

RECORD OF PROCEEDINGS
Lithopolis Village Council Meeting Minutes
August 11, 2009 7:15 PM

Council Members Present: Deem, Hush, Simon, Brenning, Long 7:33pm

Council Members Absent: Brenning

Present: Eric Sandine – Mayor, Jon Browning- Solicitor, Ed VanVickle - Village Administrator, Chief Barton-Police.

Mayor Sandine called the meeting to order; led the Pledge of Allegiance to the Flag of the United States of America, and asked for a moment of silence for the US Armed Forces.

Minutes

Minutes from July Regular Meeting reviewed.

Motion to accept Minutes from July 14th as presented by Hush

Seconded by Simon

Ayes: Deem, Hush, Simon, Brenning

Nays: None

Public Comments

Mr. Rogers updated Council on budget issues and needs for Wagnalls.

Reports from officers

Mayor - Mayor Sandine presented the Mayor's Court Report to council.

- Ordinance approving change orders for Columbus Street Resurfacing Project
The Mayor stated that once the milling of Columbus Street began it became evident that no asphalt sub-grade existed. On the advice of the vendor we had to modify the plan. A change order was generated that included adding base asphalt first then applying the finish asphalt to the roadway. This added approximately \$10,000 to each section. We have two ordinances to complete these jobs, payments to Spires Paving and Shelly Materials.

Motion to suspend the rules and waive the 2nd and 3rd reading of Ordinance 12-09 by Deem

Second Simon

Ayes: Deem, Hush, Simon, Brenning, Long

Nays: None

Motion to approve Ordinance 12-09 Authorizing payment for additions or modifications to the contracts previously entered with Spires Paving for Labor and declaring an emergency by Long

Second Deem

Ayes: Deem, Hush, Simon, Brenning, Long

Nays: None

Motion to suspend the rules and waive the 2nd and 3rd reading of Ordinance 13-09 by Simon
Second Long

Ayes: Deem, Hush, Simon, Brenning, Long
Nays: None

Motion approving Ordinance 13-09 Authorizing payment for additions or modifications to the contract previously entered with Shelly Materials for asphalt and declaring an emergency by Long
Second Deem

Ayes: Deem, Hush, Simon, Brenning, Long
Nays: None

- Columbus Street Reconstruction Project update
The OPWC project for Columbus Street is due in October. We currently have everything except the engineering reports completed and ready to go.
- Rolling Acres (high grass violation)
There has been no response from the developer to our notice to mow noxious weeds on their property. The Mayor asks Council to continue with the process outlined in OBC Section 93.43.

Motion authorizing the Village Administrator to cause such noxious weeds to be cut or destroyed and to report all expenses back to Council for entry upon the tax duplicate of the parcels identified as belonging to Diyanni Brothers Inc and/or DBI Land Company LLC by Simon
Seconded by Hush

Ayes: Deem, Hush, Simon, Brenning, Long
Nays: None

- Rolling Acres – Subdivision Bond
Discussion on if the Village should call due the Developer's Construction Bond for the Rolling Acres subdivision. The Mayor reports the facts as follows;
The developers of record for the Rolling Acres subdivision signed a developer's agreement in December 2003.
The Developer had two years to complete the required improvements.
The phase 1 improvements were authorized in June 2003. To date they have not been accepted.
The phase 2 improvements were authorized in December 2005. To date they have not been started.
The developer has not requested an extension for either phase 1 or phase 2.
The Village has attempted to work with the developer and has allowed the developer additional time due to the overall downturn in the new home market.
However -
The developer has stopped remitting fees for storm water and Water Availability Charges.
The developer has stopped maintenance on undeveloped lots.
The developer has stopped communicating with the Village.

The Mayor asks that Council authorize notice be served on Diyanni Brothers Inc and DBI Land Company LLC that the Village intends to use the Construction Bond to complete the infrastructure on Phase 1, resolve all punch list items in Phase 1 and complete the construction of the public infrastructure in Phase 2.

Motion to that effect made by Long.

Seconded by Simon

Ayes: Deem, Hush, Simon, Brenning, Long
Nays: None

- Canal Winchester is in the process of raising their utility rates, since we contract with them for sewer service it is very likely our rates will increase as well. If they limit their increase to 3-4% we will be able to absorb this increase without having to pass it along to our customers. This is due to the cost saving measures implemented in this year's budget that the Mayor has taken forward into 2010 budget.
- The new State Budget included a \$1.50 a ton increase in refuse tipping fees. \$1 to fund OEPA and .50 to fund ODNR. Our contract with Trace's includes a clause to increase their rate to us if the tipping fees increase. We are in the discussions with Trace's to determine the overall cost of the increase. Once we determine the overall amount, we'll discuss how we'll cover it in our budget.
- ZONING CODE – The Mayor is starting to rewrite some sections of the Zoning code to create more uniformity with other codes and also redrawing the zoning map to accurately reflect the current neighborhoods. This may further delay the implementation of the revised code, but it may still be ready for a public hearing in October and final acceptance by the end of the year.
- Mayor reminded everyone that beginning in September we will be going to two meetings per month and meeting will start at 7:30pm.

Village Administrator

Village Administrator presented his report.

Discussion and updates on the Honeyfest, Ravine Park and the new Administration Building.

Police Chief

Chief presented his monthly report.

Announced that we did not receive funding for new Officer Positions, but we did receive funding for in-cruiser camera systems.

Fiscal Officer

The Fiscal Officer prepared a revised Appropriations Ordinance. Significant changes for the reimbursements for the Waterline relocation and Paving projects from the County.

Motion to Suspend the Rules and waive the second and third readings of Ordinance 14-09 by Brenning

Seconded by Long

Ayes: Deem, Hush, Simon, Brenning, Long

Nays: None

Motion to Approve Ordinance 14-09, an Ordinance adopting and approving a revised 2009 Appropriations Budget for the Village of Lithopolis, repealing Ordinance 09-09 and declaring an Emergency, as amended, by Brenning

Second by Long

Ayes: Deem, Hush, Simon, Brenning, Long

Nays: None

Council Round Robin

Brenning - nothing

Deem - nothing

Long - nothing

Simon - nothing

Hush – nothing

Executive session

None required.

There being no further public business a motion to adjourn by Long

Seconded by Simon

Ayes: Deem, Hush, Simon, Long

Nays: None

Meeting adjourned: 8:36pm