

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

President Culver led the prayer before Council.

REGULAR MEETING

September 27, 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 September 13, 2010.

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

PUBLIC HEARING

Ordinance Temporary 12-10 Sponsored by Mrs. Garbrandt
(*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

President Culver went over the rules and procedures of public hearings. President Culver asked all Proponents who wished to speak on this ordinance to come forward:

1. Brad Fagrell, City Engineer, 121 East Chestnut Street, Lancaster, Ohio. This was before the Planning Commission, case Number 2010-06 changing 1225 and 1230 North Columbus Street from Commercial Neighborhood to Commercial General. Rezoning of the City was done in 2001 and believes there was a mistake made and that this ordinance would correct that mistake. This would make these two properties consist and uniform zoning was approved by staff.

2. Attorney Ray Michalski, Dagger, Johnston, Miller, represents Larry Gandee. This change would allow the two properties under this ordinance to match zoning on abutting properties. Attorney Mickalski read aloud the uses for Commercial Neighborhood and what is in common with Commercial General and there are a variety of uses that would draw a lot of traffic should this type of business operate in these properties. Attorney Mickalski read from numerous court rulings and read about property rights. He asked why this property was zoned differently from the ones right next to it. Why these properties should be singled out for special treatment. Mr. Gandee has tried to get business in the property under currently zoning and has not been able to. The value of the property has gone down and he would like a rational basis for saying no. Attorney Mickalski hopes that this legislation passes.

President Culver asked all Opponents who wished to speak on this ordinance to come forward:

1. Charles Hildreth, 146 Marks, Lancaster, Ohio. Mr. Hildreth read from a speech handed out to City Council Members and is on file with the Clerk. Some of the verbiage is as follows: Mr. Hildreth and his wife live on Marks Avenue. Mr. Hildreth is opposed to Ordinance 12-10, changing the zoning from Commercial Neighborhood to Commercial General. They are not here to warn you to correct a spurious "error" in zoning, to threaten the City with a lawsuit, paid to be her, because he is anti-business, or to reduce the qualitative concept of "neighborhood" to a single physical entity, the 1200 block of North Columbus Street.

They are here because he is concerned for the negative impact of this ordinance on their historic 2nd Ward neighborhood. The largely residential neighborhood includes Marks and Wilson Avenues, the Fairgrounds, and Columbus Street north of Fair Avenue. Several of the homes in this area date back to the early 1900s. They are concerned about the diminution of their property values, the safety of their many children, the health of their residents, and the enduring welfare and special character of their neighborhood.

He does believe the quality of their neighborhood is endangered. Mr. Hildreth states that Mr. Gandee and his attorney are not here tonight to do something for them, but to do something to them. They ardently hope that all City Council Members not permit this to happen.

A word about the alleged "error" in zoning that this ordinance is aimed to correct. Mr. Gandee's attorney has stated that "The error is that it (1230 North Columbus) was zoned differently than the other adjoining properties." And, "It is a spot that is different than the other properties, without any distinction on a rational basis. That is the error." He also said that it is Council's obligation and Constitution duty to correct that error.

He went on to say that stating that something is an error does not make it so. Stating that distinctive spot zoning is unconstitutional does not make it so. Not all single-parcel, spot zoning is discriminatory. Special differential zoning is not inherently discriminatory.

The zoning decision made nine years ago that established 1230 North Columbus Street as Commercial Neighborhood most likely was a "distinction made on a rational basis." There is no evidence that this decision was discriminatory, and certainly not discriminatory against Mr. Gandee, as he was not then the owner of the property. The very fact that these two parcels are located at the 15 mph blind curve caution and were distinctively zoned differently than a few nearby parcels indicates that there was good reason to do so, that this decision was not lacking a rational basis.

To rephrase; Speculating that an error was made several years ago does not make it an error. Today, Mr. Gandee is the owner of a property zoned Commercial Neighborhood, a property zoned Commercial Neighborhood several years before he purchased it. With no evidence of intended or unintended discrimination against Mr. Gandee, the claim that his Constitutionally-protected rights have been violated has no material basis.

Mr. Hildreth thanked Council for his opportunity to speak and express their opposition to this ordinance.

2. Mardee Stover, 1274 Pleasantville Road, Lancaster, Ohio 43130. Ms. Stover and her husband own 199 Marks Avenue, which abuts 1230 North Columbus Street – Mr. Gandee's property. Our daughter, son-in-law and two grandchildren live in this house. My husband and I are opposed to Ordinance 12-10 that rezones this property from CN to CG.

Mr. Gandee purchased 1220, 1224, and 1230 North Columbus Street on July 7, 2009 from Ms. Jean Stuck Monger for \$175,000. This property has not been rented since Wendell's Machine Shop closed its doors in 2002. This should have put up red flags that this property is not a desirable location for business owners.

Mr. Gandee sold 1220 North Columbus Street to his daughter on 12/3/2009 for \$30,000. She rehabbed this property and did a fine job, but to date it too sits empty.

According to the Lancaster Board of Realtors and their multiple listing service, there are 33 commercial businesses for sale and 11 for rent within the city limits. Our City has an abundance of vacated or abandoned buildings sitting in zoning that IS CG. There is a lot of competition with our present economy and one big factor as to why Mr. Gandee and his daughter can't rent or sell their property. Zoning has nothing to do with unoccupied space.

Mr. Gandee has several hundred different uses for his property as zoned CN. He also has the option to go in front of the Board of Zoning Appeals and file for a use variance. A use variance is an application for a deviation from the permitted uses in a zoning district. You take the rights away from the City and the Neighborhood if this property is rezoned to CG. As it stands now the City has a say as to what businesses are allowed by the exercise of the use variance. The City of Lancaster with help from the Ohio Revised Code came up with Codified Ordinances and we should adhere to them and follow their direction. If zoned CG a bar could relocate, a repair garage could open, an impound lot could exist, these are just a few examples of what could happen at the entrance to our neighborhood and not favorable to the City's appearance.

The Planning Commission felt that the properties in questions created inconsistent and non-uniform zoning, i.e., spot zoning. Spot zoning is not illegal, but is not looked at favorably by the City of Lancaster. There are different levels of Residential Districts, Commercial Districts and Industrial Districts. Commercial Neighborhood is a level down from Commercial General. The neighborhood or the City did not take away anything from Mr. Gandee as he bought the property as CN. He is not being treated any different than any other CN owner.

If you look at the big picture when it comes to zoning on Columbus Street, why would the City zone anything commercial on this dangerous curve? On May 2, 2010 a young life was lost on that curve and three days later another serious accident left a resident still fighting for his life. Mr. Gandee's property has no on street parking. He submitted plans to the BZA that he would have 4 spots in the front of his business. However, if this parking pattern was approved you would be backing over a sidewalk and out on Columbus Street that is within 50 feet of a school bus stop.

I hope you were able to drive by the area in question and see our wonderful neighborhood, to see the traffic pattern on Columbus Street as well as the zoning in the vicinity. All but 3 of the 23 properties listed as CG in this area are actually businesses. There are 8 single family dwellings and 12 multi-family dwellings. Why is skyline drive CG? I think an error was made in this area, but not in favor of the commercial districts. Why did it take 9 years to find a so called error? If you tore down any of these properties and tried to build a new business it would not meet any of the minimum frontage requirements, minimum setback from property line requirement, minimum set back from abutting R district requirements, parking requirements and drainage or run-off issues.

In conclusion:

- There was no error in zoning
- There was no taking of property

- There is no spot zoning
- Changing the zoning would hurt the neighborhood
- The Land Use Map calls for residential
- The safety of the citizens of Lancaster would be compromised

Mrs. Stover stated that she appreciated all the time each and every individual that has given to their neighborhood and the wonderful people living there. She is grateful for the chance to speak against this ordinance and hope Council Members are against it too.

3. Larry Capitini, 140 Marks Avenue, Lancaster, Ohio. Mr. Capitini has lived at this address for six years. Mr. Capitini states that what they have there is assumptions. He is opposed to the changes as how it could affect the health and safety and well being of the children is compromised should the change be approved.

4. Tim Culver, 153 Marks Avenue, Lancaster, Ohio. Mr. Culver, his wife, and two children have lived at this address since 2002. This is a perfect neighborhood to raise a family. There are a lot of children up and down the street. He is concerned with large vehicles traveling up their street and alley behind the property. Traffic floes in the area there are very dangerous blind spot at the curve. He is also concerned what the next property owner may do with the property.

5. Rick Bagby, 141 Marks Avenue, Lancaster, Ohio. Mr. Bagby is here as a property owner who lives on this street, which Mr. Gandee does not and will not live on their street. Mr. Bagby asked that Council consider this when they vote.

6. Connie Berens, 149 Barkley, Lancaster, Ohio. Ms Berens spoke on behalf of her family who help take care of their mother who resides at 130 Marks Avenue, Lancaster, Ohio. Ms. Berens 90 year old mother who lives on this street must have constant care by the family and is opposed to this change. He mother asked that she come forward to speak for her. Her must use a wheelchair to get around along with another individual on this street. Her family and mother are all opposed to this ordinance.

President Culver asked for all those wanting to Rebut to come forward:

1. Attorney Ray Michalski. Attorney asked for a rational basis why this zoning should not be changed and only was told "don't let this happen". What is "this"? This could not be a scrap yard or an impound lot, neither CG or CN permit this type of use. Mr. Mickalski asked that everyone take a look at the list of can and cannot be done for this property under the current zoning. He has yet to hear a rational basis why this can't be done. This was zoned originally zoned Light Industrial prior to 2001, and this makes absolutely no sense. There have been nine prospects for the building, but seven have had to be turned away because of the current zoning. Shouldn't this property be zoned as the others?

2. Larry Capitini. Mr. stated that at the first meeting it was mentioned that this property use was considering an impoundment lot. Mr. Capatini is still opposed to this ordinance.

3. Charles Hildreth. Mr. Hildreth stated that the people in the purple area were unable to be here this evening, but believes they would be against this change as well. There is traffic and then there is traffic. The traffic they don't want in their area is Memorial Drive traffic on their streets. Not all traffic is equal. He is not antibusiness. There was a use variance applied for on this property and it was turned down five to one. Mr. Hildreth just would like to know what is the proposed use by Mr. Gandee?

4. Mardee Stover. Ms. Stover states that CG is more intrusive to the neighborhood than CN. They were asked by Mr. Gandee's attorney to give one good reason why zoned differently. The building was built to serve Light Industrial and now the building could be obsolete because it cannot operate as when it was built. No one is taking away from Mr. Gandee because the City of Lancaster was the one who brought this forward, not Mr. Gandee. In order to have an error there must be a formula or rules. How is there an error? Ms. Stover states that her property has business being a commercial property it is a three bedroom house, but should be multi-family.

5. Tim Culver. Mr. Culver said that the Mr. Gandee's attorney asked for a rational reason. Mr. Culver said try pulling out of this street 365 days a year about 50,000 times. It already a hard street to pull out of without the change in zoning and added traffic.

6. Rick Bagby. Mr. Bagby has been nearly hit several times in this area. A call was placed to the Service-Safety Director's office about considering placing a traffic light at this area

7. Connie Berens. Ms. Berens said that this change would not only affect Marks Avenue, but also Wilson and Columbus Street. Over 1,000 people travel this street daily. If this change is granted it would not only be a neighborhood issue, but a Citywide issue.

Mrs. Garbrandt thanked everyone for their comments and concerns and wished that more individuals came to City Council meeting.

With no additional comments or concerns, President Culver closed the Public Hearing.

Mr. Hedges made a motion to go outside the regular order of business for the reading of Ordinance Temporary 12-10, seconded by Mr. Touvell. Motion carried.

Ordinance Temporary 12-10 – Third Reading – **FAILED**

(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

Mrs. Garbrandt made a motion to pass engross, seconded by Mr. Hedges. Motion failed 0-9, with all nine members voting no.

Mr. Jackson made a motion to return to the regular order of business, seconded by Mr. Touvell. Motion carried.

REPORTS OF CITY OFFICIALS

1. Email, dated September 13, 2010, regarding DAC Vote. Submitted by David Smith, Mayor.
2. Email, dated September 14, 2010, regarding Law Committee. Submitted by Mrs. Bobbitt.
3. Email, dated September 15, 2010, regarding Free CLE Training. Submitted by Mr. Kuhn.
4. Email, dated September 15, 2010, regarding John Zekas. Submitted by President Culver.
5. Email, dated September 15, 2010, regarding Zoning Change. Submitted by President Culver.
6. Email, dated September 15, 2010, regarding John Zekas. Submitted by Mr.

7. Kuhn.
8. Two emails, dated September 16, 2010, regarding John Zekas. Submitted by Mrs. Bobbitt.
9. Email, dated September 16, 2010, regarding 2010 Central Ohio Urban Forestry Conference. Submitted by Mitch Overton, Superintendent Lancaster City Parks and Recreation.
10. Email, dated September 16, 2010, regarding Agenda for September 27, 2010. Submitted by President Culver.
11. Email, dated September 16, 2010, regarding Bill Vance, New City Manager of Pickerington. Submitted by David Smith, Mayor.
12. Two emails, dated September 17, 2010, regarding Proclamation. Submitted by President Culver.
13. Email, dated September 17, 2010, regarding City Council Packets. Submitted by Mr. McAtee.
14. Email, dated September 19, 2010, regarding United Way. Submitted by Mr. McAtee.
15. Email, dated September 20, 2010, regarding Committee Assignments. Submitted by President Culver.
16. Email, dated September 22, 2010, regarding September 27, 2010 Council Meeting. Submitted by Mr. Zekas.
17. Email, dated September 23, 2010, regarding Legislation. Submitted by Ed Campbell, Superintendent IT Department.
18. Email, dated September 23, 2010, regarding Legislation. Submitted by Mr. Stoughton.
19. Email, dated September 24, 2010, regarding Legislation. Submitted by Mr. McAtee.
20. Email, dated September 24, 2010, regarding Legislation. Submitted by Mr. Stoughton.
21. Email, dated September 24, 2010, regarding Legislation. Submitted by Michael J. Courtney, Service-Safety Director.
22. Four Emails, dated September 24, 2010, regarding Upper Hocking Pump Station Pictures; Hocking River Stream Restoration Project Pictures; Upper Hocking Wastewater Treatment Plant Part 1 Pictures; and Upper Hocking Wastewater Treatment Plant Part 2 Pictures. Submitted by Mike Nixon, Superintendent Water/Water Pollution Control.
23. Email, dated September 24, 2010, regarding Legislation. Submitted by Toby Shamblin, Superintendent LDOT.
24. Email, dated September 26, 2010, regarding Ethics Education Session. Submitted by Mr. McAtee.
25. Email, dated September 27, 2010, regarding Radios and Funding. Submitted by David Smith, Mayor.
26. Email, dated September 27, 2010, regarding Ordinance Temporary 12-10. Submitted by Mr. McAtee.
27. Email, dated September 27, 2010, regarding Radios and Funding. Submitted by Mr. McAtee.

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

COMMUNICATIONS

1. Email, dated September 15, 2010, regarding Ethics Law Training Opportunity. Submitted by Susan Willeke, Education and Communications Administrator, Ohio Ethics Commission, William Green Building, 30 West Spring Street, L3, Columbus, Ohio 43215.
2. Email, dated September 23, 2010, regarding Zoning Amendment Concerns. Submitted by Andrew Specht, 195 Marks Avenue, Lancaster, Ohio 43130.
3. Email, dated September 24, 2010, regarding Temporary Ordinance 12-10. Submitted by Roger Folz, 1018 Lanreco, Lancaster, Ohio 43130.
4. Email, dated September 27, 2010, regarding Ethics Education Session. Submitted by

Susan Willeke, Education and Communications Administrator, Ohio Ethics Commission, William Green Building, 30 West Spring Street, L3, Columbus, Ohio 43215.

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

Carl Tatman, 125 West Wheeling Street, Lancaster, Ohio. Mr. Tatman gave Council an update Save the Cannon Campaign. The deposit has been paid to Skeen Cannon in Kentucky. They are still working to raise the balance of the funds needed. Mr. Tatman thanked Kumler Collision and Lancaster Parks and Recreation for their part in helping with the campaign. The Sons of Union Veterans of the Civil War host a silent auction on October 23, 2010 at 6:00 at the Eagles on East Main Street. There will be marble embossed telephone stand, a rare .31 caliber revolver from the 1870's, prints, books, and other items. The Budget is \$15,000.00 for the carriage, but they would like to raise \$20,000.00 for a maintenance fund. They will be able to load and fire blanks out of this cannon and hope to outfit the cannon crew to man the cannon with the funds. Raffle tickets will be sold at the auction and the winner be chosen to fire a blank charge at the next Fourth of July celebration.

STANDING COMMITTEE REPORTS

1. Finance Committee Meeting Minutes, dated September 27, 2010. Submitted by Mr. Stoughton.

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.

READING OF RESOLUTION

Resolution Temporary 98-10 – Third Reading – **Permanent Resolution 109-10**
A RESOLUTION TO APPROPRIATE FROM THE UNAPPROPRIATED FUNDS IN THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND ESTABLISHED BY OHIO REVISED CODE 4511.191(H)

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

Resolution Temporary 99-10 – Third Reading – **Permanent Resolution 110-10**
A RESOLUTION TO APPROPRIATE FUNDS FROM THE UNAPPROPRIATED FUNDS FOR LDOT CONTRACT LABOR

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

Resolution Temporary 103-10 – Third Reading – Permanent Resolution 111-10

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

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

Resolution Temporary 105-10 – Third Reading – Permanent Resolution 112-10

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

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

Resolution Temporary 107-10 – Second Reading – Permanent Resolution 113-10

A RESOLUTION AUTHORIZING THE CITY OF LANCASTER TO APPLY FOR THE MEALS ON WHEELS-OLDER ADULT ALTERNATIVES OF FAIRFIELD COUNTY, INC. 2011 GRANT

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

Resolution Temporary 113-10 – First Reading

A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO APPLY FOR SAFE ROUTES TO SCHOOL GRANTS FOR A NON INFRASTRUCTURE GRANT FOR SRTS I & II

Resolution Temporary 114-10 – First Reading

A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO APPLY FOR SAFE ROUTES TO SCHOOL GRANTS FOR THE SRTS I – PHASE II GRANT FUNDING

Resolution Temporary 115-10 – First Reading

A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO APPLY FOR SAFE ROUTES TO SCHOOL GRANTS FOR THE SRTS II – PHASE II GRANT FUNDING

Resolution Temporary 116-10 – First Reading

A RESOLUTION TO DECREASE/INCREASE APPROPRIATIONS IN VARIOUS ACCOUNTS WITHIN THE FUEL DEPOT FUND

READING OF ORDINANCES**Ordinance Temporary 13-10 – Third Reading - WITHDRAWN**

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

Mr. Stoughton made a motion to withdraw Ordinance Temporary 13-10, seconded by Mr. Kuhn. Motion carried 9-0, with all nine members voting yes.

Ordinance Temporary 14-10 – Second Reading – Permanent Ordinance 14-10

AN ORDINANCE TO AMEND ORDINANCE 35-09, REPEAL EXISTING 35-09, AND DECLARE AN EMERGENCY FOR THE MANAGEMENT PAY ORDINANCE

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.

Ordinance Temporary 15-10 – First Reading – Permanent Ordinance 15-10

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 A PORTION OF THE 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

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.

Ordinance Temporary 16-10 – First Reading – Permanent Ordinance 16-10

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN AN AGGREGATE PRINCIPAL AMOUNT OF FIVE HUNDRED FORTY-TWO THOUSAND ONE HUNDRED SIXTY DOLLARS (\$542,160.00), IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY A PORTION OF THE 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 AND AUTHENTICATING A NOTE PURCHASE AGREEMENT; AUTHORIZING CERTAIN OTHER ACTIONS RELATED TO THE ISSUANCE OF THE NOTES; AND DECLARING AN EMERGENCY

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.

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

There was no New Business or Special Presentations before Council this evening.

ANNOUNCEMENTS

Next Regular Sessions of Council:

Monday, October 4, 2010 @ 7:00 p.m.
Monday, October 25, 2010 @ 7:00 p.m.
Monday, November 8, 2010 @ 7:00 p.m.
Monday, November 22, 2010 at 7:00 p.m.
Monday, December 6, 2010 at 7:00 p.m.
Monday, December 13, 2010 at 7:00 p.m.

READING OF BILLS

Newspaper Network \$73.05


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 9:18 p.m.



Teresa Lee Sandy, Clerk of Council