

**LANCASTER CITY COUNCIL**

**LANCASTER, OHIO**

**PRAYER**

President Culver led the prayer before Council.

**REGULAR MEETING**

**February 22, 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, J. Zekas, B. McAtee, T. Stoughton, W. Garbrandt, R. Touvell, B. Kuhn, S. Jackson, and R. Hedges.

**READING AND DISPOSING OF THE JOURNAL**

The Clerk presented the Regular Meeting Minutes dated February 8, 2010.

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

**REPORTS OF CITY OFFICIALS**

1. Email, dated February 8, 2010, regarding Fairfield DD News Release regarding Art and Clay on Main. Submitted by Mrs. Bobbitt.
2. Email, dated February 9, 2010, regarding FYI. Submitted by Mr. Hedges.
3. Email, dated February 15, 2010, regarding Utilities Rate Generic Response. Submitted by Mr. McAtee.
4. Email, dated February 16, 2010, regarding Public Works Committee Meeting. Submitted by Mr. McAtee.
5. Three emails, dated February 16, 2010, regarding Public Works Committee Agenda. Submitted by Mr. Hedges.
6. Email, dated February 16, 2010, regarding Utility Rates and Life in Lancaster. Submitted by President Culver.
7. Email, dated February 16, 2010, regarding Utility Rates and Life in Lancaster. Submitted by David Smith, Mayor.

8. Two emails, dated February 16, 2010, regarding Utility rates and Life in Lancaster. Submitted by Mike Pettit, Superintendent Lancaster Municipal Gas.
9. Email, dated February 16, 2010, regarding Utility Rates and Life in Lancaster. Submitted by Mrs. Bobbitt.
10. Email, dated February 16, 2010, regarding Utility Rates and Life in Lancaster. Submitted by Mr. Stoughton.
11. Email, dated February 16, 2010, regarding Pre-Pay Gas Program. Submitted by President Culver.
12. Email, dated February 16, 2010, regarding Pre-Pay Gas Program. Submitted by Mr. Stoughton.
13. Email, dated February 16, 2010, regarding Pre-Pay Gas Program. Submitted by Terre Vandervoort, Law Director.
14. Email, dated February 17, 2010, regarding Utility Rates and Life in Lancaster. Submitted by President Culver.
15. Email, dated February 19, 2010, regarding Update on Service Committee Meetings. Submitted by Mr. McAtee.
16. Email, dated February 21, 2010, regarding February Public Works Committee Meeting Minutes. Submitted by President Culver.

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

#### **COMMUNICATIONS**

1. Email, dated February 10, 2010, regarding FYI. Submitted by Mark Nusser, 816 North High Street, Lancaster, Ohio 43130.
2. Email, dated February 11, 2010, regarding FYI. Submitted by Mark Nusser, 816 North High Street, Lancaster, Ohio 43130.
3. Email, dated February 15, 2010, regarding Lancaster Utility Rates. Submitted by David Foraker, no address listed.
4. Email, dated February 15, 2010, regarding Lancaster Utility Rates. Submitted by Eric Leach, no address listed.
5. Email, dated February 15, 2010, regarding Lancaster Utility Rates. Submitted by Montie Gordon, no address listed.
6. Email, dated February 15, 2010, regarding Lancaster Utility rates. Submitted by John Mulholland, 863 Third Street, Lancaster, Ohio 43130.
7. Email, dated February 16, 2010, regarding Utility rates and Life in Lancaster. Submitted by Patrick and Laura Wersell, 626 Madison Ave., 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**

There were no Voters or Taxpayers to address Council this evening.

### **STANDING COMMITTEE REPORTS**

1. Finance Committee Meeting Minutes, dated February 22, 2010. Submitted by Mr. Stoughton.
2. Service Committee Meeting Minutes, dated February 11, 2010. Submitted by Mr. McAtee.
3. Public Works Committee Meeting Minutes, dated February 17, 2010. Submitted by Mr. Hedges.
4. Safety Committee Meeting Minutes, dated February 19, 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**

President Culver called the Public Hearing to order for Temporary Ordinance 2-10.

Ordinance Temporary 2-10 – Third Reading Sponsored by Mrs. Garbrandt  
(Public Hearing Monday, February 22, 2010 at 7:00 p.m.)

AN ORDINANCE AMENDING THE ZONING MAP FOR APPROXIMATELY .56  
ACRES, PARCEL NUMBER 05340023.10 LOCATED NEAR LYNWOOD LANE AND  
PLEASANT RUN

President Culver opened the floor to Mrs. Garbrandt for opening comments.

Mrs. Garbrandt advised that the change in zoning was to aid in the sale of the property.

President Culver asked for those in favor to step forward.

There was no one present to speak in favor on this ordinance.

President Culver asked for those opposed to step forward.

There was no one present opposed to this ordinance.

With no closing comments, President Culver concluded the Public Hearing for Temporary Ordinance 2-10.

President Culver called the Public Hearing to order for Temporary Ordinance 3-10.

Ordinance Temporary 3-10 – Third Reading Sponsored by Mrs. Garbrandt  
(Public Hearing Monday, February 22, 2010 at 7:00 p.m.)

AN ORDINANCE AMENDING THE ZONING MAP NEAR THE NW CORNER OF W.  
FAIR AVENUE AND ETY ROAD WHICH IS PART OF THE RESERVE "D" OF THE  
EXISTING SUBDIVISION ENTITLED "THE OVERLOOK SECTION 1"

President Culver opened the floor to Mrs. Garbrandt for opening comments.

With no opening comments, President Culver asked for those in favor to step forward.

Attorney Jeff Vandervoort, 123 S. Broad Street, Lancaster, Ohio. Attorney Vandervoort is the attorney for the Petitioner. This zoning change would benefit the area and property.

President Culver asked for those opposed to step forward.

Carlin Nixon, 2218 W. Fair Ave, Lancaster, Ohio 43130. Mr. Nixon opposed to the change from Residential Family to Commercial due to other properties in the area that could be utilized.

Attorney Vandervoort there is a potential for this property being able to design and develop for marketing purposes. The current property owned by the petitioner is at full occupancy. Property owners have been contacted in the area and there has been no concern for this change. This change would serve this area well.

Mr. Nixon asked what types of commercial development are they discussing in this area and why the open store fronts in the area couldn't be utilized.

Attorney Vandervoort stated that there are currently no tenants signed to up for the property.

Mr. Nixon is concerned that there will be an influx and possible empty commercial store fronts.

President Culver turned the floor over to Mrs. Garbrandt for closing comments.

Mrs. Garbrandt the Economic Development Committee will be working with Mr. Pettit to create some type of a plan to get business in these empty store fronts.

**READING OF RESOLUTION**

Resolution Temporary 20-10 – Second Reading  
A RESOLUTION TO APPROPRIATE FUNDS

Resolution Temporary 27-10 – Second Reading – **Permanent Resolution 28-10**  
A RESOLUTION TO ADVANCE FUNDS FROM THE SANITATION FUND TO THE IMPROVEMENT FUND FOR A GRANT TO THE CITY OF LANCASTER FROM THE OHIO DEPARTMENT OF DEVELOPMENT FOR A PHASE II ENVIRONMENTAL ASSESSMENT OF THE FORMER FRICK GALLAGHER PROPERTY

Mr. McAtee made a motion to suspend the rules and waive the third reading, seconded by Mrs. Garbrandt. Motion carried 9-0, with all nine members voting yes. Mr. McAtee made a motion to pass engross, seconded by Mrs. Garbrandt. Motion carried 9-0, with all nine members voting yes.

Resolution Temporary 28-10 – First Reading  
A RESOLUTION TO ADVANCE FUNDS FROM THE SANITATION FUND TO THE PUBLIC TRANSIT FUND FOR TWO ARRA STIMULUS GRANTS AND A FEDERAL CAPITAL IMPROVEMENT GRANT TO THE CITY OF LANCASTER PUBLIC TRANSIT

**Resolution Temporary 29-10 – First Reading – Permanent Resolution 29-10**

A RESOLUTION TO DECREASE THE APPROPRIATION IN THE CAPITAL IMPROVEMENT, ACCOUNT NUMBER 320.925.5620

Mr. Stoughton made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Kuhn. Motion carried 9-0, with all nine members voting yes. Mr. Stoughton made a motion to pass engross, seconded by Mr. Kuhn. Motion carried 9-0, with all nine members voting yes.

**Resolution Temporary 30-10 – First Reading – Permanent Resolution 30-10**

A RESOLUTION TO APPROPRIATE FUNDS IN THE DEPARTMENT OF TRANSPORTATION FUND FOR THE PURCHASE OF SALT

Mr. Hedges made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Zekas. Motion carried 9-0, with all nine members voting yes. Mr. Hedges made a motion to pass engross, seconded by Mr. Zekas. Motion carried 9-0, with all nine members voting yes.

**READING OF ORDINANCES****Ordinance Temporary 2-10 – Third Reading – Permanent Ordinance 4-10**

(Public Hearing Monday, February 22, 2010 at 7:00 p.m.)

AN ORDINANCE AMENDING THE ZONING MAP FOR APPROXIMATELY .56 ACRES, PARCEL NUMBER 05340023.10 LOCATED NEAR LYNWOOD LANE AND PLEASANT RUN

Mrs. Garbrandt made a motion to pass engross, seconded by Mr. Hedges. Motion carried 9-0, with all nine members voting yes.

**Ordinance Temporary 3-10 – Third Reading – Permanent Ordinance 5-10**

(Public Hearing Monday, February 22, 2010 at 7:00 p.m.)

AN ORDINANCE AMENDING THE ZONING MAP NEAR THE NW CORNER OF W. FAIR AVENUE AND ETY ROAD WHICH IS PART OF THE RESERVE "D" OF THE EXISTING SUBDIVISION ENTITLED "THE OVERLOOK SECTION 1"

Mrs. Garbrandt made a motion to pass engross, seconded by Mr. Hedges. Motion carried 9-0, with all nine members voting yes.

**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**

Mr. McAtee announced that there was a Housing Summit taking place at the Liberty Center on Friday, February 26, 2010 from 8:30 a.m. – 12:30 p.m.

**ANNOUNCEMENTS**

**Next Regular Sessions of Council:**

- Monday, March 8, 2010 @ 7:00 p.m.
- Monday, March 22, 2010 @ 7:00 p.m.
- Monday, April 12, 2010 @ 7:00 p.m.

**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. Zekas made a motion to adjourn, seconded by Mr. Touvell. Motion carried. Meeting adjourned at approximately 7:31 p.m.



Teresa Lee Sandy, Clerk of Council