LANCASTER CITY COUNCIL

LANCASTER, OHIO

REGULAR MEETING

January 27, 2020

PRAYER

CALL TO ORDER

President Uhl called the meeting to order at approximately 6:45 p.m., in Council’s Chambers.

PLEDGE OF ALLEGIANCE

President Uhl led Council in the Pledge of Allegiance.

ROLL CALL

The following members of Council were present:

Mrs. Bobbitt, Mrs. Downour, Mr. Hall, Mr. James, Mr. Mattlin, Mr. McDaniel, Mr. Schoonover, Mr. Stoughton, and Mrs. Tener.

President Uhl asked that the record reflect that all nine members are in attendance tonight.

READING AND DISPOSING OF THE JOURNAL


Mr. Schoonover made a motion to receive and file the Journal, seconded by Mrs. Bobbitt. After no discussion, the motion carried.

REPORTS OF CITY OFFICIALS

1. Email, dated January 14, 2020, regarding Follow-up up from City Engineer's Office Public Hearing. Submitted by City Engineer Mitch Noland.
2. Email, dated January 14, 2020, regarding Signage on Columbus/Bush Hill. Submitted by Service-Safety Director Paul Martin.
4. Email, dated January 17, 2020, regarding Meeting dates for Water/Water Pollution Control Committee. Submitted by Mr. James.
5. Email, dated January 17, 2020, regarding Walter Beatty’s Storage Facility. Submitted by Mayor David Scheffler.
6. Email, dated January 17, 2020, regarding Memorial Drive Turn Lane. Submitted by Mayor David Scheffler.
7. Email, dated January 21, 2020, regarding Code Enforcement Committee Meeting dates. Submitted by Mr. Mattlin.
9. Email, dated January 23, 2020, regarding Public Works Committee Meeting dates. Submitted by Mr. Schoonover.
10. Series of emails, regarding Service Committee Meeting dates. Submitted by Mrs. Tener.
15. Email, dated January 27, 2020, regarding Finance Committee Agenda. Submitted by Mr. Stoughton.

Mr. Schoonover made a motion to receive and file the Reports of City Officials, seconded by Mrs. Bobbitt. The motion carried.

COMMUNICATIONS

1. Series of emails, regarding Petition Report Received. Submitted by Loran Peterson.
4. Certification packet of the approval of the Timbertop Annexation from the Fairfield County Board of Commissioners received on January 22, 2020. Submitted by Rachel A. Elsea, Clerk, Fairfield County Commissioners.

Mr. Schoonover made a motion to receive and file the Communications, seconded by Mrs. Bobbitt. The motion carried.

SPECIAL PRESENTATION (Awards)

There were no Special Presentations before Council this evening.

PETITIONS & MEMORIALS

A Petition protesting the proposed rezoning & annexation of Timbertop signed by 117 individuals received on January 27, 2020. A copy of this petition is posted online under petitions and available to view by contacting the Clerk.

Mr. Schoonover made a motion to receive and file the petitions, seconded by Mrs. Bobbitt. The motion carried.

PERMISSION OF VOTERS AND TAXPAYERS TO ADDRESS COUNCIL

Attorney Ray Michalski, 222 S. Broad Street, Lancaster. Attorney Michalski addressed City Council this evening in regards to Temporary Ordinance 1-20, Vacation of Lowell Drive.
Robert Huffman, 1580 Woodland Heights Lane, NW, Lancaster. Mr. Huffman addressed City Council this evening in regards to Timbertop.

Diane Wogan Burnside, Quail Meadows Drive, Lancaster. Ms. Burnside addressed City Council this evening in regards to Timbertop.

Loran Peterson, 1101 Green Meadow Avenue, Lancaster. Mr. Peterson addressed City Council this evening in regards to Timbertop.

Mardee Stover, 406 Scott Drive, Lancaster. Ms. Stover addressed City Council this evening in regards to Timbertop.

STANDING COMMITTEE REPORTS

There were no Standing Committee Reports presented to Council this evening.

REPORTS OF SPECIAL COMMITTEES

There were no Reports of special Committees presented to Council this evening.

PUBLIC HEARING

There were no Public Hearings scheduled before Council this evening.

READING OF RESOLUTIONS

Resolution Temporary 145-19 – Third Reading – Permanent Resolution 14-20
A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONSTRUCTION AGREEMENT FOR THE IMPROVEMENT PROJECT KNOWN AS THE 2020 STREET IMPROVEMENT PAVING PROGRAM

Mr. Schoonover made a motion to pass, engross, and enter upon the written record Temporary Resolution 145-19, seconded by Mrs. Bobbitt.

Mr. Schoonover indicated this resolution covers the 2020 Street Paving Program drafted by the Engineering Department.

President Uhl asked if there is any other discussion on the motion to pass, with none, he requested the Clerk to call the roll. The motion to pass carried 9-0.

Resolution Temporary 146-19 – Third Reading – Permanent Resolution 15-20
A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS FOR THE MEMORIAL DRIVE CULVERT REPAIR PROJECT

Mr. Hall made a motion to pass, engross, and enter upon the written record Temporary Resolution 146-19, seconded by Mr. McDaniel.

Mr. Hall indicated this resolution is for the rebid of the culvert repair project bid earlier with costs higher than expected.
President Uhl asked if there is any other discussion on the motion to pass, with none, he requested the Clerk to call the roll. The motion to pass carried 9-0.

**Resolution Temporary 149-19 – Third Reading – Permanent Resolution 16-20**
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LPA FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF CONSTRUCTION THE FAI-CR 54 04.90 (FAIR AVENUE ROADWAY IMPROVEMENTS – HIGH STREET TO SHERIDAN DRIVE)

Mr. Schoonover made a motion to pass, engross, and enter upon the written record Temporary Resolution 149-19, seconded by Mrs. Bobbitt.

Mr. Schoonover indicated this allows the use of state funds for paving from Fair Avenue to Sheridan Drive.

President Uhl asked if there is any other discussion on the motion to pass, with none, he requested the Clerk to call the roll. The motion to pass carried 9-0.

**Resolution Temporary 151-19 – Third Reading – Permanent Resolution 17-20**
A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR AND LANCASTER DEPARTMENT OF TRANSPORTATION SUPERINTENDENT TO ENGAGE IN AN INTRADEPARTMENTAL LOAN FOR THE CONSTRUCTION OF A FIXED CANOPY OVER THE LANCASTER FUEL DEPOT AS REQUIRED BY THE OHIO ENVIRONMENTAL PROTECTION AGENCY

Mr. Schoonover made a motion to pass, engross, and enter upon the written record Temporary Resolution 151-19, seconded by Mrs. Bobbitt.

Mr. Schoonover indicated this allows LDOT to borrow from another department to comply with the EPA required mandated upgrade, and that this loans allows this to happen.

President Uhl asked if there is any other discussion on the motion to pass, with none, he requested the Clerk to call the roll. The motion to pass carried 9-0.

**Resolution Temporary 8-20 – Second Reading – January 27, 2020**
A RESOLUTION TO DECREASE/INCREASE APPROPRIATIONS IN THE GENERAL FUND (101)

Mrs. Downour indicated that this is second of three readings.

**Resolution Temporary 15-20 – First Reading – January 27, 2020**
A RESOLUTION AUTHORIZING THE LAW DIRECTOR’S OFFICE TO APPLY FOR THE VIOLENCE AGAINST WOMEN ACT GRANT (VAWA)

Mrs. Downour indicated that this is first of three readings.

**Resolution Temporary 16-20 – First Reading – January 27, 2020**
A RESOLUTION AUTHORIZING THE DISPOSITION OF CITY PROPERTY NO LONGER NEEDED VIA AUCTION OR INTERNET AUCTIONS FOR 2020

Mrs. Downour indicated that this is first of three readings.
Resolution Temporary 17-20 – First Reading – January 27, 2020
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 2020

Mrs. Downour indicated that this is first of two readings.

Resolution Temporary 18-20 – First Reading – January 27, 2020
A RESOLUTION TO 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

Mr. James indicated that this is first of three readings.

Resolution Temporary 19-20 – First Reading – January 27, 2020
A RESOLUTION TO 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

Mr. James indicated that this is first of three readings.

Resolution Temporary 20-20 – First Reading – January 27, 2020
A RESOLUTION TO AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR, APPROPRIATE FROM THE UNENCUMBERED BALANCE, INCREASE RECEIPTS, AND COMPLETE A FUND TRANSFER IN THE WASTE WATER FUND (604) AND IN THE WASTE WATER UTILITY RESERVE FUND (629)

Mr. James indicated that this is first of three readings.

Resolution Temporary 21-20 – First Reading – Permanent Resolution 18-20
A RESOLUTION AUTHORIZING THE LANCASTER POLICE DEPARTMENT TO APPLY FOR THE 2020-2021 DRUG USE PREVENTION GRANT

Mrs. Bobbitt made a motion to suspend the rules and waive the second and third readings of Temporary Resolution 21-20, seconded by Mr. McDaniel.

Mrs. Bobbitt deferred to Chief Pillar to explain.

Chief Pillar indicated that this is an annual legislation for his department to apply for the Drug Use Prevention Grant.

President Uhl asked if there is any other discussion on the motion to suspend, with none, he requested the Clerk to call the roll. The motion to suspend carried 9-0.

Mrs. Bobbitt made a motion to pass, engross, and enter upon the written record Temporary Resolution 21-20, seconded by Mr. McDaniel.

President Uhl asked if there is any other discussion on the motion to pass, with none, he requested the Clerk to call the roll. The motion to pass carried 9-0.
Resolution Temporary 22-20 – First Reading – January 27, 2020
A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN AGREEMENT WITH ODOT TO PURCHASE SODIUM CHLORIDE (ROCK SALT) FOR THE 2020-2021 WINTER SEASON

Mr. Schoonover indicated that this is first of three readings.

Resolution Temporary 23-20 – First Reading – Permanent Resolution 19-20
A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT AND BYLAWS OF THE OHIO TRANSIT RISK POOL

Mr. Schoonover made a motion to suspend the rules and waive the second and third readings of Temporary Resolution 23-20, seconded by Mr. James.

Mr. Schoonover indicated this will add an additional alternate to attend and vote at meetings, in the absence one of the other two members.

President Uhl asked if there is any other discussion on the motion to suspend, with none, he requested the Clerk to call the roll. The motion to suspend carried 9-0.

Mr. Schoonover made a motion to pass, engross, and enter upon the written record Temporary Resolution 26-20, seconded by Mr. James.

President Uhl asked if there is any other discussion on the motion to pass, with none, he requested the Clerk to call the roll. The motion to pass carried 9-0.

Resolution Temporary 24-20 – First Reading – Permanent Resolution 20-20
A RESOLUTION TO APPROPRIATE FROM THE UNENCumbered BALANCE AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR IN THE GENERAL FUND (101)

Mrs. Downour made a motion to suspend the rules and waive the second and third readings of Temporary Resolution 24-20, seconded by Mr. Stoughton.

Mrs. Downour indicated Congressmen Stivers Office, located in City Hall, has requested these upgrades. The City will be reimbursed by dividing the costs over the next 10 months and adding it to their rent.

President Uhl asked if there is any other discussion on the motion to suspend, with none, he requested the Clerk to call the roll. The motion to suspend carried 9-0.

Mrs. Downour made a motion to pass, engross, and enter upon the written record Temporary Resolution 24-20, seconded by Mr. Stoughton.

Mrs. Tener indicated that this was a security measure.

President Uhl asked if there is any other discussion on the motion to pass, with none, he requested the Clerk to call the roll. The motion to pass carried 9-0.

Resolution Temporary 25-20 – First Reading – January 27, 2020
A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS FOR THE BROAD/MULBERRY SEWER SEPARATION PROJECT
Mr. James indicated that this is first of three readings.

Resolution Temporary 26-20 – First Reading – Permanent Resolution 21-20
A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR IN THE GENERAL FUND (101)

Mrs. Downour made a motion to suspend the rules and waive the second and third readings of Temporary Resolution 26-20, seconded by Mr. Stoughton.

President Uhl asked if there is any discussion on the motion to suspend, with none, he requested the Clerk to call the roll. The motion to suspend carried 9-0.

Mrs. Downour made a motion to pass, engross, and enter upon the written record Temporary Resolution 26-20, seconded by Mr. Stoughton.

Mrs. Downour deferred to Mayor Scheffler to explain this resolution.

Mayor Scheffler indicated that this simply changes the budget to accommodate the transition of the City’s independent grant writer to the Executive Director of the Community Development Department and allows the City to come into compliance during that transition.

President Uhl asked if there is any other discussion on the motion to pass, with none, he requested the Clerk to call the roll. The motion to pass carried 9-0.

President Uhl asked if there were any other resolutions to come before Council this evening. With none, we moved on to the next order of business.

READING OF ORDINANCES

Ordinance Temporary 32-19 – Third Reading – January 27, 2020 – TABLED
AN ORDINANCE TO AMEND SECTIONS 183.012, 183.013 AND 183.02 OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, OHIO, IN ORDER TO PROVIDE FOR THE LEVY OF AN ADDITIONAL FORTY-FIVE HUNDREDTHS OF ONE PERCENT (0.45%) INCOME TAX, EFFECTIVE JANUARY 1, 2021, ON THE SALARIES, WAGES, COMMISSIONS AND OTHER COMPENSATION SUBJECT TO THE MUNICIPAL INCOME TAX WITH ALL SUCH TAX TO BE USED FOR THE PURPOSE OF OPERATING, MAINTAINING, REPAIRING, AND PROVIDING CAPITAL FACILITIES FOR THE FIRE AND POLICE DEPARTMENTS OF THE CITY, AND TO DECLARE AN EMERGENCY
Finance (Stoughton/McDaniel) (3 Readings)

Mr. Stoughton made a motion to table Ordinance Temporary 32-19, seconded by Mrs. Downour.

President Uhl stated that this is a privileged motion and there would not be discussion and requested the Clerk to call the roll. The motion to table carried 9-0.

Ordinance Temporary 1-20 – First Reading – January 27, 2020
AN ORDINANCE TO VACATE A PORTION OF LOWELL DRIVE AND ALL OF EMERSON BOULEVARD WITHIN JOHN D. VAN GUNDY’S REVISION OF THE COLONIAL HEIGHTS ADDITION AND TO DECLARE AN EMERGENCY
Mr. McDaniel indicated that this is first of three readings.

Ordinance Temporary 2-20 – First Reading – Permanent Ordinance 1-20
AN ORDINANCE TO AMEND ORDINANCE 25-19, REPEAL AND REPLACE EXISTING 25-19, AND DECLARE AN EMERGENCY FOR THE TRANSIT PAY ORDINANCE

Mr. Schoonover made a motion to suspend the rules and waive the second and third readings of Temporary Ordinance 2-20, seconded by Mrs. Downour.

Mr. Schoonover indicated as the City transitioned under the City we found the need for a second lead operator. This will also allow Director Woody to return to normal working hours, since she was covering the shortage. This all fits within their budget with no new monies needed to cover this change.

President Uhl asked if there is any further discussion on the motion to suspend, with none, he requested the Clerk to call the roll. The motion to suspend carried 9-0.

Mr. Schoonover made a motion to pass, engross, and enter upon the written record Temporary Ordinance 2-20, seconded by Mrs. Downour.

President Uhl asked if there is any other discussion on the motion to pass, with none, he requested the Clerk to call the roll. The motion to pass carried 9-0.

President Uhl indicated that there is no action on any tabled legislation. Based on the timing, received from Law Director Ullom, which differs to what was stated at the last meeting in regards to all Timbertop legislation cannot be acted upon until the March 23rd meeting.

TABLED LEGISLATION

Resolution Temporary 128-19 – Third Reading – November 4, 2019 - TABLED
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PRE-ANNEXATION AGREEMENT COVERING 76.877 +/- ACRES IN GREENFIELD TOWNSHIP

Resolution Temporary 129-19 – Third Reading – November 4, 2019 – TABLED
A RESOLUTION INDICATING SERVICES TO BE PROVIDED BY THE MUNICIPAL CORPORATION TO ANNEXED TERRITORY OF THE MITHOFF COMPANIES, LTD ANNEXATION OF 76.877 +/- ACRES FROM GREENFIELD TOWNSHIP

Ordinance Temporary 19-19 – Third Reading – November 4, 2019 – TABLED
AN ORDINANCE TO ACCEPT A PETITION FOR THE ANNEXATION OF 76.877 +/- ACRES IN GREENFIELD TOWNSHIP, AND TO DECLARE AN EMERGENCY

Ordinance Temporary 20-19* – Third Reading – November 25, 2019 – TABLED
AN ORDINANCE AMENDING THE ZONING MAP SUBJECT TO PASSAGE OF THE ANNEXATION OF 76.877 +/- ACRES IN GREENFIELD TOWNSHIP, AND TO DECLARE AN EMERGENCY
Public Hearing held January 13, 2020 at 6:30 p.m.

UNFINISHED BUSINESS

Mrs. Tener requested an update on the Hubert/Broad Street light.
Service-Safety Director Martin indicated that the light is bagged and additional signage was placed at this location and seems to be working. There are plans to do something in that area for pedestrian safety, but they will not be replacing the light due to cost.

President Uhl asked if there was any other unfinished business tonight.

Mr. Hall expressed his appreciation for the citizens who have voiced their concerns and stepped forward to allow Council to know how they feel about the Timbertop rezoning. He wanted to assure those individuals that their concerns are taken seriously.

President Uhl indicated he was uncomfortable with the two individual’s suggestions tonight that there was some sort of “backroom deal” or “backroom dealings”, he would like to make it clear that this entire Council, the Mayor, and other members of the administration were running for office at that time. There were no guarantees that any of them, except maybe those uncontested, would even be here to address this particular issue. He does not believe that it is appropriate to make those suggestions and insinuations in open air, when there is no evidence to suggest anything like that has happened. He indicated that he takes offense to it and others around the table should take offense to it as well. President Uhl asked Mayor Scheffler to address the item brought up about the stub to the area in Greenfield Township and clarify or clear up comments made about that.

Mayor Scheffler indicated the stub stopped at the City corporation limits and what happens in Greenfield Township is up to Greenfield Township. The Mayor has supplied some of this information to Ms. Burnside for dissemination to people in the area. The City opposed the rezoning as well as the Regional Planning Commission who unanimously voted to oppose the rezoning. The City utility committee declined to provide sewer and water services to Mr. Beatty. The City did everything within their power to prevent it from happening and did not believe it to be appropriate, and Greenfield Township Trustees approved the rezoning anyway. That City has no authority to anything that happens outside of the city limits.

Mr. McDaniel clarified that the City can’t as a jurisdiction stop anyone from driving on city streets. The stub in question is a dedicated City street and therefore Mr. Beatty is accessing property in Greenfield Township who allows him to develop, the City has no authority to stop him from using that area, it is not permissible.

Mrs. Tener asked for clarification about the comment of low income housing at the Timbertop location, and if there was any requirements.

Mayor Scheffler answered, no.

President Uhl indicated that that seems clear.

Mrs. Tener asked if the Safety Study has been reviewed.

Service-Safety Director Paul Martin answered that the private contractor is reviewing, and that a report will be given to City Council, it and it is premature to talk about it at this time. Once the report has been received it will be made public.

City Engineer Mitch Noland indicated that he received the report on January 13th and that it has been forwarded to GPD to review. City Engineer Noland stated that he is also reviewing it at the same time. City Engineer Noland indicated that he has questions for the contractor to look into along with further analysis from some of their conclusions or recommendations that
are in the study. Engineer Noland expects to report back to Council in writing by the first or second meeting in February.

President Uhl asked if there were further questions.

Mrs. Bobbitt asked for clarification about possibly changing the commercial portion does it need to return to the Planning Commission.

City Engineer Noland answered, not necessarily, and deferred to Law Director Ullom to go into further detail.

Law Director Ullom indicated that the law requires that Planning Commissions recommendation, what this ordinance is written off of, can be passed by a simple majority, Council also has the authority to amend in anyway the Planning Commission zoning recommendations and can be done by a 3/4 vote of Council, which would go from 5 votes to 7 votes to pass with amendments or any modifications

President Uhl asked if there were further questions.

Mr. Stoughton asked if Council wishes to take the zoning off the table and change the Commercial General to Commercial Neighborhood, could that be done as a simple majority.

Law Director Ullom answered the motion to amend could be made, then seconded, and debated, and then could be voted on or withdrawn.

Mr. Stoughton indicated if the developer was interested in changing the zoning to Commercial Neighborhood then the only way the developer could change it would to resubmit as Commercial Neighborhood from Commercial General to the Planning Commission. If Council was to change it would take a super majority to pass the legislation, Mr. Stoughton asked if that would start the process over for this piece of legislation if the developer made the change in zoning verses Council voting amending and voting.

Law Director Ullom answered yes, the only other thing that could take place is a motion to reconsider, which would have to be made by someone in the prevailing side of it voting down before it could be brought before Council at the next meeting to be reconsidered.

Mr. Stoughton asked if changed to Commercial Neighborhood, by Council, and does not pass by super majority, then the developer could come back and resubmit all over again, with a Commercial Neighborhood, then would only require a simple majority vote.

Law Director Ullom indicated that that was correct and the developer would start again by going through Planning Commission requesting it to be Commercial Neighborhood, and with Planning Commissions approval, that would be the recommendation that would come to before City Council.

Mr. Stoughton asked, in theory Council could pass the annexation into the City, but not necessarily adopt the zoning that is attached to it.

Law Director Ullom answered no, legally Council, upon acceptance zoning would have to be established. Because currently the property has township zoning and the City would have property in the City that had now zoning and the law does not allow that.

Mr. Stoughton asked if the annexation piece establish the zoning or is it the zoning piece which is a different ordinance.
Law Director Ullom answered that the zoning piece is a different ordinance. The annexation piece is acceptance piece which the County Commissioners must act first, the City has no authority over the property until it is accepted into the confines of the boundaries of the City. Once that piece is approved then the piece to establish the zoning immediately follows the annexation piece.

Mr. Stoughton asked, what happens if Council passes the piece to accept the annexation, but votes down the piece establishing the zoning.

Law Director Ullom indicated that that was a good question.

Mr. Stoughton asked Law Director if he could give Council guidance on that issue in the next two weeks.

Law Director Ullom answered that he would do his best

President Uhl stated given the nature of this it is a sold question and we need to find out what might happen, should it go that way. President Uhl thanked Law Director Ullom for looking into this and thanked Mr. Stoughton for the good question.

President Uhl asked if there were further discussion.

Mr. James asked City Engineer Noland if he was aware of any geological studies that might have been conducted at the Timbertop property.

City Engineer Noland answered that he was not aware of any that the developer has taken place at this time.

Mr. James asked if Wetlands are destroyed, it is his understanding that they must establish them somewhere else on the property.

City Engineer Noland answered, you can destroy a certain amount of Wetlands under a Nationwide Permit 401 and 404 and is part of the Clean Water Act. If a person/developer stays under a certain amount of acreage and stay within certain confines whatever is delineated as Wetlands, it must be officially delineated as a Wetland from a certified Wetland person. If a Wetland is destroyed below a certain acreage, but stay within a Nationwide Permit, it is a simple and easier permit. If it goes beyond a certain acreage, which he does not know the limits, it then goes into 401 Clean Water Permit, which is an EPA Permit with more stringent regulations. You have to purchase Wetlands from a different credit somewhere else similar to a Streams and Wetland consultant that has Wetlands in another watershed. This is a process the developers are very familiar with.

Mayor Scheffler asked City Engineer Noland, to his knowledge are there any delineated Wetlands on the Timbertop property.

City Engineer Noland answered, not that he is aware of and has not seen a study or what any consultants have knowledge of any. They probably have had consultants looks at this property to see what is out there and know what they have and if they have to destroy, mitigate, or whatever it is they are prepared. The private sector it was done all the time and any time there was a stream crossing they stayed within a Nationwide Permit threshold and it is the game that is played with 401 and 404 permitting.
Law Director Ullom rescinded his earlier statement and was ready to answer the question that Mr. Stoughton posed earlier. The annexation can continue on until the City establishes zoning on the annexed property. If that should happen and the property is annexed into the City, and the ordinance establishing the zoning would fail, then annexation would still occur and can continue to work on the zoning.

President Uhl indicated then the zoning would continue to what it is in the township.

Law Director Ullom answered yes, it would continue to what the township has it zoned.

Mrs. Bobbitt asked if the zoning portion doesn’t pass, does it then have to go back to Planning Commission.

Law Director Ullom answered if it were to fail on Council floor, then a motion for reconsideration is a possibility at the next Council meeting, and if that were to fail, yes it would go back to Planning Commission.

Mrs. Downour asked if Council votes no on the annexation, as someone in the audience requested, the annexation would go down and the property would remain in the hands of Greenfield Township.

Law Director Ullom answered that it would be in the hands of the new owner, but would be in Greenfield Township.

Mrs. Downour stated then they would govern that property, in a sense.

Law Director Ullom answered that they would regulate it.

Mrs. Downour stated the idea of a park, if you will, if it is not annexed into the City and not under City governance, so in reality it would not be a City park.

Law Director Ullom answered that that is correct.

President Uhl asked if there was further discussion.

Mr. McDaniel to the question asked earlier, the only people that know why Lemmon Development purchased that property and closed on it in December, would be the seller and the purchaser. We can all speculate as to why someone must have done something, and suggested that that question be asked to Lemmon Development, and would be the only one with the correct answer.

President Uhl stated that that was a great suggestion because no one here is going to be able to know why they did what they did.

Mr. Stoughton directed a question to Law Director Ullom if Greenfield Township could basically do the development, should it not be annexed into the City of Lancaster, and asked if that is correct.

Law Director answered that they would have to find a way to provide the services or whatever necessary for whatever development they built in there.

Mr. Stoughton indicated in theory, it could happen.
Law Director Ullom answered possibly, yes. The City would have to enter into some sort of an agreement to provide them services.

Mr. Stoughton indicated that that is perfectly acceptable.

Law Director Ullom answered yes, the City provides some services outside the City currently. This is an island in Greenfield Township surrounded by the City and utilities going through that property would give the gas department and maybe the water department some redundancy to loops, which would benefit the utility company, and might play into a provision of those services.

Mayor Scheffler added that the City declined to provide water and sewer services to the Beatty storage unit and Greenfield Township went ahead and approved that and the construction is ongoing. That enterprise found some way to get services out there and would suggest that maybe that same thing could happen at the Timbertop property.

Mr. Schoonover piggybacked off of that, he brought up Greenfield Township and one of the trustees meeting set up minutes, and they did bring up Timbertop and utilities. It is not a far leap to say Greenfield Township will pay the 2.5 Million Dollars, if you can get us utilities. That backs up what Ms. Burnside brought up earlier that Lancaster City Schools was looking at that property to purchase and changed their mind, and that is because they realized that developing it with utilities needed would be too expensive and they are spending public dollars which comes into play with private companies taking million dollar flyers. This is his concern if the City has no control over what it going to happen.

President Uhl asked if there was further unfinished business this evening.

Mrs. Downour proposed a road trip to one of the properties to see one of the developments freestanding in the Akron/Canton area she asked what the rules are around that, so that they could see the facility.

Law Director Ullom advised against that as that becomes a public meeting, or if that is done, he indicated that it must be posted as to where the group is going. The issue is always transparency and whether or not the group is violating the Open Meeting Laws. Even if you go in a smaller group, there is an argument of Round Robin meetings in violation of the Open Meetings Act. There is a case, not right on point with this, down in Cincinnati when they were building a new stadium that made its way all the way to the Supreme Court, where Council members came in and basically had an informational meeting with folks about that development and all didn’t show up at the same time and the court stated that that was a violation. Law Director Ullom doesn’t discourage doing all of the investigation you want, but he would encourage it be done on an individual basis.

Mayor Scheffler indicated that he does not know where all of their developments but believes that Mr. Perez stated e have 20 some around the state of Ohio, but is aware of one in Grove City because he has held several meetings at his Grove City facility.

Mrs. Tener indicated that she understands what Law Director just stated but she remembers when the Roxton Ravine was going on and she mentioned reaching out to the developer, and received an email from Law Director Ullom directly all to not meet with him. She asked Law Director Ullom if he remembered that.
Law Director Ullom answered in reference it was just a suggestion, as stated earlier Round Robin.....

Mrs. Tener indicated it would have been a meeting with him individually and doesn’t believe there is any difference with this.

Mrs. Downour indicated to clarify she is not saying to meet with Mr. Perez but rather drive to the facility...

Mrs. Tener indicated that that is a public thing and anybody can do that.

Mrs. Downour indicated that is why she is asking for the rules.

Mrs. Tener indicated when she suggested that before Law Director Ullom stated that that was not....

Law Director Ullom indicated to not get a public transit bus and take a road trip.

Mrs. Tener indicated that Law Director Ullom knows that she didn’t mean that either.

Law Director suggested if you are looking for information, he would suggest that if the developer is willing to provide information then they can submit that to the Mayor or Service-Safety Director Office and could be provided to Council. He suggested that Council should be transparent.

Mayor Scheffler suggested going on the Danbury website to find their location of their facilities around the state.

Mr. Schoonover indicated during the public hearing they mentioned one of their specific developments on their website is what would be considering.

Mrs. Downour indicated it was the Danbury.

Mr. Schoonover indicated that is what they are thinking but the plans aren’t even completed. We are all sitting here speculating like everyone else

President Uhl asked if there is further unfinished business this evening, with none, we moved on to the next order of business.

NEW BUSINESS/SPECIAL PRESENTATION

President Uhl asked if there is any other new business this evening, with none, we moved on to the next order of business.

ANNOUNCEMENTS

Next Regular Sessions of Council:
1. February 10th at 6:30 p.m.
2. February 24th at 6:30 p.m.

Upcoming Special Meetings:
1. None

Upcoming Committee Meetings for the next 30 days:
1. Code Enforcement & Zoning – February 3rd at 8:00 a.m. – City Hall 1897 CR
2. Service – February 7th at 7:30 a.m. – City Hall 1897 CR
3. Finance – February 10th at 6:00 p.m. – Council Chambers
4. Water/WPC – February 12th at 8:00 a.m. WPC CR
5. Law Committee – February 12th at 9:30 a.m. FCMC CR
6. Public Works – February 14th at 7:30 a.m. Transit CR
7. Finance – February 24th at 6:00 p.m. – Council Chambers

READING OF BILLS

There were no bills before Council this evening.

EXECUTIVE SESSION

There were no requests for Executive Session this evening.

ADJOURNMENT

Mr. Schoonover made a motion to adjourn, seconded by Mrs. Bobbitt. Motion carried. Meeting adjourned at approximately 8:01 p.m.

Teresa Lee Sandy, Clerk of Council