

MINUTES OF: LEBANON CITY COUNCIL

DATE: August 12, 2008

Council of the City of Lebanon met in regular session on August 12, 2008 in the Council Chambers. The meeting was called to order at 7:00 p.m. with the following members present; Messrs: Aylor, Cole, Monroe, Norris, Mrs. Flick and Mayor Brewer. Also present was Acting City Manager, Scott Brunka, City Attorney, Mark Yurick, and City Auditor, Sharee' Dick.

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

Mrs. Flick seconded by Dr. Monroe made motion to excuse Mr. Rodriguez from tonight's meeting. Mayor Brewer asked for a show of hands, all were in favor.

At this time Mayor Brewer asked for consideration of Council minutes for the July 22nd Council meeting. Motion to adopt the minutes as submitted was made by Mrs. Flick, seconded by Mr. Cole. Roll call vote was as follows; Mr. Norris, yes, Mr. Aylor, absence; Mrs. Flick, yes; Mayor Brewer, yes; Dr. Monroe, yes; Mr. Cole, yes. Motion to adopt the August 5th work session minutes was made by Mr. Norris seconded by Mr. Aylor. Roll call vote to adopt was as follows: Mr. Norris, yes; Mr. Aylor, yes; Mrs. Flick, absence; Mayor Brewer, yes; Dr. Monroe, absence; Mr. Cole, yes.

Ordinance No. 9741 An Ordinance amending Chapter 917 of the Codified Ordinances relating to Garbage and Rubbish was read in title only by the City Attorney. This legislation approves changes to the City's Sanitation Regulations by providing for the addition of an optional 65-gallon recycling cart that can be used in lieu of the standard 18-gallon red recycling bins. The monthly charge for the use of this cart is \$1.00. Residents may contact the Service Dept to request delivery of a cart. Mr. Brunka explained the legislation. Motion to adopt Ordinance No. 9741 was made by Dr. Monroe seconded by Mr. Aylor. Roll call vote was unanimous in favor.

Ordinance No. 9745 An Ordinance authorizing the City Manager to execute and present a Petition for a change of Township Boundaries to the Warren County Board of Commissioners – 1.326 Acre Parcel, known as the Grant Road Properties, LLC Property Annexation was read in title only by the City Attorney. This legislation approves a petition for a change in the township boundaries for the 1.3 acre parcel located on Columbia Road that was annexed into the City in May 2008. The lot was purchased by Fecon, Inc. to support an expansion of their facility in Columbia Business Park. Mr. Brunka explained the legislation. Motion to adopt Ordinance No. 9745 was made by Mr. Aylor seconded by Mr. Norris. Roll call vote to adopt was unanimous in favor.

Ordinance No. 9746 An Ordinance accepting application for Annexation – 98.881 Acre Parcel known as the Ulrich & Brooks Property Annexation was read in title only by the City Attorney. This legislation will accept the annexation of the 98.9 acre parcel on State Route 63, located immediately east of the County Engineer’s facility. This property will be zoned as Rural Residential (RR) and is the future site of the new Royalmont Academy which plans to relocate from their current facility in Mason. Mr. Brunka explained the legislation. Motion to adopt Ordinance No. 9746 was made by Dr. Monroe seconded by Mr. Aylor. Roll call vote to adopt was unanimous in favor.

Ordinance No. 9747 An Ordinance authorizing the City Manager to execute an Agreement with Greater Cincinnati Water Works was read in title only by the City Attorney. This legislation will approve an agreement with Greater Cincinnati Water Works to provide 100% of the City’s wholesale water requirements beginning no later than January 31, 2013. Mr. Brunka explained the legislation and gave a slide briefing on the proposed contract. Motion to adopt Ordinance No. 9747 was made by Mr. Aylor seconded by Mr. Norris. Mrs. Flick stated that she could not support this legislation because she was not comfortable with many areas of the contract. The remaining Council members voiced their support of the legislation. Roll call vote to adopt was as follows: Mr. Aylor, yes; Mrs. Flick, no; Mayor Brewer, yes; Mr. Cole, yes; Mr. Norris, yes; Dr. Monroe, yes.

Ordinance No. 9751 An Ordinance authorizing the City Manager to execute a Ground Lease Agreement with the Warren County Board of County Commissioners was read in title only by the City Attorney. This legislation will approve a 25-year lease agreement with Warren County for the 8.3 acre “Cook Road Park” property located northeast of the intersection of Cook Road and By-Pass 48. Mr. Brunka explained the legislation. Mr. Cole seconded by Dr. Monroe made motion for this legislation to receive a first reading.

Ordinance No. 9752 An Ordinance providing for the issuance of \$1,250,000 Telecom System Improvement Renewal Bond Anticipation Notes, by the City of Lebanon, Ohio, in anticipation of the issuance of Bonds of the City and declaring an emergency was read in title only by the City Attorney. This legislation approves the issuance of \$1,250,000 Telecom System Improvement Renewal Bond Anticipation Notes, following a \$500,000 pay-down of the original issuance in the amount of \$1,750,000. Mr. Brunka explained the legislation. Motion to adopt Ordinance No. 9752 was made by Mr. Norris seconded by Mr. Aylor. Roll call vote to adopt was unanimous in favor.

Resolution No. 9753 A Resolution declaring the necessity for and authorizing the transfer of Funds by the City of Lebanon, Ohio from the Electric Fund to the Telecommunications Fund, Pursuant to Section 5705.15 of the Ohio Revised Code was read in title only by the City Attorney. This legislation will declare the necessity for and authorize the transfer of funds from the Electric Fund that was used for the expansion of the Telecom System. Mr. Brunka explained the legislation. Motion to adopt Resolution No. 9753 was made by Mr. Aylor seconded by Mr. Norris. Roll call vote to adopt was unanimous in favor.

Ordinance No. 9754 An Ordinance authorizing the City Manger to execute an Agreement with Warren County, and declaring an emergency was read in title only by the City Attorney. This legislation will approve a new 2-year agreement with the Warren County Combined Health District to provide residential plumbing inspections for the City. The contract calls for the City to retain 30% of the permit fees and pay 70% to Warren County. Mr. Brunka explained the legislation. Motion to adopt Ordinance No. 9754 was made by Mr. Aylor seconded by Mr. Aylor. Roll call vote to adopt was unanimous in favor.

Resolution No. 9755 A Resolution authorizing the City Manager to prepare and Submit Final Grant Application to the Ohio Public Works Commission and to execute contracts as required was read in title only by the City Attorney. This legislation approves the Ohio Public Works Commission final grant application for the 2009 Cook Road Improvement Project. The project includes the reconstruction of Cook Road from Bypass 48 to Navaho Drive. The estimated cost of the project is \$450,000. Mr. Brunka explained the legislation. Motion to adopt Resolution No. 9755 was made by Mrs. Flick seconded by Mr. Aylor. Roll call vote to adopt was unanimous in favor.

Resolution No. 9756 A Resolution authorizing the City Manger to prepare and submit final Grant Application to the Ohio Public Works Commission and to execute Contracts as required was read in title only by the City Attorney. This legislation approves the Ohio Public Works Commission final grant application for the 2009 Burt Road Improvement Project. The project includes the widening of Burt Road between the Bypass and Deerfield Rd, as well as the installation of curb & gutter, sidewalk, and a storm sewer system. Mr. Brunka explained the legislation. Motion to adopt Resolution No. 9756 was made by Mr. Aylor seconded by Mr. Norris. Mr. Aylor said that Burt Rd. was a victim of growth and it needed to be upgraded. Mrs. Flick asked if sidewalks would be on both sides and Mr. Brunka explained that the engineering for the project had just begun and that he could not answer the question at this time. Roll call vote to adopt was unanimous in favor.

Ordinance No. 9757 An Ordinance authorizing the City Manager to execute an Agreement with SK Construction, and declaring an emergency was read in title only by the City Attorney. This legislation will approve an agreement with SK Construction Company for the 2008 Cook Road Improvement Project. This project will widen Cook Road from Stone Ridge Lane to By-Pass 48 and resurface the roadway from By-Pass 48 to Lakefront Drive. The cost of this project is \$396,455. Mr. Brunka explained the legislation. Motion to adopt Ordinance No. 9757 was made by Mr. Aylor seconded by Dr. Monroe. Roll call vote to adopt was unanimous in favor.

Ordinance No. 9758 An Ordinance repealing Ordinance No. 9674 pertaining to a landlord Consent, Subordination and Estoppel Agreement with Conaco Capital, LLC, and declaring an emergency was read in title only by City Attorney. This legislation will repeal Ordinance No. 9674 adopted March 17, 2008 which approved the subordination of the lease agreement for the property located at 2020 McKinley Blvd in Columbia Business Park for Conaco Capital, LLC. Mr. Yurick explained the legislation. Motion to adopt Ordinance No. 9758 was made by Mr. Aylor seconded by Mr. Norris. Roll call vote to adopt was unanimous in favor.

Ordinance No. 9759 An Ordinance authorizing the City Manager to execute a Landlord Consent, Subordination and Estoppel Agreement with Conaco Capital, LLC, and declaring an emergency was read in title only by the City Attorney. This legislation will approve a new subordination agreement for the property located at 2020 McKinley Blvd in Columbia Business Park for Conaco Capital , LLC. Mr. Yurick explained the legislation. Motion to adopt Ordinance No. 9759 was made by Mr. Norris seconded by Mrs. Flick. Roll call vote to adopt was unanimous in favor.

Mayor Brewer asked for the City Manager’s report. Mr. Brunka advised the next work session of Council would be August 18th, the next Planning Commission meeting would be August 19th, the next regular Council meeting would be August 26th and the next Parks Master Plan Open House would be September 8 at Harmon Park shelter house.

Dr. Monroe stated that he was glad to see Council and staff focusing on roadway legislation that affects the areas of Cook and Burt Roads due to the need for improved road access to the Countryside YMCA. He encouraged everyone to attend the public hearing on August 26th in regards to the Library House.

Mr. Cole stated he would be happy to see the issue of the Library house settled within the next month. He asked Mr. Brunka to provide Council with maps of suggestion from the Parks Master Plan Committee.

Mr. Norris said he had attended many ribbon cutting ceremonies lately and was happy to see the energizing of businesses in the community. He reminded everyone that school was about to resume and to be mindful of the increase bus traffic. He said that the school stadium renovation would be seeing its first action on the new turf on Friday, August 15th and that the funding for the improvements had been provided by private individuals and organizations.

Mr. Aylor stated that we live in a very unique community with many organizations that volunteer to do many wonderful things that are usually undertaken by local government like Adopt a Park and other recreational activities. He said that the school stadium renovation was a good example of private dollars at work for the community.

Mayor Brewer thanked the Optimist Club for the very successful Blues Festival. She said it was another good example of a private organization doing a great job in this community. She reminded everyone that Applefest was in September and encouraged all to attend.

There being no further business to come before this Council, motion to adjourn the meeting was made by Mr. Aylor seconded by Dr. Monroe. Roll call vote to adjourn the meeting was unanimous in favor. The meeting was adjourned at 8:00 p.m.

Passed:

Mayor

Clerk