

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

President Culver led the prayer before Council.

REGULAR MEETING

August 9, 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: M. Bobbitt, B. McAtee, T. Stoughton, W. Garbrandt, R. Touvell, B. Kuhn, S. Jackson, and R. Hedges.

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

READING AND DISPOSING OF THE JOURNAL

The Clerk presented the Regular Meeting Minutes dated July 19, 2010.

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

REPORTS OF CITY OFFICIALS

1. Email, dated July 20, 2010, regarding Law Committee Meeting. Submitted by Mrs. Bobbitt.
2. Letter, dated July 20, 2010, regarding Board & Commission Appointments. Submitted by Mayor David Smith.
3. Three emails, dated July 22, 2010, regarding Laptop. Submitted by Mr. Stoughton.
4. Email, dated July 22, 2010, regarding City Council Service Committee Meeting. Submitted by Mr. McAtee.
5. Email, dated July 28, 2010, regarding Dedication of the Officer Brett Markwood Memorial Highway Sign. Submitted by Chief David Bailey.
6. Email, dated August 2, 2010, regarding Planning, Zoning, & Economic Development Meeting. Submitted by Mrs. Garbrandt.
7. Email, dated August 2, 2010, regarding Laptop. Submitted by Mr. Stoughton.
8. Email, dated August 4, 2010, regarding Planning, Zoning, & Economic Development Committee Meeting. Submitted by Mrs. Garbrandt.

9. Email, dated August 4, 2010, regarding Schedule of Activities. Submitted by Mayor David Smith.
10. Email, dated August 8, 2010, regarding Trick-or-Treat. Submitted by President Culver.
11. Email, dated August 8, 2010, regarding Notice to Legislative Authority. Submitted by President Culver.
12. Email, dated August 9, 2010, regarding August 9, 2010 Council Meeting. Submitted by Mr. Zekas.

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

COMMUNICATIONS

1. Email, dated July 28, 2010, regarding Trick-or-Treat. Submitted by Beth Panetti, 1110 Linda Lane, Lancaster, Ohio 43130.
2. Notice to Legislative Authority of Transfer of Liquor License TO: Micky's Bar & Grill LLC., 431 S. Columbus Street, 1st & Second Floor & Patio, Lancaster, Ohio 43130; FROM: Lancaster Investments Corp., 431 S. Columbus Street, 1st & Second Floor & Patio, Lancaster, Ohio 43130.
3. Notice to Legislative Authority of TREX of Liquor License TO: Gran Ranchero, Inc, dba Gran Ranchero, 1746 N. Memorial Drive, Lancaster, Ohio 43130; FROM: Carol Siddens, dba C & W Blue Milton Township, North Jackson, Ohio 44451.

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

Walter Effinger, 151 Lynwood Lane, Lancaster, Ohio. Mr. Effinger would like to see Council regulate outdoor boilers. Mr. Effinger is the owner and operator of the Sky View Drive In on East Main Street and he recently had to call the Lancaster Fire due to the thick presents of smoke in this area. Customers were unable to see the screen that the movie was projected on due to the heavy presents of smoke. There are safety and health issues and need to be addressed. The Fire Department visited the property that was causing the smoke and there was no answer. Mr. Effinger passed out the report and some information that he located on the internet to all Council Members.

STANDING COMMITTEE REPORTS

1. Finance Committee Meeting Minutes, dated August 9, 2010. Submitted by Mr. Stoughton.
2. Planning, Zoning, & Economic Development Committee Meeting Minutes, dated May 6, 2010. Submitted by Mrs. Garbrandt.
3. Safety Committee Meeting Minutes, dated July 23, 2010. Submitted by Mr. Jackson.

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.

Due to Mayor David Smith being not present from tonight's meeting it was therefore necessary for President Culver to step down as President of Council and to ask Mr. Stoughton to act as President Pro Temp and Mr. Culver then became acting Mayor.

READING OF RESOLUTION

Resolution Temporary 71-10 – Third Reading – **Permanent Resolution 88-10**

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 EXECUTE CONTRACTS AS REQUIRED

Mrs. Bobbitt made a motion to pass engross, seconded by Mr. Hedges. Motion carried 8-0, with eight members voting yes.

Resolution Temporary 79-10 – Second Reading - **WITHDRAWN**

A RESOLUTION TO APPROPRIATE FUNDS FROM UNAPPROPRIATED FUNDS FOR A RETIREMENT WITHIN THE FIRE DEPARTMENT

Mr. Jackson made a motion to withdraw Resolution Temporary 79-10, seconded by Mr. Touvell. Motion carried 8-0, with eight members voting yes.

Resolution Temporary 88-10 – First Reading – **Permanent Resolution 89-10**

A RESOLUTION TO AMEND THE CERTIFICATE AND APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE GENERAL FUND

Mr. Jackson made a motion to suspend the rules and waive the second and third readings, seconded by Mrs. Bobbitt. Motion carried 8-0, with eight members voting yes. Mr. Jackson made a motion to pass engross, seconded by Mrs. Bobbitt. Motion carried 8-0, with eight members voting yes.

Resolution Temporary 89-10 – First 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 – First 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 – First Reading

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

Resolution Temporary 92-10 – First Reading – Permanent Resolution 90-10

A RESOLUTION TO APPROPRIATE FUNDS FOR THE REISSUANCE OF UNCLAIMED FUNDS AND TO AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR

Mr. Kuhn made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Touvell. Motion carried 8-0, with eight members voting yes. Mr. Kuhn made a motion to pass engross, seconded by Mr. Touvell. Motion carried \8-0, with eight members voting yes.

Resolution Temporary 93-10 – First Reading – Permanent Resolution 91-10

A RESOLUTION TO CREATE A NEW FUND AND SET UP REVENUE ACCOUNTS, EXPENSE ACCOUNTS, AND BUDGET FOR CODE ENFORCEMENT-FIRE INSURANCE ESCROW

Mr. Kuhn made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Touvell. Motion carried 8-0, with eight members voting yes. Mr. Kuhn made a motion to pass engross, seconded by Mr. Touvell. Motion carried \8-0, with eight members voting yes.

Resolution Temporary 94-10 – First Reading – Permanent Resolution 92-10

A RESOLUTION TO DECREASE/INCREASE APPROPRIATIONS WITHIN VARIOUS ACCOUNTS IN THE GENERAL FUND, LANCASTER POLICE DEPARTMENT FOR THE UNEXPECTED RETIREMENT

Mr. Jackson made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Touvell. Motion carried 8-0, with eight members voting yes. Mr. Jackson made a motion to pass engross, seconded by Mr. Touvell. Motion carried \8-0, with eight members voting yes.

Resolution Temporary 95-10 – First Reading – Permanent Resolution 93-10

A RESOLUTION TO APPROVE THE SAFE ROUTES TO SCHOOL AGREEMENT FOR THE GRANT THE CITY RECEIVED IN THE AMOUNT OF \$50,000.00

Mr. Kuhn made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Touvell. Motion carried 8-0, with eight members voting yes. Mr. Kuhn made a motion to pass engross, seconded by Mr. Touvell. Motion carried \8-0, with eight members voting yes.

Resolution Temporary 96-10 – First Reading – Permanent Resolution 94-10

A RESOLUTION TO AMEND THE CERTIFICATE, AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CONTRACT WITH KELLAM ASSOCIATES FOR A DIVISION OF FIRE ASSESSMENT, AND TO APPROPRIATE FUNDS

Mr. Jackson made a motion to suspend the rules and waive the second and third readings, seconded by Mrs. Bobbitt. Motion carried 8-0, with eight members voting yes. Mr. Jackson made a motion to pass engross, seconded by Mrs. Bobbitt. Motion carried \8-0, with eight members voting yes.

READING OF ORDINANCES

Ordinance Temporary 11-10 – First Reading – Permanent Ordinance 13-10

AN ORDINANCE APPROVING, AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDEMNIFICATION AGREEMENT BY AND BETWEEN THE CITY OF LANCASTER, OHIO, AND FLAGSTAR BANK, FSB, AND DECLARING AN EMERGENCY

Mr. Kuhn made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Touvell. Motion carried 8-0, with eight members voting yes. Mr. Kuhn made a motion to pass engross, seconded by Mr. Touvell Motion carried 8-0, with eight members voting yes.

Mr. Stoughton stepped down as President Pro Temp and Mr. Culver again reassumed his position as President of Council.

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

There was no Unfinished Business before Council this evening.

NEW BUSINESS/SPECIAL PRESENTATION

President Culver or Mrs. Bobbitt will make Council aware of transfers, new, or TREX applications sent to City Council from the Ohio Liquor Control. Council can then decide if they would like to request a hearing on these. At this time, the two documents before Council do not need a hearing and the Clerk will return the documents stating this.

There was discussion by several Council Members requesting that Law Committee again review and open the issue of outdoor boilers. The Law Director advised that a full review of this has been done and that the decision is up to Council if they choose to regulate these or not to regulate these boilers. Comments should be made to Mrs. Bobbitt on what Council's decision and she can then advise the Law Director.

ANNOUNCEMENTS

Next Regular Sessions of Council:

Monday, August 23, 2010 @ 7:00 p.m.

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

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

READING OF BILLS

Newspaper Network	\$110.35
TCR Personal Computers	\$921.50

Mrs. Garbrandt made a motion to pay the bills, seconded by Mr. Touvell. Motion carried.

EXECUTIVE SESSION

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

ADJOURNMENT

Mr. Touvell made a motion to adjourn, seconded by Mrs. Garbrandt. Motion carried. Meeting adjourned at approximately 7:54 p.m.



 Teresa Lee Sandy, Clerk of Council