

**LANCASTER CITY COUNCIL****LANCASTER, OHIO****REGULAR MEETING**

September 14, 2020

**PRAYER****CALL TO ORDER**

President Uhl called the meeting to order at approximately 6:35 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 nine of nine members are in attendance tonight.

**READING AND DISPOSING OF THE JOURNAL**

The Clerk presented the Regular Meeting Minutes dated August 24, 2020.

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 September 14, 2020, regarding revised packet. Submitted by Mrs. Downour.
2. Email, dated September 14, 2020, regarding Finance Committee Agenda. Submitted by Mrs. Downour.

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

**COMMUNICATIONS**

There were no Communications before Council this evening.

### **SPECIAL PRESENTATION (Awards)**

President Uhl indicated there are several special presentations and awards for this evening and turned the floor over to Mayor Scheffler.

Mayor Scheffler indicated that part of the duties of Lynda Burgee, Community Development Director, came up with a new program called the "Caring Citizen Award". This is being done in conjunction with the United Way Community Care Day, this month due to Covid. He indicated that three council people have nominated three individuals from their wards for this special recognition. Each recipient will receive a certificate and a little token of appreciation. Mayor Scheffler turned the floor over to Mrs. Tener for the first presentation.

Mrs. Tener requested Ed Clum to come forward. Mrs. Tener indicated that Mr. Clum started Foundation Dinners in 1990 and has lived on the west side for 88 years. He then started the Foundation Shelter in 1994. Mrs. Tener then presented Mr. Clum with his certificate of appreciation and token of appreciation.

Mrs. Downour indicated that she nominated Debbie Probasco for all the great work that she does in the 5<sup>th</sup> Ward. Ms. Probasco also serves on the Citizens Police Academy and does numerous things for the community. Ms. Probasco is a great advocate for the citizens of the south end. Mrs. Downour presented Mrs. Probasco with her certificate of appreciation.

Mr. James requested Ed and Carol Donhams, he indicated a few weeks ago he received an email from their neighbor and the way she described what this couple has done for her and others in the neighborhood was pretty unbelievable. Mr. James indicated he had the pleasure of meeting with the Donhams on Saturday, and how they were completely surprised by this nomination. Mr. James presented the Donahms with their certificate of appreciation and indicated he will also be presenting them with a gift card at a later date.

President Uhl took a moment to thank all the recipients for all that they do and asked everyone to take a moment and thank them again.

### **PETITIONS & MEMORIALS**

There were no Petitions or Memorials before Council this evening.

### **PERMISSION OF VOTERS AND TAXPAYERS TO ADDRESS COUNCIL**

William Good, 3137, Meister Road, Lancaster. Mr. Good addressed City Council this evening in regards to the protest and attendees.

Dorian Baum, 123 S. Broad Street, Suite 314, Lancaster. Mr. Baum addressed City Council this evening in regards to Mrs. Tener's commentary at the last council meeting.

Stephanie Renner, 527 Goodwin Avenue, Lancaster. Mrs. Renner addressed City Council this evening in regards to Mrs. Tener's comments at the last council meeting.

Jamie Brown, 527 Goodwin Avenue, Lancaster. Mr. Brown addressed City Council this evening in regards to Mrs. Tener's comments at the last council meeting.

Amy Schleich, 763 Lanreco Blvd, Lancaster. Ms. Schleich addressed City Council this evening in regards to community protests.

Chris Shirer, 503 Madison Avenue, Lancaster. Ms. Shirer addressed City Council this evening in regards to open carry guns at the protests and downtown business area.

President Uhl thanked all those who spoke.

Mrs. Tener made a motion to go outside the regular order of business, seconded by Mr. Stoughton. Motion carried.

Mrs. Tener indicated that she is not a white supremacist, does not own a confederate flag, and does not even own a gun. She indicated the only reason she went downtown was see what was going on and talk with individuals. She indicated that she stood by the fence, and told them to stop yelling across the street as it is not doing any good. The individual speaking on the megaphone yelling vulgar things across the street, was asked to leave by the group of people on the side he was standing. She indicated that she was there Friday, with no knowledge of the Proud Boys being in that area, she indicated that she took a donation of toothpaste and wipes for homeless people, and went to see what was going on. She indicated others on council knows that she does this type of things, and is not out of the ordinary for her to go and see what is going on. She spend two hours with a resident out of an incident where someone pulled a knife on them, to make sure they were okay, and she indicated she went to work and worked all night. Mrs. Tener explained that she is afraid of guns, but people should be allowed to own them to defend themselves. Mrs. Tener indicated an incident occurred here in Lancaster in which she was discriminated against back in the 90's. The incident involved her then husband, a Lancaster Firefighter, who worked for the City. This individual took a loaded firearm into a local liquor establishment and was not punished for his action. Mrs. Tener went on to indicate that she is not supporting either side, and explained that she is just trying to watch and see what is going on. She asked if there was anyone wanting to speak up and verify this information about her and how she goes out and investigates things.

President Uhl asked if there was anyone else that would like to address the comments.

Mr. Mattlin indicated that it is a difficult situation, about the guns, and agrees with the guns, and does not see the purpose for open carry, but our Federal government and constitution allows these rights. When the City give the authority or right to a peaceful group that has good intentions to demonstrate, unfortunately there are people that want to use those rights for bad things. Mr. Mattlin indicated that he has received phone calls from owners in downtown are, and that they are so upset about the business they are losing while all this is going on. He indicated that he did see Ms. Tener in the downtown area, on Wednesday night walking her dog, while he was downtown visiting one of the establishments with his wife, because of a plea from the mayor and how much business the downtown is losing. Mr. Mattlin indicated that he was not there to see what was going on, but rather to support the business in the area. Mr. Mattlin indicated while there is not fix for this, there is no reason to hate anyone just because they have a different opinion that you.

President Uhl asked if there were anyone else.

Mr. Schoonover indicated that he would like to vouch for Ms. Tener, as he has known her prior to being on council. Ms. Tener is willing to stick her nose on both sides of whatever issue. While some may find it annoying, this is now she is. She drives through alleys, attends committee meetings that she does not sit on trying to find out what is going on. He wanted to vouch for the fact that she does put forth a lot of effort and spends a lot of time trying to get to

know people, and get to know what she is dealing with. He stated she does have strong opinions, and he is okay with that, because we all need to know both sides. Mr. Schoonover indicated that he appreciated everyone coming and speaking to that, but again vouched for the fact you might see Ms. Tener on one side of the street one day, and the next time on the other side of the street.

President Uhl asked if there was anyone else.

Mrs. Bobbitt thanked everyone for being here this evening and can tell how passionate each speaker was. Mrs. Bobbitt indicated that she did not vote for open guns in Ohio, and there were sure a lot of people that voted for them, and as a councilperson spoke earlier, it is the law. She stated that maybe Law Director Ullom could shed some light on the legality of guns in the downtown area and if anything could be done. Mrs. Bobbitt indicated that maybe she didn't agree with everything Mrs. Tener said, a couple of weeks ago. Mrs. Tener reached out to Mrs. Bobbitt that she would be going downtown to talk to those people. Mrs. Bobbitt told her to be careful. Mrs. Tener indicated that she goes to talk to and try to get them to calm down. She encouraged everyone here tonight to talk to Mrs. Tener to see what she was trying to accomplish. Mrs. Bobbitt indicated that Mrs. Tener is a go getter and one that talks to everyone, and takes care of her ward. While Mrs. Bobbitt indicated that they have had personality conflicts. She encouraged individuals that they talk about things and work through them and maybe you can see what she is trying to do. We all need to work together to get our downtown to what it should be.

President Uhl asked if there was anyone else.

Mr. James indicated that he appreciated everyone attendance this evening. Ms. Tener sits on one of Mr. James committees, and works nights at a hospital in Columbus, and breaks her neck to get to the meetings. He asked could she have used different words, and asked if he agreed with the white privilege comment, he responded probably. Mr. James spoke of an issue that happened when he owned his own company and they visited a local establishment in Indiana and how this town was known for white supremacist and how they ended up leaving the establishment, due to the fear of those he was with. You are not going to change anything in this country by carrying automatic weapons around. While you have a right to own them, but you don't have the right to use them to intimidate people. Until we start talking to one another and getting to know one another. He encouraged everyone to do that with Ms. Tener.

President Uhl yielded the floor to Mr. Stoughton.

Mr. Stoughton thanked everyone that spoke this evening, with most having a very respectable tone, which he appreciated with well-articulated points. Mr. Stoughton indicated knowing Mrs. Tener as he does, he has to belief that part of her is remiss with her position two weeks ago, and acknowledges that they haven't always agreed either. Mr. Stoughton shared a couple of items about Mrs. Tener with everyone, she cares about this city, every and each part of it, you will find her doing thing, not because she thinks this will garner her a vote or anything else. Mr. Stoughton indicated that he rode around in her ward for about two hours, with Mrs. Tener, and saw the passion she had with everything in that ward that had the opportunity to get better. Mr. Stoughton just wanted to share this information with every one of the passion she has for this city. Mr. Stoughton indicated his wife is the executive director of the Lighthouse, and how Mrs. Tener brings things to city council for Mr. Stoughton to give his wife for the people in the shelter, that are being protected from a bad situation. While Ms. Tener has strong opinions she has a big heart, and he wanted to share that.

President Uhl asked if there was anyone else that would like to address this particular topic.

Mr. Hall indicated that he agrees about everything that has been said about Mrs. Tener. He also indicated that Mrs. Tener and he often disagree about matters of policy. After working a night shift, she was present for the Thursday cleanup of homeless camps by Code Enforcement. He indicated that she is, without question, dedicated to the City of Lancaster, and is absolutely approachable. One issue that came up this evening that he is concerned about, and thinks maybe the city has some latitude around, is the operation as alluded to that there were hate groups operating within the confines of our city, and if there is evidence of that, he asked Law Director Ullom, do we have latitude or is there anything that we can do as a city government to mitigate some of that activity.

Law Director Ullom responded as a statutory city in the State of Ohio, not that a charter city has much more leniency on this, the Lancaster Police Department has been very by putting measures into place to try to control things so they don't get out of hand. Open carry is a state law and those who don't agree with that need to go to the state house. The best we can do is control the crowds to the best of our ability, while allowing them to express their first amendment rights, at the same time make sure that all the citizens in attendance stay safe, protect our businesses, and business owners.

Mr. Hall indicated using semi-automatic weapons to intimidate people is not okay and it sounds like there is broad consensus around that particular issue. He indicated that maybe there is nothing we can do about this, but he wants to make sure that his voice is heard and if there is anything short of going to the general assembly, around providing a safe environment to the community to voice their opinions in the confines of the city is, it seems like we should do that.

President Uhl asked if there was anyone else that would like to address this topic before moving on.

President Uhl echoed the comments made and thanked everyone for being here, and making their comments. He indicated not only did he time each voter and taxpayer addressing council, but council members as well to make sure that they also stayed within the five minute limitation to keep it fair.

Mrs. Downour made a motion to return to the regular order of business after a five minute recess, seconded by Mrs. Tener. Motion carried.

Mrs. Downour made a motion to the regular order of business, seconded by Mr. Stoughton. Motion carried.

#### **STANDING COMMITTEE REPORTS**

1. Finance Committee meeting, dated August 24, 2020, submitted by Mrs. Downour.
2. Water/Water Pollution Control Committee meeting discussion notes, dated August 12, 2020, submitted by Mr. James.

Mr. Schoonover made a motion to receive and file the Reports of Standing Committees, seconded by Mrs. Bobbitt. The 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 scheduled before Council this evening.

## **READING OF RESOLUTIONS**

### **Resolution Temporary 93-20- Second Reading – September 14, 2020**

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED

Mr. James indicated this is the second of three readings.

### **Resolution Temporary 94-20- Second Reading – Permanent Resolution 96-20**

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

Mrs. Downour made a motion to suspend the rules and waive the third reading of Temporary Resolution 94-20, 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 94-20, seconded by Mr. Stoughton.

Mrs. Downour indicated this legislation is needed to provide and certify the tax levy to the county auditor.

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 95-20- Second Reading – September 14, 2020**

A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE, AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE WASTE WATER UTILITY RESERVE FUND (6029), AND AUTHORIZE THE ISSUANCE OF ANY THEN AND NOW CERTIFICATES NEEDED FOR THE PURCHASE OF THIS PROPERTY

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

### **Resolution Temporary 96-20- First Reading – Permanent Resolution 97-20**

A RESOLUTION TO DECREASE AND INCREASE APPROPRIATIONS IN THE GENERAL FUND (1001) AND THE .45 POLICE AND FIRE FUND (2047) WITHIN THE FIRE DEPARTMENT

Mrs. Downour made a motion to suspend the rules and waive the third reading of Temporary Resolution 96-20, 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 96-20, seconded by Mr. Stoughton.

Mrs. Downour indicated this allows for the transfer of money from the general fund and police and fire fund overtime fund for the remainder of the year, due to retirement, illnesses, and injury. Two retirement positions were not backfilled allowing the money to come from the salary line item to the appropriate line item.

President Uhl asked if there is further 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 97-20- First Reading – September 14, 2020**

A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO NEGOTIATE AND ENTER INTO A CONTRACT WITH THE CITY OF PICKERINGTON FOR PROSECUTION OF CASES ARISING FROM CRIMINAL AND OTHER OFFENSES THAT OCCUR IN THE CITY OF PICKERINGTON WITHIN FAIRFIELD COUNTY, OHIO, AND TO ACCEPT PAYMENT

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

**Resolution Temporary 98-20- First Reading – September 14, 2020**

A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO NEGOTIATE AND ENTER INTO A CONTRACT WITH THE CITY OF REYNOLDSBURG FOR PROSECUTION OF CASES ARISING FROM CRIMINAL AND OTHER OFFENSES THAT OCCUR IN THE CITY OF REYNOLDSBURG WITHIN FAIRFIELD COUNTY, OHIO, AND TO ACCEPT PAYMENT

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

**Resolution Temporary 99-20- First Reading – September 14, 2020**

A RESOLUTION SCHEDULING LANCASTER CITY COUNCIL MEETINGS FOR 2021

**Mr. Hall indicated that this is the first of three readings.**

**Resolution Temporary 102-20- First Reading – September 14, 2020**

A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN ENGINEERING CONTRACT AMENDMENT FOR ADDITIONAL CONSTRUCTION SERVICES

**Mr. James indicated that this is the first of two readings.**

**Resolution Temporary 103-20- First Reading – Permanent Resolution 98-20**

A RESOLUTION TO INCREASE RECEIPTS AND APPROPRIATE FROM THE UNENCUMBERED BALANCE, AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR IN THE LDOT FUND (2008) AND THE .45 POLICE AND FIRE LEVY FUND

(2047) AND TO APPROVE ANY THEN AND NOW CERTIFICATE ASSOCIATED WITH THIS GRANT

Mrs. Downour made a motion to suspend the rules and waive the third reading of Temporary Resolution 103-20, seconded by Mrs. Bobbitt.

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 103-20, seconded by Mrs. Bobbitt.

Mrs. Downour indicated this resolution allows the acceptance of funds from the NOPEC Reimbursement Grant for energy savings upgrades. The total amount is approximately \$84,000.00, which will be used to replace the boiler at the police department.

Mr. McDaniel indicated that this is long overdue and was actually on his five year plan, as well as past police, and congratulated the administration in obtaining this grant.

Mr. Stoughton asked the years that the electric aggregation was with FirstEnergy, how many grants did the City receive from them.

President Uhl responded that there was no opportunity with them.

Mr. Stoughton indicated that the City is receiving \$11.00 per NOPEC customer, as a give back savings.

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 17-20 – Second Reading – August 24, 2020**

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE APPROXIMATELY 0.982 ACRES, MORE OR LESS, OF REAL PROPERTY IDENTIFIED AS PARCEL NUMBER 0535023192 FROM FAIR-COM RENTALS LTD

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

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

## **TABLED LEGISLATION**

### **Resolution Temporary 45-20- Third Reading – April 13, 2020 - TABLED**

A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE PARKS AND RECREATION FUND (212), AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR

**Service (Tener/Mattlin) (3 Readings)**



**Resolution Temporary 70-20- First Reading – May 18, 2020 - TABLED**

A RESOLUTION TO ENTER INTO A LPA AGREEMENT WITH ODOT FOR AN ODOT LET PROJECT

**Public Works (Schoonover/Downour) (3 Readings)**

**Ordinance Temporary 14-20 – Second Reading – July 13, 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 (Downour/Stoughton/Bobbitt) (2 Readings)**

**UNFINISHED BUSINESS**

There was no Unfinished Business before Council this evening.

**NEW BUSINESS/SPECIAL PRESENTATION**

President Uhl asked if there was any new business this evening.

Mrs. Tener thanked all those fellow Council members who spoke up for her. She indicated that she knows that she is a pain in the behind, but that is what she is and that is sometimes how you get the work done.

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. September 28<sup>th</sup> at 6:30 p.m.
2. October 12<sup>th</sup> at 6:30 p.m.

**Upcoming Special Meetings:**

1. None

**Upcoming Committee Meetings for the next 30 days:**

1. Economic Development – September 17<sup>th</sup> at 7:30 a.m. - City Hall 1897 CR
2. Safety – September 25<sup>th</sup> at 7:30 a.m. – Fire Department (Chestnut)
3. Finance – September 28<sup>th</sup> at 6:00 p.m. – Council Chambers
4. Service – October 2<sup>nd</sup> at 7:30 a.m. – City Hall 1897 CR
5. Code Enforcement & Zoning – October 5<sup>th</sup> at 8:00 a.m. – City Hall 1897 CR
6. Public Works – October 9<sup>th</sup> at 7:30 a.m. - Transit CR

7. Finance – October 12<sup>th</sup> at 6:00 p.m. – Council Chambers
8. Water/WPC – October 14<sup>th</sup> at 8:00 a.m. - WPC CR

President Uhl encouraged all committee chair's to get their meeting minutes to the clerk, as requested by email, before the closeout of the year.

### **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 7:51 p.m.



Teresa Lee Sandy, Clerk of Council