

MINUTES OF: LEBANON CITY COUNCIL

DATE: AUGUST 11, 2009

Council of the City of Lebanon met in regular session on August 11, 2009 in the Council Chambers. The meeting was called to order at 7:00 p.m. with the following members present; Messrs: Cole, Monroe, Rodriguez, Norris, Aylor, and Mayor Brewer. Also present was City Manager Pat Clements, Deputy City Manager, Scott Brunka, City Attorney, Mark Yurick and City Auditor, Sharee' Dick.

Motion to excuse Mrs. Flick 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 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 August 4th special meeting. Motion to adopt the minutes as submitted was made by Mr. Aylor seconded by Mr. Cole. Roll call vote to adopt was unanimous in favor. Motion to adopt the August 4th work session minutes was made by Mr. Aylor seconded by Mr. Cole. Roll call vote to adopt was unanimous in favor.

Mayor Brewer read a Certificate of Appreciation for Harmon Civic Trust. Council thanked the organization for all they have done for this community.

Ordinance No. 2009- 075 An Ordinance approving the City's annual membership in American Municipal Power was read in title only by the City Attorney. This legislation will approve the payment of annual membership dues to American Municipal Power in the amount of 36,299.23. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-075 was made by Dr. Monroe seconded by Mr. Norris. Roll call vote to adopt was unanimous in favor.

Resolution No. 2009- 079 A Resolution approving the 2010 Goals and Key Objectives for the City of Lebanon was read in title only by the City Attorney. This legislation will approve the proposed 2010 Goals and Key Objectives for the City. Mr. Clements gave a slide presentation. Motion to adopt Resolution No. 2009-079 was made by Mr. Aylor seconded by Mr. Rodriguez. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2009-080 An Ordinance providing for the issuance of \$900,000 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 will approve the issuance of a \$900,000 Telecom System Bond Anticipation Note, which is being paid down by \$350,000 from \$1.25 million. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-080 was made by Dr. Monroe seconded by Mr. Rodriguez. Roll call vote to adopt was unanimous in favor.

Resolution No. 2009-081 A Resolution declaring it necessary to Levy a new Tax in excess of the Ten Mill Limitation for the benefit of the entire service district served by the Lebanon Public Library was read in title only by the City Attorney. This legislation will approve the placement of a continuous 1.0 mill Library Levy on the November 4, 2009 General Election Ballot as requested by the Lebanon Library Board of Trustees. Mr. Yurick explained the legislation. Motion to adopt Resolution No. 2009-081 was made by Mr. Aylor seconded by Mr. Cole. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2009- 082 An Ordinance authorizing the City Manager to execute a 3-year agreement with Associated Railroad Contractors, Inc., and declaring an emergency was read in title only by the City Attorney. This legislation will approve a 3-year agreement with Associated Railroad Contractors, Inc. to perform maintenance and routine repairs of the City-owned rail line, including rail and tie replacement. This contract establishes unit prices routine maintenance procedures and work that will be performed on an as needed basis. The estimated average annual cost of the required maintenance of the rail line is \$75,000. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-082 was made by Mr. Aylor seconded by Mr. Cole. Mr. Aylor stated that since the City owned this railway it was our responsibility to maintain it. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2009-083 An Ordinance to approve the record plan for the Seegull Plat Subdivision was read in title only by the City Attorney. This legislation will approve the final plat of Seegull Subdivision, located at 749 Columbus Avenue, as recommended by the Planning Commission with the exception that the requirement to eliminate the northernmost driveway access point along Columbus Avenue be removed as a condition of approval. Mr. Clements explained the legislation. Mr. Aylor seconded by Mr. Norris made motion for this legislation to receive a first reading.

Ordinance No. 2009-084 An Ordinance to approve the dedication Plat for Right-of-Way and Public Utility Easements for the Robinson Property and declaring an emergency was read in title only by the City Attorney. This legislation will approve a right-of-way and easement plat for the Robinson property that dedicates right-of-way and utility easements along Miller Road in support of the Miller Road Improvement Project. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-084 was made by Mr. Norris seconded by Mr. Aylor. Roll call vote to adopt was unanimous in favor.

Mayor Brewer advised Ordinance Nos. 2009-84 through 2009-087 were all related to the Miller Road Improvement Project and asked for a motion to consolidate. Motion to consolidate Ordinance Nos. 2009-085 through 2009-087 was made by Dr. Monroe seconded by Mr. Norris. Roll call vote to consolidate was unanimous in favor. Mr. Yurick read each in title only.

Ordinance No. 2009-085 An Ordinance to approve the Dedication Plat for Right-of-Way and Public Utility Easements for the Henry Property and declaring an emergency. This legislation will approve a right-of-way and easement plat for the Henry property that dedicates right-of-way and utility easements along Miller Road in support of the Miller Road Improvement Project.

Ordinance No. 2009-086 An Ordinance to approve the Dedication Plat for Right-of-Way and Public Utility Easements for the City of Lebanon property and declaring an emergency. This legislation will approve a right-of-way and easement plat for the City of Lebanon owned property that dedicates right-of-way and utility easements along Miller Road in support of the Miller Road Improvement Project.

Ordinance No. 2009-087 An Ordinance to approve the Dedication Plat for Right-of-Way and Public Utility Easements for the Imbus property and declaring an emergency. This legislation will approve a right-of-way and easement plat for the Imbus property that dedicates right-of-way and utility easements along Miller Road in support of the Miller Road Improvement Project.

Motion to adopt Ordinance Nos. 2009-085 through 2009-086 was made by Mr. Aylor seconded by Dr. Monroe. Roll call vote to adopt was unanimous in favor.

Resolution No. 2009-088 A Resolution amending the City of Lebanon's Civic Donation Program allocation for 2009 was read in title only by the City Attorney. This legislation will amend the 2009 Civic Donation Program Allocation by adding \$7,000 in cash and \$3,000 of in-kind services to support the Historic Downtown Lebanon, Inc. organization. Mr. Clements explained the legislation. Motion to adopt Resolution No. 2009-088 was made by Mr. Aylor seconded by Dr. Monroe. Roll call vote to adopt was unanimous in favor.

Ordinance No. 2009-089 A Supplemental Appropriation Ordinance, and declaring an emergency was read in title only by the City Attorney. This legislation will approve additional appropriation in the General Fund to support the amended 2009 Civic Donation Program Allocation in the amount of \$7,000. Mr. Clements explained the legislation. Motion to adopt Ordinance No. 2009-089 was made by Mr. Aylor seconded by Mr. Norris. Deborah Yurasek, Executive Director of HDLI spoke to Council about the organizations goals to revitalize the downtown and thanked Council for their generosity and support of the organization. Roll call vote to adopt Ordinance No. 2009-089 was unanimous in favor.

Mr. Norris stated that even in this difficult economy Lebanon is still managing to strive and he thanked City staff and the community for working so hard.

Mr. Rodriguez thanked the Harmon Civic Trust for all that they do for the City of Lebanon. He voiced his support to his fellow Council members regarding keeping the Lebanon Raceway in this community. He said it would be a terrible blow to Lebanon's economy to allow the raceway to relocate to another community.

Dr. Monroe thanked the Harmon Civic Trust for their continued investment in the community. He asked for a brief update on the Miller Rd. Project. Mr. Clements advised the contactors were behind schedule due to utility issues with gas lines and water mains. Mr. Brunka stated the road would be open by August 25th and the project should be finalized in September. He asked if the Raceway had had any direct contact with the City. Mr. Clements explained that available land requests were being channeled through Warren County's ED department and that City staff had had no further direction from Council for any other action.

Mayor Brewer stated that, to her knowledge, the Lebanon Racetrack acknowledged if slot machines were ever to be allowed they would have to search for a different location. She said that Warren County was the focal point for working with the racetrack and no decisions on the subject had been made. She also stated that not everyone in this community was supportive of additional gaming, especially at the racetrack's current location.

Mr. Cole asked that everyone who lives on Burt Road are notified when the construction project begins so their mailboxes can be temporarily moved, just like the Cook Road residents during that reconstruction project.

Pat Clements advised that the City did not offer the Racetrack any special economic development proposals, only that the City had supplied Warren County with available parcels for consideration.

Mayor Brewer stated that we had a new Senator representing the City, Shannon Jones. She reminded everyone that St. Francis's Festival was this weekend.

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 was unanimous in favor. The meeting was adjourned at 8:05 p.m.

Passed:

Mayor

Clerk