

MINUTES OF: LEBANON CITY COUNCIL

DATE: FEBRUARY 10, 2009

Council of the City of Lebanon met in regular session on February 10, 2009 in the Council Chambers. The meeting was called to order at 7:00 p.m. with the following members present; Messrs: Aylor, Cole, Monroe, Rodriguez, Mrs. Flick and Mayor Brewer. Also present was City Manager, Pat Clements, Deputy City Manager, Scott Brunka, City Attorney, Mark Yurick, and Deputy City Auditor, Pam Stotts.

Motion to excuse Mr. Norris from tonight's meeting was made by Mr. Aylor seconded by Dr. Monroe. Mayor Brewer asked for a show of hands, all were in favor.

The invocation was given by Dr. Monroe. 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 January 27th regular meeting. Motion to adopt the January 27th minutes as submitted was made by Mr. Aylor seconded by Mr. Cole. Roll call vote to adopt was as follows: Mr. Aylor, yes; Mrs. Flick, yes; Mayor Brewer, yes; Dr. Monroe, yes; Mr. Cole, yes; Mr. Rodriguez, abstained due to absence. Motion to adopt the February 3rd work session minutes as submitted was made by Mr. Aylor seconded by Dr. Monroe. Roll call vote to adopt the minutes as submitted was unanimous in favor.

Mickie Marquis of the Shade Tree Commission spoke to Council about the Arbor Day Poster Contest Winners program. Mayor Brewer announced the winners and thanked the 1st and 3rd place winners and their families for coming this evening.

Ordinance No. 2009-003 An Ordinance adopting the 2009 Comprehensive Plan Update for the City of Lebanon was read in title only by the City Attorney. This legislation will approve the 2009 Comprehensive Plan Update. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-003 was made by Mr. Aylor seconded by Mrs. Flick. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2009-004 An Ordinance authorizing the purchase of a 2009 Road Rescue/Freightliner Ambulance for the Fire Division, and declaring an emergency was read in title only by the City Attorney. This legislation will approve the purchase of a new ambulance for the Fire Department from the state bid list, in the amount of \$200,275. This vehicle will replace a 1998 unit that has reached the end of its service life. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-004 was made by Mr. Aylor seconded by Mr. Cole. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2009-005 An Ordinance authorizing the City Manager to execute an agreement with the Warren County Fire Response and Life Safety Council of Governments was read in title only by the City Attorney. This legislation will approve an Agreement with the Warren County Fire Response and Life Safety Council of Governments and to provide public safety services in cooperation with other agencies within Warren County. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-005 was made by Mr. Cole seconded by Dr. Monroe. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2009-007 An Ordinance to accept the final plat of Lebanon East Industrial Park, Section Three was read in title only by the City Attorney. This legislation will approve the replat to combine lots 4100 and 4101, which are currently occupied by the McDonald's restaurant on East Main Street, as recommended by Planning Commission. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-007 was made by Dr. Monroe seconded by Mr. Aylor. Mrs. Flick advised that the entire building would be torn down and rebuilt. Mr. Aylor stated that the new building would be a good example of the City's new architectural ordinance. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2009-009 An Ordinance authorizing the City Manager to execute an agreement with Schrudde & Zimmerman, Inc., and declaring an emergency was read in title only by the City Attorney. This legislation will approve an Agreement with the Schrudde & Zimmerman, Inc. for renovation of the Communications Center at a cost of \$257,996. Approximately \$220,000 of this project's cost will be paid with Federal Wireless 9-11 program funding. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-009 was made by Mr. Aylor seconded by Mr. Cole. Roll call vote to adopt was unanimous in favor.

Resolution No. 2009-011 A Resolution approving the City of Lebanon's Civic Donation Program was read in title only by the City Attorney. This legislation will approve the 2009 Civic Donation Program. Mr. Clements explained the legislation. Motion to adopt Resolution No. 2009-011 was made by Mr. Aylor seconded by Mrs. Flick. Mrs. Flick stated that she would like Council to try to remain within the City's budget. Mayor Brewer said that this program was a quality of life program for this community. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2009-012 An Ordinance authorizing the City Manager to execute an agreement with Matthew J. Graber, Esq. was read in title only by the City Attorney. This legislation will approve a 1-year extension of the legal services agreement with Mathew J. Graber to perform the duties of City Prosecutor. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-012 was made by Dr. Monroe seconded by Mrs. Flick. Roll call vote to adopt was unanimous in favor.

Resolution No. 2009-013 A Resolution authorizing the City Manager to file with the Ohio Department of Natural Resources an application for the Natureworks Grant was read in title only by the City Attorney. This legislation will approve an Ohio Department of Natural Resources (ODNR) Natureworks Grant Application for the construction of a Dog Park, as proposed in the Parks Facility Master Plan. The estimated value of the grant is \$24,800. Mr. Clements explained the legislation. Motion to adopt Resolution No. 2009-013 was made by Mr. Aylor seconded by Dr. Monroe. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2009-014 An Ordinance amending Chapter 1308 of the Codified Ordinances providing for Flood Damage Reduction Standards for Designated Flood Hazard Areas was read in title only by the City Attorney. This legislation will amend Chapter 1308 of the Codified Ordinances to comply with the revised National Flood Insurance Program Regulations. Mr. Clements explained the legislation. Mr. Cole seconded by Mr. Aylor made motion for this legislation to receive a first reading.

Ordinance No. 2009-015 A Supplemental Appropriation Ordinance, and declaring an emergency was read in title only by the City Attorney. This legislation approves additional appropriation in the Street Fund in the amount of \$100,000 to support the purchase of road salt. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-015 was made by Dr. Monroe seconded by Mr. Aylor. After a brief discussion about supply and cost, roll call vote to adopt was unanimous in favor.

Ordinance No. 2009-016 An Ordinance authorizing the City Manager to execute an agreement with The Cincinnati Railway Company, and declaring an emergency was read in title only by the City Attorney. This legislation will approve an agreement with the Cincinnati Railway Company for use of the City-owned rail line and restroom facilities on South Street. Mr. Clements explained the legislation. Mayor Brewer advised that Council had two contracts to look at, the City's version and L M & M version. She suggested that Council consider making some changes to the City's contract by changing the length from 60 months to 48, removing the \$1,500 Thomas the Tank event fee and implementing a fifty cent per ticket fee for year 2010, seventy five cent per ticket for 2011, and one dollar per ticket fee for 2012. Mrs. Flick stated that she supported the L M & M contract proposal with the fifty cent per ticket fee for years 2010 through 2012. Mayor Brewer stated that she was not supportive of the L M & M proposal. After a lengthy discussion about the contracts, Mr. Cole motioned to accept the L M & M contract with the date change of 148 days from the passage of the Ordinance for repairs to begin and Mr. Rodriguez seconded the motion. Mr. Aylor asked everyone to consider the revenue the City was giving up by lowering the per ticket price and eliminating the fee related to the Thomas the Tank event. He stated that the amount would be around \$40,000 that could be used toward the \$180,000 sustainment costs per year for the railroad tracks. Dr. Monroe advised he was uncomfortable with government being involved in private enterprise, but that the City owned the track and the City should repair it as well. Mr. Cole agreed that the track should be kept in working condition. Mrs. Flick thanked the downtown merchants for their participation in the process. Mayor Brewer stated that the issue over the fifty cents per ticket for the duration of the contract made her ill, for the simple fact, that Council was not holding L M & M accountable. Roll call vote to adopt the Ordinance No. 2009-016 using L M & M's contract proposal with the change to the repair date was as follows: Mr. Aylor, yes; Mr. Monroe, yes; Mayor Brewer, no; Mrs. Flick, yes; Mr. Cole, yes; Mr. Rodriguez, yes.

Mayor Brewer asked for the City Manager's report. Mr. Clements advised the next work session of Council would be February 18th, the next regular Council meeting would be February 24th and he reminded everyone the City offices would be closed Monday, February 16th for Presidents' Day.

Mr. Cole advised the Natureworks Grant was related to a dog park and he supported that the community needed one, but also wanted everyone to realize the cost of maintaining that type of park.

Dr. Monroe asked his fellow Council members to revisit the procedures for the Civic Donation Program in the future. He said that he felt the economic impact of the train remaining in Lebanon was very important.

There being no further business to come before this Council, motion to adjourn the meeting was made by Mr. Aylor seconded by Mrs. Flick. Roll call vote to adjourn was unanimous in favor. The meeting was adjourned at 7:55 p.m.

Passed:

Mayor

Clerk