

LANCASTER CITY COUNCIL**LANCASTER, OHIO****PRAYER**

President Pro Temp Andrews led the prayer before Council.

REGULAR MEETING

August 13, 2007

CALL TO ORDER

President Pro Temp Andrews called the meeting to order at approximately 7:00 p.m., in Council's Chambers.

PLEDGE OF ALLEGIANCE

President Pro Temp Andrews led Council in the Pledge of Allegiance.

ROLL CALL

The following members of Council were present: M. Bobbitt, J. Zekas, A. Kitzmiller, T. Stoughton, H. Hiles, R. Touvell, D. Andrews, S. Jackson, and J. Woodgeard.

Mr. Stoughton made a motion to excuse Mr. Tatman from tonight's meeting, seconded by Mr. Zekas. Motion carried.

Mr. Stoughton made a motion to amend the Agenda to move New Business Presentation to be done under Special Presentation, seconded by Mr. Woodgeard. Motion carried.

READING AND DISPOSING OF THE JOURNAL

The Clerk presented the Regular Meeting Minutes dated July 16, 2007.

Mr. Hiles made a motion to receive and file, seconded by Mr. Touvell. Motion carried.

REPORTS OF CITY OFFICIALS

1. Comprehensive Annual Financial Report for the City of Lancaster for the year ended December 31, 2006. Submitted by Auditor Mary Green.
2. Memo, dated July 13, 2007, regarding request for legislation – land acquisition. Submitted by Mike Nixon, Superintendent Water/Water Pollution Control.
3. Lancaster Police Department Quarterly Report, dated July 18, 2007. Submitted by Deputy Chief David Bailey.
4. Email, dated July 24, 2007, regarding From the Mayor 7-21-2007. Submitted by Mayor David Smith.
5. Email, dated August 7, 2007, regarding High Street Closing. Submitted by Denise Crews, Department of Engineering.
6. Email, dated August 8, 2007, regarding Request for Legislation. Submitted by Mike Nixon, Superintendent, Water/Water Pollution Control.

7. Letter, dated August 2, 2007, regarding August 9, 2007 City Planning Commission Meeting and Agenda. Submitted by Michael J. Overstreet, P.E. Department of Engineering.
8. Revised Notice of Public Meeting of the Planning Commission. Submitted by Michael J. Overstreet, P.E. Department of Engineering.
9. Lancaster Income Tax Monthly Collection Report for the Month Ended July 31, 2007. Submitted by James Loffree, Income Tax Commissioner.
10. Letter, dated August 9, 2007, regarding SCIP Round 22 Grant Application. Submitted by Rick Mark, Assistant City Engineer.

Mr. Hiles made a motion to receive and file, seconded by Mr. Touvell. Motion carried.

COMMUNICATIONS

1. Ohio Division of Liquor Control Notice to Legislative Authority of Transfer of Liquor License TO: Fat Cat Pizzeria LLC, 1448 Ety Pointe Drive, Lancaster, Ohio 43130. FROM Joan B. Hunt, DBA JB's Pizza Pub, 1403 Cedar Hill Road, 1st Floor and Basement, Lancaster, Ohio 43130.
2. Letter, dated July 31, 2007, regarding Fairfield County Regional Planning Commission Meeting Notice & Agenda. Submitted by R. Brooks Davis, AICP, Executive Director, Courthouse, 210 East Main Street, Lancaster, Ohio 43130.
3. United Way Community Care Day Flyer. Submitted by Carrie Stewart-Woody, 115 South Broad Street, P.O. Box 2299, Lancaster, Ohio 43130.
4. Open Records Report, dated Summer 2007. Submitted by Ohio Coalition for Open Government, 1335 Dublin Road, Suite 216-B, Columbus, Ohio 43215.
5. Time Warner Cable Flyer, dated Summer 2007. Submitted by Time Warner Cable, 1015 Olentangy River Road, Columbus, Ohio 43212.

Mr. Hiles made a motion to receive and file, seconded by Mr. Touvell. Motion carried.

SPECIAL PRESENTATION (Awards)

Christine Brown of People First spoke along with Ruben Garcia on changes needed for public transportation for people with disabilities. A meeting took place earlier in the day and Ms. Brown wanted to bring Council up to speed on what was discussed and areas that needed improvement. Mr. Garcia from the Toledo Ohio area spoke about his role he has as the Mayor's Commissioner for Disabilities spokesperson. Mr. Garcia said that it all started in April of 2006 when he wanted to work on a campaign that this was a dream of his. Lucas County has a charter and in that Charter is the Mayor's Commission and Mr. Garcia was asked to be on that committee. Mr. Garcia said that people with disabilities are actually an asset to the community.

Ms. Brown asked if there were any questions.

Mr. Woodgeard commented that he actually attended the meeting earlier in the day along with Mrs. Kitzmiller, and he was enlightened what they have done with transportation in Lucas County. Mr. Woodgeard said that this would be something to look into.

Mr. Garcia said that he would come back to Lancaster any time to brainstorm on the transportation need for people with disabilities. Mr. Garcia said that the current transportation needs to be vamped to work with people with disabilities.

Ms. Brown would like the City Transit to be able to provide transportation to People First meetings held in the evening like is currently done in Lucas County. Ms. Brown also said that they need to

work together as a team to try and get things accomplished. Ms. Brown said that anyone could contact her with any questions on this issue.

PETITIONS & MEMORIALS

There were no Petitions or Memorials before Council this evening.

PERMISSION OF VOTERS AND TAXPAYERS TO ADDRESS COUNCIL

Roy Hess, 556 South Columbus, Street, Lancaster, Ohio. Mr. Hess expressed his concerns with the legislation passed by City Council on Scrap Metal. Mr. Hess said that it was not feasible to retain the items they purchase and does not have the space to hold these items. Mr. Hess said they have been in business for 14 years and have only had problems with stolen items a couple of times and each was under \$50.00. Mr. Hess said that we should not be referred to as Columbus.

Roadie Hess, 556 South Columbus Street, Lancaster, Ohio. Mr. Hess said that he is very happy to serve Lancaster and the community itself. Mr. Hess asked for Council to visit his facility to see how they operate. Mr. Hess just because an item is stolen in the Lancaster area, this didn't mean that they would be sold in this area. Mr. Hess said that Council should access the situation and see how their business is run to get a better picture of the problems with this new legislation.

Vana Kraner, 402 East Locust Street, Lancaster, Ohio. Mr. Kraner is also opposed to the legislation passed by Lancaster City Council on Scrap Metal. Mr. Kraner stated that this was a real infringement on businesses. Mr. Kraner invited anyone to come to his business and see how things are done on a daily basis.

Pat Navin, 549 East Mulberry Street, Lancaster, Ohio. Ms. Navin wants to see the doors of communication upon up between the City and the County Health Department and will be attending meetings on a regular basis and taking back any feedback to the Health Department of any concerns or suggestions.

David Smith, Mayor of Lancaster. Mayor Smith read a proclamation that will be presented to Greg Russell next week, proclaiming August 25th – August 31st as National Bowling Week. Mayor Smith urged all to pay honor to National Bowling Week.

STANDING COMMITTEE REPORTS

1. Finance Committee Meeting Minutes, dated August 13, 2007. Submitted by Mr. Stoughton.
2. Safety Committee Meeting Minutes, dated August 8, 2007. Submitted by Mr. Andrews.

Mr. Hiles made a motion to receive and file, seconded by Mr. Touvell. Motion carried.

REPORTS OF SPECIAL COMMITTEES

There were no Reports of Special Committees presented to Council this evening.

PUBLIC HEARING

There were no Public Hearings before Council this evening.

READING OF RESOLUTION

Resolution Temporary #86-07 – Third Reading – **Permanent Resolution 100-07**

A RESOLUTION TO AMEND THE ANCHOR HOCKING ENTERPRISE ZONE AGREEMENT DATED JUNE 2005 BY AMENDING THE AGREEMENT TO REFLECT THE NEW CORPORATE OWNERS, ANCHOR ACQUISITION, LLC

Mr. Stoughton made a motion to pass engross, seconded by Mr. Andrews. Motion carried 9-0.

Resolution Temporary #87-07 – Third Reading – **Permanent Resolution 101-07**

A RESOLUTION TO AMEND THE ANCHOR HOCKING ENTERPRISE ZONE AGREEMENT DATED JUNE 1997 BY AMENDING THE AGREEMENT TO REFLECT THE NEW CORPORATE OWNERS, ANCHOR ACQUISITION, LLC

Mr. Stoughton made a motion to pass engross, seconded by Mr. Andrews. Motion carried 9-0.

Resolution Temporary #88-07 – Third Reading – **Permanent Resolution 102-07**

A RESOLUTION TO AMEND THE ANCHOR HOCKING ENTERPRISE ZONE AGREEMENT DATED MARCH 2003 BY AMENDING THE AGREEMENT TO REFLECT THE NEW CORPORATE OWNERS, ANCHOR ACQUISITION, LLC

Mr. Stoughton made a motion to pass engross, seconded by Mr. Andrews. Motion carried 9-0.

Resolution Temporary #94-07* – Second Reading

A RESOLUTION AUTHORIZING EMPLOYEES OF THE OFFICES, DEPARTMENTS, COMMISSIONS, BOARDS, OR OTHER ENTITIES, OR OF THE FAIRFIELD COUNTY MUNICIPAL COURT LANCASTER, OHIO TO SERVE AS JUDGES OF ELECTIONS ON THE DAYS OF ELECTIONS HELD IN FAIRFIELD COUNTY, OHIO

Mr. Hiles made a motion to replace Resolution Temporary #94-07, with Resolution Temporary #94-07*, seconded by Mrs. Kitzmiller. Motion carried 9-0. Mr. Hiles made a motion to suspend the rules and waive the third reading, seconded by Mrs. Kitzmiller. Motion failed 6-3.

Resolution Temporary #95-07 – Second Reading

A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF PROPERTY FOR THE UPPER HOCKING PUMP STATION

Resolution Temporary #101-07 – Second Reading – **Permanent Resolution 103-07**

A RESOLUTION TO APPROPRIATE FUNDS TO HELP PAY FOR FURTHER STUDY OF THE EWING STREET CONNECTOR AND COMMERCE STREET EXTENSION, AND TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CONTRACT MODIFICATION

Mr. Jackson made a motion to suspend the rules and waive the third reading, seconded by Mr. Woodgeard. Motion carried 9-0. Mr. Jackson made a motion to pass engross, seconded by Mr. Woodgeard. Motion carried 9-0.

Resolution Temporary #102-07 – First Reading

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A LOAN AGREEMENT WITH FAIRFIELD NATIONAL BANK UNDER THEIR MUNICIPAL LEASE PURCHASE PROGRAM FOR THE PURCHASE OF VARIOUS VEHICLES AND EQUIPMENT TO BE USED FOR STORMWATER MAINTENANCE

Resolution Temporary #103-07 – First Reading

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A LOAN AGREEMENT WITH FAIRFIELD NATIONAL BANK UNDER THEIR MUNICIPAL LEASE PURCHASE PROGRAM FOR THE PURCHASE OF VARIOUS VEHICLES AND EQUIPMENT TO BE USED BY THE CEMETERY DEPARTMENT

Resolution Temporary #104-07 – First Reading

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A LOAN AGREEMENT WITH FAIRFIELD NATIONAL BANK UNDER THEIR MUNICIPAL LEASE PURCHASE PROGRAM FOR THE PURCHASE OF VARIOUS VEHICLES AND EQUIPMENT TO BE USED BY THE DEPARTMENT OF TRANSPORTATION

Resolution Temporary #105-07 – First Reading – Permanent Resolution 104-07

A RESOLUTION TO APPROPRIATE FUNDS RECEIVED FROM THE EPA ORDER FINE, FOR THE PURCHASE OF SPILL CONTAINMENT EQUIPMENT AND SUPPLIES
Mr. Jackson made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Stoughton. Motion carried 9-0. Mr. Jackson made a motion to pass engross, seconded by Mr. Stoughton. Motion carried 9-0.

Resolution Temporary #106-07 – First Reading – Permanent Resolution 105-07

A RESOLUTION REQUESTING ENCUMBRANCE APPROVAL PURSUANT TO OHIO REVISED CODE 5705.41 BY LANCASTER CITY COUNCIL
Mr. Hiles made a motion to suspend the rules and waive the second and third readings, seconded by Mrs. Kitzmiller. Motion carried 9-0. Mr. Hiles made a motion to pass engross, seconded by Mrs. Kitzmiller. Motion carried 9-0.

Resolution Temporary #107-07 – First Reading

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTIVE CONTRACTS AS REQUIRED

Resolution Temporary #108-07 – First Reading

A RESOLUTION AUTHORIZING THE AUDITOR TO ENTER INTO A CONTRACT WITH SCHONHARDT AND ASSOCIATES TO PREPARE A COST ALLOCATION PLAN FOR GENERAL FUND

Resolution Temporary #109-07 – First Reading – Permanent Resolution 106-07

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE MARY BURNHAM BRIDGE REPLACEMENT, AND TO APPROPRIATE FUNDS
Mr. Stoughton made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Zekas. Motion carried 9-0. Mr. Stoughton made a motion to pass engross, seconded by Mr. Zekas. Motion carried 9-0.

Resolution Temporary #110-07 – First Reading – Permanent Resolution 107-07

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CONTRACT FOR THE PAVEMENT OF SHERIDAN DRIVE AND TO APPROPRIATE AND TRANSFER FUNDS
Mr. Woodgeard made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Zekas. Motion carried 9-0. Mr. Woodgeard made a motion to pass engross, seconded by Mr. Zekas. Motion carried 9-0.

Resolution Temporary #111-07 – First Reading – Permanent Resolution 108-07

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CONTRACT FOR THE RESTORATION AND REPLACEMENT OF ROOFS AT THE MILLER PARK WATER TREATMENT PLANT AND TO APPROPRIATE AND TRANSFER FUNDS ON THE STATE COOPERATIVE PURCHASING PROGRAM
Mr. Woodgeard made a motion to suspend the rules and waive the second and third readings,

seconded by Mr. Zekas. Motion carried 9-0. Mr. Woodgeard made a motion to pass engross, seconded by Mr. Zekas. Motion carried 9-0.

Resolution Temporary #112-07 – First Reading

A RESOLUTION TO DECREASE/INCREASE VARIOUS APPROPRIATIONS WITHIN THE CEMETERY FUND, FOR MUNICIPAL LEASE PAYMENTS

Resolution Temporary #113-07 – First Reading

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANTS THROUGH THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT ADMINISTRATION (FTA), AS AUTHORIZED UNDER THE FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT APPLICATION APPROVAL

Resolution Temporary #114-07 – First Reading – **Permanent Resolution 109-07**

A RESOLUTION TO ~~DECREASE/INCREASE VARIOUS APPROPRIATIONS WITHIN THE TRANSPORTATION FUND,~~ AND TO APPROPRIATE FUNDS TO PURCHASE ADDITIONAL CRACK SEALER FOR STREET MAINTENANCE

Mr. Jackson made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Woodgeard. Motion carried 9-0. Mr. Jackson made a motion to pass engross, seconded by Mr. Woodgeard. Motion carried 9-0.

Resolution Temporary #115-07 – First Reading

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND TO EXECUTIVE CONTRACTS AS REQUIRED

Resolution Temporary #116-07 – First Reading – **Permanent Resolution 110-07**

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO DISPENSE WITH COMPETITIVE BIDDING AND ENTER INTO A CONTRACT FOR THE PURCHASE AND INSTALLATION OF NO SMOKE DIESEL EXHAUST REMOVAL SYSTEMS FOR LANCASTER FIRE DEPARTMENT EMERGENCY VEHICLES

Mr. Jackson made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Stoughton. Motion carried 9-0. Mr. Jackson made a motion to pass engross, seconded by Mr. Stoughton. Motion carried 9-0.

Resolution Temporary #117-07 – First Reading – **Permanent Resolution 111-07**

A RESOLUTION TO AUTHORIZE THE SERVICE SAFETY DIRECTOR TO ENTER INTO A RETIREMENT SETTLEMENT AGREEMENT AND DECREASE/INCREASE VARIOUS APPROPRIATIONS WITHIN THE GENERAL FUND, POLICE DEPARTMENT

Mr. Stoughton made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Zekas. Motion carried 9-0. Mr. Stoughton made a motion to pass engross, seconded by Mr. Zekas. Motion carried 9-0.

READING OF ORDINANCES

Ordinance Temporary #42-07 – First Reading

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN AN AMOUNT OF \$3,600,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING ETY ROAD, MEMORIAL DRIVE AND MICHAELS WAY BY GRADING,

WIDENING, PAVING, CURBING, IMPROVING BRIDGES AND RAILROAD CROSSINGS, RELOCATING UTILITIES, AND INSTALLING SIDEWALKS, TRAFFIC SIGNALS AND SIGNS, AND WATER, SANITARY AND STORM WATER LINES AND FACILITIES, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

Ordinance Temporary #43-07 – First Reading – **Permanent Ordinance 40-07**
AN ORDINANCE TO AMEND ORDINANCE 22-07, REPEAL EXISTING 22-07, AND DECLARE AN EMERGENCY (NON UNION PAY ORDINANCE)

Mr. Zekas made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Jackson. Motion carried 9-0. Mr. Zekas made a motion to pass engross, seconded by Mr. Jackson . Motion carried 9-0.

TABLED LEGISLATION

Ordinance Temporary #46-03 – Second Reading – Tabled (October 22, 2003)
AN ORDINANCE TO AMEND CHAPTER 1141 HISTORIC PRESERVATION

Mr. Arrowsmith made a motion to Table Ordinance Temporary 46-03, seconded by Mr. Justus. Motion carried 9-0.

Ordinance Temporary #30-07 – Second Reading – Tabled (May 21, 2007)

Public Hearing: Monday, May 21, 2007 @ 7:00 p.m.

AN ORDINANCE AMENDING THE ZONING MAP FOR APPROXIMATELY 41.41 ACRES, PARCEL NUMBER 0531007400 (ROSS CAST METALS, INC.) AND PARCEL NUMBER 0531010311 (RIVER VALLEY LIMITED PARTNERSHIP)

Resolution Temporary #92-07 – Second Reading – Tabled (July 16, 2007)

A RESOLUTION TO APPROVE A JEDD WITH VIOLET TOWNSHIP, BLOOM TOWNSHIP, VILLAGE OF CANAL WINCHESTER, CITY OF LANCASTER, AND CITY OF PICKERINGTON

Mr. Touvell made a motion to Table Resolution Temporary 92-07, seconded by Mr. Jackson. Motion carried 8-0.

UNFINISHED BUSINESS

There was no Unfinished Business before Council this evening.

NEW BUSINESS/SPECIAL PRESENTATION

There was no New Business and the Special Presentation was moved to the beginning of the meeting by motion.

ANNOUNCEMENTS

Next Regular Sessions of Council:

Monday, August 27, 2007 @ 7:00 p.m.

Monday, September 10, 2007 @ 7:00 p.m.

EXECUTIVE SESSION

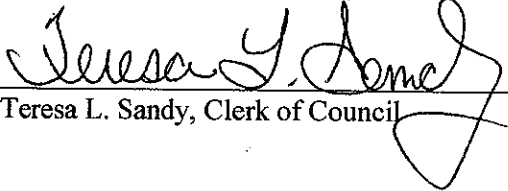
There was no request for Executive Session before Council this evening.

READING OF BILLS

There were no bills presented to Council for payment this evening.

ADJOURNMENT

Mr. Zekas made a motion to adjourn, seconded by Mrs. Kitzmiller. Motion carried.



Teresa L. Sandy, Clerk of Council