

RECORD OF PROCEEDINGS
Lithopolis Village Council Meeting Minutes
February 10, 2009 7:00 PM

Council Members Present: Brausch, Brenning, Hush, Long, Simon, Deem

Council Members Absent: None

Present: Eric Sandine – Mayor, Jon Browning- Solicitor, Jacinta Seagraves- Fiscal Officer, 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 January Regular Meeting reviewed.

Motion to accept Minutes from January 13th by Hush

Seconded by Brausch

Ayes: Brausch, Brenning, Hush, Long, Simon

Nays: None

Public Comments

None

Reports from officers

Mayor – RITA sent a letter to previous year non-filers notifying them they have 15 days to file a Local Income Tax Return. If someone fails to file after the warning letter, RITA will subpoena them into Mayor's Court. We are now able to identify non-filers by comparing State and Federal Tax Returns to Village Returns.

Review of Mayor's Court Report. The Mayor explains the difference in YTD totals from 2008 to 2009 is due to record keeping more than increase in funds received.

Mayor present a Resolution Accepting the Dedication of Public Infrastructure in the Wagnall's Run Subdivision. The resolution is part of a larger agreement between the Village and Dominion Homes that will provide funding for the Lithopolis Road re-striping and other outstanding punch list items. A representative from Dominion Homes was present and presented the Village with a check for \$18,231.53, the Maintenance Bond for Phase 1 and 2 and the deed for green space being dedicated to the village.

Simon stated, after looking at the map showing the portion of land being dedicated, that part of that land had been promised to the Simon Family by Dominion Homes. Mayor Sandine stated that the village was not party to any side agreements between the Simon Family and Dominion Homes and the property that Mr. Simon was referring to was not delineated the way Mr. Simon was talking about in either the Pre-Annexation Agreement or the Developer's Agreement for Wagnalls Run. The Mayor asked Mr. Simon if the agreement with Dominion Homes was still valid and Mr. Simon stated no. Mr. Simon stated he feels that Dominion Homes has gone back on their word. He was not included in decisions of the pre-annexation agreement. He further stated that Dominion Homes' option to purchase land from Simon has expired. The Mayor reminded Council that the Pre-Annexation Agreement that established how the site developed was signed by Mr. Simon, Mr. Fridley and the Village, not with Dominion Homes.

The Mayor asked that Council suspend the rules and waive the second and third reading of this Resolution so that we can receive the funding to complete the road project.

Motion to suspend the rules and waive the second and third reading of the proposed Resolution.

Motion by Brausch

Seconded by Brenning

Ayes: Brausch, Brenning, Long,

Nays: Simon, Hush

Motion to suspend the rules failed.

Mayor Sandine did the first reading of a Resolution Accepting the Dedication of Public Infrastructure

Mayor Sandine gave the representative of Dominion Homes the check back and stated that the second reading for the Resolution to Accept the Dedication of Public Infrastructure in the Wagnall's Run Subdivision will be at the March 10, 2009 meeting.

Deem arrives at approximately 7:55pm

Moving on to OPWC issues.

Motion to begin Design Engineering for Columbus Street Project.

- This will allow for a possibility of 4 points added to our score for grant money and reduce cost of project proposed to receive stimulus money.

Motion by Brausch

Seconded by Long

Ayes: Brausch, Brenning, Deem, Hush, Long, Simon

Nays: None

Council determined that more information is needed to move forward on implementing the No Thru Trucks limitation. Village Solicitor was asked to provide information pertaining to the responsibility of the village with regard to posting no thru truck signs.

Revised Capital Plan will be discussed at the next meeting March 10, 2009.

Hush did not see the 1st notice sent to residents concerning the WAC waivers. However, she did receive the second notice. Mayor Sandine said the first notice was mailed with the January invoices. Response to the first notice was very low and that is why the Village sent a second notice.

Enforcement Action on building code was made for Multi Family at 71 W. Columbus Street. The Village has attempted to resolve the issues however, we have received no response from the owner.

Village Administrator – Ed presented the Administrator's Report. Simon shared about Senator Austria's invite to a meeting regarding projects needing done in the difference Municipalities. Simon also suggested attendance at the Bloom Township Meeting to inform them of progress with the Columbus Street Project and the changes that will be taking place.

Police Chief - Jay presented the Police Report for January activity.

Fiscal Officer – Motion to Adopt Resolution for Annual Appropriations as presented by Fairfield County Auditor's Office. This is necessary to move forward with implementing UAN.

Old Business

- Zoning Code Amendments 2nd reading (hold pending Public Hearing)
- Solid Waste Ordinance
No discussion, Mayor did 2nd Reading.
- Subdivision Regulations
No discussion, Mayor did 2nd Reading
- Long's Pre-Annexation Agreement
No discussion, Mayor did 2nd Reading

New Business

None

Council Round Robin

Brausch - I will not be at the next meeting. Regarding Dominion, I just felt the money was there to get the road fixed, from a business point of view we should take advantage of it

Brenning – Stated we shouldn't get lost in one person's issue at the expense of the safety of others. Stating to Simon, if we could help your issue we would. I understand your point of view on the issue.

Deem – Nothing.

Hush – Trolley Stop has reopened. Please support them.

Long- Nothing

Simon – I was caught off guard with details of Agreement and need time to review it.

The village should have a couple of days set aside for large recyclables.

Has anything been done on the inside of the Fridley House lately? Ed answered no, we are currently working on getting the outside completed.

Kudos to the village for the ice removal and road conditions during the recent inclement weather.

Motion to Adjourn into Executive Session

Motion by Brausch

Seconded by Long

Ayes: Brausch, Brenning, Deem, Hush, Long, Simon

Nays: None

Regular Meeting adjourned at 9:01pm

Executive session

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

Seconded by Simon

Ayes: Brausch, Brenning, Deem, Hush, Long, Simon

Nays: None

Meeting adjourned at 9:15pm.