

MINUTES OF: LEBANON CITY COUNCIL

DATE: MARCH 10, 2009

Council of the City of Lebanon met in regular session on March 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, Norris, Mrs. Flick and Mayor Brewer. Also present was City Manager, Pat Clements, Deputy 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.

At this time Mayor Brewer asked for consideration of Council minutes for the February 24<sup>th</sup> regular meeting. Motion to adopt the February 24<sup>th</sup> minutes as submitted was made by Mr. Aylor seconded by Dr. Monroe. Roll call vote to adopt was unanimous in favor. Motion to amend the March 3<sup>rd</sup> work session minutes to include the adjournment out of executive session was made by Mrs. Flick seconded by Mr. Cole. Roll call vote was as follows: Mrs. Flick, yes; Mayor Brewer, yes; Dr. Monroe, yes; Mr. Aylor, yes; Mr. Cole, yes; Mr. Rodriguez, yes; Mr. Norris, abstained due to absence at the end portion of the meeting. Motion to adopt the March 3<sup>rd</sup> minutes as amended was made by Mr. Aylor seconded by Mr. Cole. Roll call vote was as follows: Mrs. Flick, yes; Mayor Brewer, yes; Dr. Monroe, yes; Mr. Aylor, yes; Mr. Cole, yes; Mr. Rodriguez, yes; Mr. Norris, abstained due to absence at the end portion of the meeting.

Council presented the 2009 Civic Donations to the Humane Association, Applefest Committee, Warren County Arts Council, Lebanon Theater Company and the Lebanon Chamber of Commerce.

Shirley Gray of 19 DeSales spoke to Council about the St. Francis Church bells being very loud and disruptive. She stated she had spoken with the Paster and was told she would get used to the bells. She said the Church had installed a new outside speaker system last year and she asked the City to please look into the issue.

**Ordinance No. 2009-017** An Ordinance amending Chapter 915 of the Codified Ordinance providing for Electrical Rates was read in title only by the City Attorney. This legislation approves updates to the City's electric rate structure, and a 3% increase to all 5 rate classes effective Jan 1, 2010. Mr. Clements explained the legislation. Mr. Cole seconded by Mrs. Flick made motion to discuss this legislation before a motion to adopt was made. Roll call vote to discuss this legislation was unanimous in favor. Mr. Clements explained the structured rates in the legislation would become effective in 30 days and that the 3% increase would be effective January 1, 2010.

Dr. Monroe stated he had issues with the 3% increase in January. Mrs. Flick stated that she would support postponement for further discussion and Mr. Aylor stated he would not support postponed because this issue had been discussed at length already. Mr. Norris seconded by Mr. Aylor made motion to adopt Ordinance No. 2009-017. Mr. Cole stated that this was a very complex issue that would be revisited by Council in the very near future. Mrs. Flick and Dr. Monroe agreed as well. Roll call vote to adopt was unanimous in favor.

**Ordinance No. 2009-018** An Ordinance authorizing the purchase of a Tractor for the Public Works Department was read in title only by the City Attorney. This legislation will approve the purchase of a new tractor/mower for the Public Works Department to replace a 1989 unit that has reached the end of its service life. The new unit will be purchased from the state bid list at a cost of \$31,761. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-018 was made by Mr. Aylor seconded by Mrs. Flick. Roll call vote to adopt was unanimous in favor.

**Ordinance No. 2009-021** An Ordinance authorizing the purchase of two vehicles for the Police Division was read in title only by the City Attorney. This legislation will approve the purchase of a 2009 Chevrolet Tahoe patrol supervisor vehicle from the state bid list (\$29,449) and a 2009 Chevrolet Impala unmarked vehicle through Government Services Administration (GSA) (\$15,353) to replace two vehicles that have reached the end of their service life. Mr. Clements explained the legislation. Dr. Monroe seconded by Mr. Rodriguez made motion for this legislation to receive a first reading.

**Ordinance No. 2009-022** An Ordinance authorizing the City Manager to execute an agreement with Larry Smith Contractors Inc., and declaring an emergency was read in title only by the City Attorney. This legislation will approve an agreement with Larry Smith Contractors, Inc., to install a 16 inch water main along Deerfield Road from West Turtlecreek Union Road to LaRosa's and from Countryside Drive to Cook Road. The cost of this project is \$539,911. Mr. Clements explained the legislation. Mr. Aylor seconded by Mr. Norris made motion for this legislation to receive a first reading.

**Ordinance No. 2009-023** An Ordinance authorizing the City Manager to execute an agreement with Capital Electric Line Builders, Inc. was read in title only by the City Attorney. This legislation approves an agreement with Capital Electric Line Builders, Inc. to provide contract labor for the Electric Department on an "as-needed" basis. Mr. Clements explained the legislation. Mr. Cole seconded by Mr. Norris made motion for this legislation to receive a first reading.

**Ordinance No. 2009-024** An Ordinance authorizing the City Manager to execute a Settlement Agreement and Release with Barrett Paving Materials, Inc., and W.G. Stang, Inc., and declaring an emergency was read in title only by the City Attorney. This legislation will approve a Settlement Agreement and Release with Barrett Paving Material, Inc. and W.G. Stang, Inc. regarding the ODOT Asphalt Binder Price Adjustment Program claim resulting from the West Silver Street Reconstruction Project. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-024 was made by Dr. Monroe seconded by Mr. Norris. Roll call vote to adopt was unanimous in favor.

**Ordinance No. 2009-025** 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 \$43,000 to support the Barrett Paving Materials, Inc. and W.G. Stang, Inc. ODOT Asphalt Binder Price Adjustment Program claim settlement agreement. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-025 was made by Mr. Aylor seconded by Dr. Monroe. Roll call vote to adopt was unanimous in favor.

Mayor Brewer asked for the City Manager's report. Mr. Clements advised the next work session of Council would be March 16<sup>th</sup>, the next regular Council meeting would be March 24<sup>th</sup> and Planning Commission would be March 17<sup>th</sup>, all at 7:00 p.m. He reminded Council there would be a meeting on March 20<sup>th</sup> at 4:00 p.m. with South Lebanon to discuss sewer usage.

Dr. Monroe spoke highly of the all the organizations included in the City's civic donation program. He thanked them for representing what Lebanon was really all about.

Mrs. Flick advised that the Main Street USA designation had been awarded to HDLA. She said that construction downtown appeared to be going well and that the contractors were very good about cleaning up.

Mr. Norris stated he was glad to be back after his recent illness.

Mayor Brewer congratulated Mr. Norris on being a Grandfather for the fifth time. She asked everyone to continue to support and promote our local businesses and to take care of our neighbors in these difficult times.

There being no further business to come before this Council motion to adjourn was made by Mr. Aylor seconded by Mr. Rodriguez. Roll call vote to adjourn was unanimous in favor. The meeting was adjourned at 7:35 p.m.

Passed:

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Mayor

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Clerk