.

Mayor Brewer stated that recognition at the beginning of this meeting was the most wonderful part and she said that there were many people in this community doing great things that needed to be acknowledged.

Mr. Yurick asked everyone to keep Doug Johnson in their thoughts and prayers.

There being no further business to come before this Council, motion to adjourn the meeting was made by Mrs. Flick seconded by Mr. Norris. Roll call vote to adjourn was unanimous in favor. The meeting was adjourned at 8:05 p.m.

Passed:

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Mayor

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Clerk