

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

President Culver led the prayer before Council.

REGULAR MEETING

January 9, 2012

CALL TO ORDER

President Culver called the meeting to order at approximately 7:20 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: Mrs. Bobbitt, Mr. Groff, Mr. Stoughton, Mr. Welker, Mr. Zekas, Mr. Touvell, Mr. Hedges, Mr. Hale, and Mr. Woodgard.

READING AND DISPOSING OF THE JOURNAL

The Clerk presented the Regular Meeting Minutes dated December 12, 2011 and Special Committee Meeting Minutes dated December 22, 2011 and December 28, 2011.

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

REPORTS OF CITY OFFICIALS

1. Email, dated December 13, 2011, regarding Safety Committee Meeting Cancellation. Submitted by Mr. Hale.
2. Email, dated December 14, 2011, regarding Safety Committee Meeting Cancellation. Submitted by Mr. Hale.
3. Email, dated December 14, 2011, regarding 2012 Council Meetings. Submitted by President Culver.
4. Email, dated December 16, 2011, regarding Community Health and Wellness. Submitted by Ms. Bentle.
5. Email, dated December 16, 2011, regarding Executive Meeting. Submitted by Mayor Smith.
6. Email, dated December 16, 2011, regarding Executive Session. Submitted by Law Director Vandervoort.
7. Email, dated December 19, 2011, regarding inauguration. Submitted by Mayor Smith.
8. Email, dated December 20, 2011, regarding pending legislation. Submitted by President Culver.
9. Two emails, dated December 20, 2011, regarding Email addresses. Submitted by Mr. Hedges.

10. Email, dated December 23, 2011, regarding Committee Meetings. Submitted by Mayor Smith.
11. Email, dated December 23, 2011, regarding Committee Meetings. Submitted by Mr. Hedges.
12. Three emails, dated December 23, 2011, regarding Special Council Meeting. Submitted by Mr. McAtee.
13. Email, dated December 24, 2011, regarding Special Council Meetings. Submitted by Mr. Woodgeard.
14. Email, dated December 28, 2011, regarding 2012 Committee Dates. Submitted by Mr. Groff.
15. Email, dated December 29, 2011, regarding 2012 Committee Dates. Submitted by Mr. Groff.
16. Two emails, dated January 3, 2012, regarding Executive Meeting. Submitted by President Culver.
17. Email, dated January 6, 2012, regarding 2012 City Council Committee Meeting. Submitted by President Culver.
18. Email, dated January 6, 2012, regarding Roll Call. Submitted by President Culver.
19. Email, dated January 6, 2012, regarding Re-Appointments for 2012. Submitted by Mayor Smith.
20. Email, dated January 6, 2012, regarding Legislation. Submitted by Mrs. Bobbitt.
21. Email, dated January 6, 2012, regarding Consent Legislation. Submitted by Rick Mark.
22. Email, dated January 6, 2012, regarding Piece/Fair Avenue. Submitted by Rick Mark.
23. Email, dated January 7, 2012, regarding Legislation for January 9th meeting. Submitted by Mr. Welker.
24. Email, dated January 9, 2012, regarding Legislation. Submitted by Mrs. Bobbitt.

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

COMMUNICATIONS

1. Cities & Villages The Official Magazine of the Ohio Municipal League. November/December 2011, 175 South Third Street, Suite 510, Columbus, Ohio 43215.

Mr. Hale 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

Jean Bradford, 862 Lincoln Avenue, Lancaster. Ms Bradford came to Council against the location of the Pearl House. She would support this project if it was placed in the correct area, not close to seven bars and close to the Community Transition Center. She also wanted to know if City Council supports this project.

Dave Kemp, 1020 Fay Avenue, Lancaster. Mr. Kemp passed out a petition to the Mr. Zekas and the Clerk. Mr. Kemp would like the noise ordinance within the City of Lancaster to be reviewed. Locker8 has received two noise ordinance citations within the last 30 days.

Law Director Vandervoort stated for clarification that the noise ordinance was passed in 1999, and that included updates and changes to the noise ordinance.

STANDING COMMITTEE REPORTS

1. Finance Committee Meeting, dated January 9, 2012. Submitted by Mr. Stoughton.

Mr. Hale 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 RESOLUTIONS

Resolution Temporary 179-11 – Second Reading

PRELIMINARY LEGISLATION RC **5521.01**, FOR THE IMPROVEMENTS TO THE INTERSECTION OF PIERCE AVENUE AND FAIR AVENUE WHICH INCLUDE, MILL AND FILL, ASPHALT RESURFACING CURB REPLACEMENT/ADD WITHIN THE PROJECT LIMITS, ADA RAMPS AND UPGRADE OF TRAFFIC SIGNAL EQUIPMENT TO CURRENT ADA STANDARDS FOR THE VISUALLY IMPAIRED

Resolution Temporary 1-12 – First Reading

A RESOLUTION CONFIRMING THE CITY OF LANCASTER'S PARTICIPATION IN THE MITIGATION PROGRAM OF THE FAIRFIELD COUNTY OFFICE OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY, AND DECLARING AN EMERGENCY

Resolution Temporary 2-12 – First Reading – **Permanent Resolution 1-12**

A RESOLUTION TO AUTHORIZE THE LAW DIRECTOR TO ENTER INTO A ONE YEAR CONTRACT FOR SERVICES RENDERED FOR PROSECUTION IN THE CITY OF PICKERINGTON WITHIN FAIRFIELD COUNTY, AND TO ACCEPT PAYMENT

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

Resolution Temporary 3-12 – First Reading – **Permanent Resolution 2-12**

A RESOLUTION TO AUTHORIZE THE LAW DIRECTOR TO ENTER INTO A ONE YEAR CONTRACT FOR SERVICES RENDERED FOR PROSECUTION IN THE CITY OF REYNOLDSBURG WITHIN FAIRFIELD COUNTY, AND TO ACCEPT PAYMENT

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

Resolution Temporary 4-12 – First Reading

A RESOLUTION TO ESTABLISH AN ENVIRONMENTAL COVENANT FOR THE HOCKING RIVER STREAM RESTORATION PROJECT

Resolution Temporary 5-12 – First Reading

A RESOLUTION TO ALLOW THE LANCASTER CITY AUDITOR TO REQUEST AN ADVANCE OF FUNDS FROM FAIRFIELD COUNTY OF THE CITY'S APPORTIONMENT OF TAX SETTLEMENTS FOR 2012

Resolution Temporary 6-12 – First Reading – Permanent Resolution 3-12

A RESOLUTION TO AMEND THE CERTIFICATE OF OTHER SOURCES AND APPROPRIATION WITH THE COUNTY AUDITOR FOR THE 2011 YEAR END BALANCING

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

Resolution Temporary 7-12 – First Reading – Permanent Resolution 4-12

A RESOLUTION TO ALLOW THE LANCASTER CITY AUDITOR TO PROCESS AN APPROPRIATION TRANSFER INTO THE PENSION PICKUP EXPENSE LINE ITEM

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

Resolution Temporary 8-12 – First Reading – Permanent Resolution 5-12

A RESOLUTION TO APPROPRIATE FUNDS IN ARRA STIMULUS FUND AND AUTHORIZE PAYMENT OF BILLS

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

Resolution Temporary 9-12 – First Reading – Permanent Resolution 6-12

A RESOLUTION TO PAY AN AUDIT BILL

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

Resolution Temporary 10-12 – First Reading – Permanent Resolution 7-12

A RESOLUTION TO APPROPRIATE FUNDS IN THE WATER CONSTRUCTION FUND AND THE WASTEWATER CONSTRUCTION FUND AND AUTHORIZE PAYMENT OF BILLS

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

Resolution Temporary 11-12 – First Reading – Permanent Resolution 8-12

A RESOLUTION TO CARRYOVER AND REAPPROPRIATE FUNDS TO PAY BILLS IN THE WATER POLLUTION CONTROL DEPARTMENT

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

Resolution Temporary 12-12 – First Reading

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE PURCHASE OF PHOSPHATE FOR USE BY THE WATER DEPARTMENT

Resolution Temporary 13-12 – First Reading

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE PURCHASE OF SALT FOR USE BY THE WATER DEPARTMENT

Resolution Temporary 14-12 – First Reading

PRELIMINARY LEGISLATION FOR THE CONSENT FOR BRIDGE PAINTING OF THE STRUCTURAL STEEL ON THE FAI-US 22-13.58 BRIDGE (SFN 2300257) WHICH IS THE BRIDGE ON US 22, LOCATED JUST EAST OF HUNTER AVENUE

Resolution Temporary 15-12 – First Reading – **Permanent Resolution 9-12**

A RESOLUTION TO APPROVE THE APPOINTMENT OF KYLE WITT AS PROSECUTOR 2 IN THE LAW DIRECTOR'S OFFICE

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

Resolution Temporary 16-12 – First Reading – **Permanent Resolution 10-12**

A RESOLUTION TO APPROVE THE APPOINTMENT OF ANDREW MAKOSKI AS ASSISTANT PROSECUTOR IN THE LAW DIRECTOR'S OFFICE

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

Resolution Temporary 17-12 – First Reading

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE PURCHASE OF BIOXIDE FOR USE BY THE WATER POLLUTION CONTROL DEPARTMENT

Resolution Temporary 18-12 – First Reading – **Permanent Resolution 11-12**

A RESOLUTION TO CARRYOVER AND RE-APPROPRIATE FUNDS TO PAY BILLS IN THE PUBLIC SITES AND OPEN SPACES FUND

Mr. Touvell made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Groff. Motion carried 8-1, with all eight members voting yes and Mr. Woodgeard voting no. Mr. Touvell made a motion to pass engross, seconded by Mr. Groff. Motion carried 9-0, with all nine members voting yes.

Resolution Temporary 19-12 – First Reading – **Permanent Resolution 12-12**

A RESOLUTION TO AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR AND APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE VIOLENCE AGAINST WOMEN ACT FUND (225), AND DO A FUND TO FUND TRANSFER FROM THE EDWARD BRYNE GRANT (224) TO THE VIOLENCE AGAINST WOMEN ACT FUND (225)

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

Resolution Temporary 20-12 – First Reading – Permanent Resolution 13-12

A RESOLUTION TO CARRYOVER AND REAPPROPRIATE FUNDS TO PAY BILLS IN THE WATER DEPARTMENT

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

Resolution Temporary 21-12 – First Reading

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE KEMPER AVENUE GAS MAIN REPLACEMENT PROJECT

Resolution Temporary 22-12 – First Reading – Permanent Resolution 14-12

A RESOLUTION TO ISSUE TWO THEN AND NOW CERTIFICATES FOR THE PAYMENT OF 2011 TRANSIT BILLS

Mrs. Bobbitt made a motion to suspend the rules and waive the second and third readings, seconded by Mr. Zekas. Motion carried 8-1, with all eight members voting yes, and Mr. Woodgeard voting no. Mrs. Bobbitt made a motion to pass engross, seconded by Mr. Zekas. Motion carried 9-0, with all nine members voting yes.

Resolution Temporary 23-12 – First Reading – Permanent Resolution 15-12

A RESOLUTION TO DECREASE/INCREASE APPROPRIATIONS IN VARIOUS LINE ITEMS IN THE GENERAL FUND

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

Resolution Temporary 24-12 – First Reading – Permanent Resolution 16-12

A RESOLUTION TO CARRYOVER AND REAPPROPRIATE FUNDS TO PAY BILLS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS

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

Resolution Temporary 25-12 – First Reading – Permanent Resolution 17-12

A RESOLUTION TO CARRYOVER AND REAPPROPRIATE FUNDS IN THE IMPROVEMENT FUND (317)

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

READING OF ORDINANCES

Ordinance Temporary 1-12 – First Reading – Permanent Ordinance 1-12

AN ORDINANCE TO ESTABLISH THE BENEFITS, TITLES, AND COMPENSATION FOR ATTORNEYS IN THE LAW DIRECTOR'S OFFICE EMPLOYED BY THE CITY OF LANCASTER, OHIO, COMMENCING THE SECOND PAY PERIOD OF 2012, AND TO REPEAL PERMANENT ORDINANCE 26-11 IN ITS ENTIRETY

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

TABLED LEGISLATION

Ordinance Temporary 23-11 – Third Reading – **TABLED – December 5, 2011**

AN ORDINANCE TO AMEND SECTIONS 181.04, 181.05 AND 181.15 OF THE CODIFIED ORDINANCES OF THE CITY TO PROVIDE FOR THE LEVY OF AN ONE AND ONE-HALF TENTH OF ONE PERCENT TAX ON EARNINGS AND INCOME SUBJECT TO THE MUNICIPAL INCOME TAX FOR THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2017 FOR PARKS AND RECREATION, AS MORE FULLY SET FORTH HEREIN, AND DECLARING AN EMERGENCY

Mr. Stoughton made a motion to table Ordinance Temporary 23-11, seconded by Mr. Touvell. Motion carried 9-0, with all nine members voting yes.

UNFINISHED BUSINESS

Mr. Stoughton brought the new Council Members up-to-date on Temporary Ordinance 23-11 (Park Levy Piece), and suggested that they should review it.

NEW BUSINESS/SPECIAL PRESENTATION

President Culver asked for a motion to approve the new Council committee appointments and the appointment of Mr. Stoughton as President Pro Tem.

Mr. Woodgeard made the motion to approve the new Council committee appointments and the appointment of Mr. Stoughton as President Pro Tem, seconded by Mr. Touvell. Motion carried.

President Culver asked for motion to approve Mayor Smith recommendation for the following appointments John Dye to the City Planning Commission; Barbara Hunzicker, Historic Lancaster Commission; Dan Singer Historic Lancaster Commission; Ryan Troup, Board of Park Commissioners; and Zack DeLeon, Lancaster Port Authority.

Mr. Hale made the motion to approve the Mayor's recommendation for the appointments, seconded by Mr. Touvell. Motion carried.

President Culver asked for a motion for the appointment is for the Clerk of Council.

Mr. Stoughton made a motion to approve President Culver's recommendation for Clerk of Council, seconded by Mr. Welker. Motion carried.

President Culver announced that in a future meeting he will be bringing his recommendations forward and will need a motion to accept his recommendations.

Mayor Smith announced that Martin Luther King, Jr. holiday is Monday, January 16, 2012 and that at 12:30 p.m. at the bandstand downtown Lancaster the group will gather and walk to the First Presbyterian Church for services. In the past there has always been a good turn out with this even.

Mr. Touvell stated that in the local paper in a recap that Mayor Smith and the City of Lancaster approved the Pearl House Project. He as a Council person and representing the City of Lancaster does not approve the project in its current location.

President Culver stated that City Council has no official role and their only part is to hear what constituents have to say. President Culver has consulted with Law Director Vandervoort and was advised that Council should do nothing at this time. Council should listen and hear what everyone has to say and take no position.

Mr. Hedges, Mr. Woodgeard, Mr. Welker, Mr. Groff, Mr. Hale, Mr. Zekas, and Mr. Touvell all agree that they support the Pearl House but not in its present location. The concept is good and needed, but not in the current location.

President Culver stated that the Petition received from Mr. Kemp will be scanned and forwarded to all Council Members.

Mr. Touvell announced that Assistant Chief Dave Ward will be appointed as the new Chief for the Fire Department.

Assistant Chief Ward announced that the swearing in is on Sunday, January 15, 2012 at 12:00 p.m. at Engine House 1. Captain Jack Matlin, Jr. will also be sworn in as Assistant Chief on this date.

ANNOUNCEMENTS

Next Regular Sessions of Council:

1. Monday, January 23, 2012 at 7:00 p.m.
2. Monday, February 13, 2012 at 7:00 p.m.
3. Monday, February 27, 2012 at 7:00 p.m.

READING OF BILLS

Newspaper Network \$131.10

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


EXECUTIVE SESSION

Mr. Welker made a motion to convene to Executive Session to discuss Real Estate. The Executive Session should include: Council President, All Members of Council, Mayor, Auditor, Law Director, Service-Safety Director, and City Treasurer, seconded by Mr. Woodgeard. Motion carried.

Mr. Welker made a motion to return to the Regular Order of Business, seconded by Mr. Woodgeard. Motion carried.

ADJOURNMENT

Mr. Welker made a motion to adjourn, seconded by Mrs. Bobbitt. Motion carried. Meeting adjourned at approximately 9:10 p.m.



 Teresa Lee Sandy, Clerk of Council