

LANCASTER CITY COUNCIL

LANCASTER, OHIO

PRAYER

President Culver led the prayer before Council.

REGULAR MEETING

August 23, 2010

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

President Culver led Council in the Pledge of Allegiance.

ROLL CALL

The following members of Council were present: B. McAtee, T. Stoughton, W. Garbrandt, R. Touvell, B. Kuhn, S. Jackson, and R. Hedges.

Mr. Touvell made a motion to excuse Mrs. Bobbitt and Mr. Zekas from tonight's meeting, seconded by Mr. Kuhn. Motion carried.

READING AND DISPOSING OF THE JOURNAL

The Clerk presented the Regular Meeting Minutes dated August 23, 2010.

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

REPORTS OF CITY OFFICIALS

1. Email, dated August 10, 2010, regarding Agenda for Service Committee Meeting. Submitted by Mr. McAtee.
2. Email, dated August 17, 2010, regarding City Council Service Committee Minutes. Submitted by Mr. McAtee.
3. Email, dated August 19, 2010, regarding Slow Moving Vehicles. Submitted by Mr. McAtee.
4. Email, dated August 19, 2010, regarding Temporary Ordinance 12-10. Submitted by Mrs. Garbrandt.
5. Email, dated August 19, 2010, regarding LPA Agreement. Submitted by Rick Mark, Assistant City Engineer.
6. Email, dated August 20, 2010, regarding Upper Hocking Wastewater Treatment Plant Pictures. Submitted by Mike Nixon, Superintendent Water/Water Pollution Control.
7. Email, dated August 20, 2010, regarding Legislation. Submitted by Toby Shamblin, Superintendent LDOT.
8. Email, dated August 20, 2010, regarding Ordinance Temporary 12-10.

- Submitted by Brad Fagrell, City Engineer.
9. Email, dated August 23, 2010, regarding Upcoming Seminar. Submitted by Chief David Bailey.
 10. Email, dated August 23, 2010, regarding cancellation of the September 1, 2010 Water/Water Pollution Control Committee Meeting. Submitted by Mike Nixon, Superintendent Water/Water Pollution Control.
 11. Email, dated August 23, 2010, regarding 2010 Citizen Police Academy Sign up. Submitted by Chief David Bailey.

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

COMMUNICATIONS

1. Email, dated August 11, 2010, regarding Outdoor Wood Furnaces. Submitted by David McDonald, Environmental Relations, Central Boiler, Inc., 20502 160th Street, Greenbush, Minnesota 56726.
2. Email, dated August 19, 2010, regarding 1230 North Columbus Street Zoning Change. Submitted by Charles Hildreth, 146 Marks Avenue, Lancaster, Ohio 43130.
3. Two emails, dated August 22, 2010, regarding Temporary Ordinance 12-10 and owner of 199 Marks Avenue. Submitted by Mardee Stover, 1274 Pleasantville Road, Lancaster, Ohio 43130.
4. Email, dated August 22, 2010, regarding Zoning Change on North Columbus Street. Submitted by Timothy D. Culver, Marks Avenue, Lancaster, Ohio 43130.

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

SPECIAL PRESENTATION (Awards)

There were no Special Presentations before Council this evening.

PETITIONS & MEMORIALS

There were no Petitions or Memorials before Council this evening.

PERMISSION OF VOTERS AND TAXPAYERS TO ADDRESS COUNCIL

Brad Fagrell, City Engineer, 121 East Chestnut Street, Lancaster was present to discuss Temporary Ordinance 12-10. Planning Commission reviewed this issue at their July 8, 2010 meeting, Case Number 2010-06 for the rezoning of two parcels 1225 North Columbus Street and 1230 North Columbus Street. The issue was tabled at that meeting and voted on at the August 12, 2010 meeting passing four to two. Currently these two parcels are surrounded by Commercial General and therefore to correct a possible mistake, these two parcels should be changed to Commercial General. There is currently no planned use for 1230 North Columbus Street property should it be rezoned to match the surrounding properties. The property located at 1225 is currently a rental property.

Charles Hildreth, 146 Marks Avenue, Lancaster, Ohio, was present and read the email that he sent to all City Council Members and is on file with the Clerk of Council. Mr. Hildreth is opposed to the rezoning of both properties from Commercial Neighborhood to Commercial General.

Mardee Stover, 1274 Pleasantville Road, Lancaster, Ohio, owner of 199 Marks Avenue was present and spoke in reference to her email sent to all City Council Members and handed out this evening. A copy is on file with the Clerk of Council. Mrs. Stover is also opposed to the change to the zoning and what it would mean to the neighborhood. Mrs. Stover asked all those neighbors in attendance to stand in opposition of this change and approximately 16 neighbors stood up.

Larry Capitini, 140 Marks Avenue, Lancaster, Ohio was present and asked for the preservation of endangered species "a neighborhood". Mr. Capitini is not opposed to a business opening up in this area as long as it operates under the current zoning. Mr. Capitini is opposed to the zoning change.

Attorney Ray Michalski, 144 E. Main Street, Lancaster, Ohio was present and represents Lancaster Development "Larry Gandee" and has worked on zoning issues for over 33 years and understands the emotions that become involved on these types of cases. Attorney Michalski is only asking that the zoning in this area be brought into compliance with other property within this zone. Not allowing this violates equal protection of the law and makes the zoning ordinance unconstitutional. He asks that City Council exercise zoning authority as consistent by the law.

STANDING COMMITTEE REPORTS

1. Finance Committee Meeting Minutes, dated August 23, 2010. Submitted by Mr. Stoughton.
2. Service-Committee Meeting Minutes, dated August 12, 2010. Submitted by Mr. McAtee.
3. Planning, Zoning & Economic Development Committee Meeting Minutes, dated August 5, 2010. Submitted by Mr. Garbrandt.

Mrs. Garbrandt 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 89-10 – Second Reading

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LPA FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF CONSTRUCTING THE NORTH COLUMBUS STREET REHABILITATION PROJECT

Resolution Temporary 90-10 – Second Reading

A RESOLUTION TO ACCEPT AN EASEMENT TO CONSTRUCT THE LAWRENCE STREET WETLANDS AS REQUIRED BY THE U.S. ARMY CORPS OF ENGINEERS

Resolution Temporary 91-10 – Second Reading

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS FOR THE FORMER DEEDS DAIRY WETLAND RESTORATION PROJECT

Resolution Temporary 97-10 – First Reading – Permanent Resolution 95-10

A RESOLUTION TO AMEND THE CERTIFICATE AND INCREASE AN APPROPRIATION FOR ARRA FUNDS

Mr. Stoughton made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Kuhn. Motion carried 7-0, with seven members voting yes. Mr. Stoughton made a motion to pass engross, seconded by Mr. Kuhn. Motion carried 7-0, with seven members voting yes.

Resolution Temporary 98-10 – First Reading

A RESOLUTION TO APPROPRIATE FROM THE UNAPPROPRIATED FUNDS IN THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND ESTABLISHED BY OHIO REVISED CODE 4511.191(H)

Resolution Temporary 99-10 – First Reading

A RESOLUTION TO APPROPRIATE FUNDS FROM THE UNAPPROPRIATED FUNDS FOR LDOT CONTRACT LABOR

Resolution Temporary 100-10 – First Reading – Permanent Resolution 96-10

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO DISPENSE WITH BIDDING BY PURCHASING FROM THE STATE COOPERATIVE PURCHASING PROGRAM BY ENTERING INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FUEL INITIATIVE PARTNERSHIP FUNDED FOR THE PURCHASE OF ONE LIGHT TRANSIT VEHICLE THROUGH THE CAPITAL GRANT PROJECT #RPT-0023-030-102

Mr. Hedges made a motion to suspend the rules and waive the second and third readings, seconded by Mr. McAtee. Motion carried 7-0, with seven members voting yes. Mr. Hedges made a motion to pass engross, seconded by Mr. McAtee. Motion carried 7-0, with seven members voting yes.

Resolution Temporary 101-10 – First Reading

A RESOLUTION TO AMEND THE CERTIFICATE, UPDATE RECEIPTS, AND TO APPROPRIATE FUNDS

Resolution Temporary 102-10 – First Reading – Permanent Resolution 97-10

A RESOLUTION TO REIMBURSE THE GENERAL FUND FOR A CASH TRANSFER TO THE IMPROVEMENT FUND WITH PRE-PAID GAS MONEY FROM THE LANCASTER PORT AUTHORITY

Mr. Stoughton made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Kuhn. Motion carried 7-0, with seven members voting yes. Mr. Stoughton made a motion to pass engross, seconded by Mr. Kuhn. Motion carried 7-0, with seven members voting yes.

Resolution Temporary 103-10 – First Reading

A RESOLUTION TO ISSUE A THEN AND NOW CERTIFICATE FOR A LEGAL BILL

Resolution Temporary 104-10 – First Reading – Permanent Resolution 98-10

A RESOLUTION TO AMEND THE CERTIFICATE AND APPROPRIATE ADDITIONAL FUNDS IN THE WASTEWATER UTILITY RESERVE FUND

Mr. Stoughton made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Kuhn. Motion carried 7-0, with seven members voting yes. Mr. Stoughton made a motion to pass engross, seconded by Mr. Kuhn. Motion carried 7-0, with seven members voting yes.

Resolution Temporary 105-10 – First Reading

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE FAIRFIELD COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Resolution Temporary 106-10 – First Reading – Permanent Resolution 99-10

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CONTRACT WITH CENTRAL COLLECTION AGENCY FOR THE COLLECTION OF PAST DUE TAX DOLLARS AND NON-FILE DELINQUENCY ISSUES

Mr. Stoughton made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Kuhn. Motion carried 7-0, with seven members voting yes. Mr. Stoughton made a motion to pass engross, seconded by Mr. Kuhn. Motion carried 7-0, with seven members voting yes.

READING OF ORDINANCES**Ordinance Temporary 12-10 – First Reading**

(Public Hearing Monday, September 27, 2010 at 7:00 p.m.)

AN ORDINANCE AMENDING THE ZONING MAP FOR TWO PARCELS: APPROXIMATELY 0.31 ACRES, PARCEL NUMBER 0532005600 AND APPROXIMATELY 0.25 ACRES, PARCEL NUMBER 0532102800, BOTH LOCATED NEAR N. COLUMBUS STREET AND MARKS AVENUE

Ordinance Temporary 13-10 – First Reading

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3,100,000.00), 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; APPROVING A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE PREPARATION, USE AND EXECUTION OF AN OFFICIAL STATEMENT; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND REGISTRAR AGREEMENT, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING CERTAIN OTHER ACTIONS RELATED TO THE ISSUANCE OF THE BONDS; DECLARING AN EMERGENCY

TABLED LEGISLATION**Resolution Temporary 181-09* – Third Reading (TABLED 1/25/2010)**

A RESOLUTION TO TRANSFER FUNDS FROM THE IMPROVEMENT FUND TO THE GENERAL FUND TO BALANCE THE 352 FIRE BUDGET

Mr. Stoughton made a motion to replace Resolution Temporary 181-09 with Resolution Temporary 181-09* as given to the Clerk in writing prior to the meeting, seconded by Mr. Touvell. Motion carried 9-0, with all nine members voting yes. Mr. Stoughton made a motion to table Resolution Temporary 181-09*, seconded by Mr. Touvell. Motion carried 8-0, with eight members voting yes.

UNFINISHED BUSINESS

Mr. Touvell explained the issue that the Skyview Drive In was having with the outside wood burner has been taken care of. The property owner was unaware that he was causing any problems in the area.

Mayor Smith announced that Sam Barney Service-Safety Director under Mayor Rutherford passed on Thursday, August 19, 2010. He was the father of Dave Bornino, former Superintendent of the Water Department. The funeral is scheduled for Tuesday, August 24, 2010.

NEW BUSINESS/SPECIAL PRESENTATION

Mr. Stoughton will be working on salary ordinances for City Council which must be in place prior to the next City Council election. Those with any suggestions are encouraged to forward their input to Mr. Stoughton so that he may have the legislation prepared for Council's review.

ANNOUNCEMENTS**Next Regular Sessions of Council:**

Monday, September 13, 2010 @ 7:00 p.m.

Monday, September 27, 2010 @ 7:00 p.m.

Monday, October 4, 2010 @ 7:00 p.m.

Next Public Hearing:

Monday, September 27, 2010 @ 7:00 p.m. (Temp. Ord. 12-10)

READING OF BILLS

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

EXECUTIVE SESSION

There were no requests for Executive Session before Council this evening.

ADJOURNMENT

Mr. Jackson made a motion to adjourn, seconded by Mr. Touvell. Motion carried. Meeting adjourned at approximately 7:45 p.m.


Teresa Lee Sandy, Clerk of Council