LANCASTER CITY COUNCIL
LANCASTER, OHIO
REGULAR MEETING
April 22, 2019

PRAYER

CALL TO ORDER

President Uhl called the meeting to order at approximately 6:30 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:

Mr. Baus, Mrs. Bobbitt, Mrs. Downour; Mr. Groff, Mr. McDaniel, Mr. Schoonover, Mr. Stoughton, and Mrs. Tener, and Mr. Woodgeard.

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

READING AND DISPOSING OF THE JOURNAL

The Clerk presented the Regular Meeting Minutes dated April 8, 2019.

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

REPORTS OF CITY OFFICIALS

1. Email, dated April 10, 2019, regarding CDBG Application Filing Deadline. Submitted by Mary Jo Smith, Executive Director Community Development Department.
2. Email, dated April 11, 2019, regarding Agenda for Public Works Committee Meeting. Submitted by Mr. Schoonover.
3. Email, dated April 11, 2019, regarding resignation. Submitted by President Uhl.
4. Email, dated April 15, 2019, regarding resignation. Submitted by Mr. Baus.
5. Email, dated April 15, 2019, regarding Draft Meeting Minutes. Submitted by Mr. Stoughton.
6. Email, dated April 17, 2019, regarding CDBG Performance Report Review Letter. Submitted by Mary Jo Smith, Executive Director Community Development Department.

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

1. Notice to Legislative Authority of the transfer of a liquor license. From: Four Reasons Inc., dba Four Reasons Bakery & Deli, located at 136 W. Main Street 1st floor, Lancaster, Ohio 43130. To: Provisions LLC, dba Four Reasons Bakery & Deli, located at 136 West Main Street, 1st Floor, Lancaster, Ohio 43130. Submitted by the Ohio Division of Liquor Control, 6606 Tusking Road, Reynoldsburg, Ohio 43068.

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

SPECIAL PRESENTATION (Awards)

President Uhl presented John Baus a plaque for his time serving the Citizens of Lancaster as an At Large City Representative serving from August 3, 2017 – April 30, 2019. Mr. Baus stepped in for the City when they needed someone and are truly appreciative of his service and thank him.

Mr. Baus thanked everyone and stated that he was going to returning to the retirement.

PETITIONS & MEMORIALS

There were no Petitions or Memorials before Council this evening.

PERMISSION OF VOTERS AND TAXPAYERS TO ADDRESS COUNCIL

There were no Voters or Taxpayers to address Council this evening.

STANDING COMMITTEE REPORTS

1. Finance Committee Meeting minutes for April 22, 2019, submitted by Mr. Stoughton.
2. Water/Water Pollution Control Meeting minutes for April 17, 2019, submitted by Mr. Woodgeard.

Mr. Schoonover made a motion to receive and file the Reports of Standing Committees, seconded by Mr. Groff. 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 47-19 – Third Reading – Permanent Resolution 55-19
A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE LDOT FUND (208), AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR
Mr. Schoonover made a motion to pass, engross, and enter upon the written record Temporary Resolution 47-19, seconded by Mrs. Bobbitt.

Mr. Schoonover explained that this resolution is to appropriate $30,000.00 to repair and replace the control box and control arms at the Columbus/Fair Avenue intersection that was as a result of an accident. This is moving money around so this can be fixed.

President Uhl asked if there is any 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 47-19 – Third Reading – Permanent Resolution 56-19
A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE THE MEMBERSHIP AGREEMENT AND BYLAWS TO BECOME A MEMBER OF NEORIDE AN OHIO COUNCIL OF GOVERNMENTS

Mr. Schoonover made a motion to pass, engross, and enter upon the written record Temporary Resolution 48-19, seconded by Mrs. Tener.

Mr. Schoonover explained this is for the opportunity for Public Transit to join Neoride and gives a lot of great opportunities in terms of purchasing and buying power. Ms. Woody is looking at upgrading ticketing services on LPT to make is much more rider friendly.

President Uhl asked if there is any 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 53-19 – Second Reading – April 22, 2019
A RESOLUTION OF CONSENT FOR PRELIMINARY LEGISLATION FOR THE WIDENING OF ETY ROAD WITH THE ADDITION OF TURN LANES AT CR 33A (MEMORIAL DRIVE AND CR 37 (N. COLUMBUS STREET) WITHIN THE CITY OF LANCASTER

Mr. Schoonover stated that this is second of three readings.

Resolution Temporary 54-19 – Second Reading – Permanent Resolution 57-19
A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE STORMWATER FUND (606), AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR

Mr. Woodgeard made a motion to suspend the rules and waive the third reading of Temporary Resolution 54-19, seconded by Mr. McDaniel.

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.

Mr. Woodgeard made a motion to pass, engross, and enter upon the written record Temporary Resolution 54-19, seconded by Mr. McDaniel.

Mr. Woodgeard explained this resolution will allow for the money to be received in for the Storm Water Utility, which fund is kept by the County Auditor, and this is to clean up the books.
President Uhl asked if there is any 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 56-19 – Second Reading – Permanent Resolution 58-19**

A RESOLUTION AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE DEVELOPMENT OF THE MAGNA SEATING OF AMERICA PROJECT IN THE ROCK MILL INDUSTRIAL PARK

Mr. Stoughton made a motion to suspend the rules and waive the third reading of Temporary Resolution 56-19, seconded by Mr. McDaniel.

Mr. Stoughton explained the arrangement between Magna and them arriving in Lancaster took a lot of agreements from the State level all the way down to the City level. There is a lot of documentation that will need to be agreed to and this gives the City administration the opportunity to do that at a fast pace, because Magna wants to move at a fast pace. These are all agreements that have been previously agreed to; this is just documentation that follows it up. We would like to suspend tonight to give them the opportunity to keep this moving a quickly as possible.

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. Stoughton made a motion to pass, engross, and enter upon the written record Temporary Resolution 56-19, seconded by Mr. McDaniel.

President Uhl asked if there is any 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 58-19 – First Reading – Permanent Resolution 59-19**

A RESOLUTION TO AMEND PERMANENT RESOLUTION 44-19 AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO WAIVE COMPETITIVE BIDDING FOR THE PIONEER ALLEY STORM SEWER REPLACEMENT PROJECT AND TO DECLARE AN EMERGENCY

Mr. Woodgeard made a motion to suspend the rules and waive the second and third readings of Temporary Resolution 58-19, seconded by Mr. McDaniel.

Mr. Woodgeard explained this resolution is to amend the previous resolution, where Council authorized the work on the Pioneer Alley Sewer Project. Doing that, with a video camera, additional problems were found. With this being in the area St. Rt. 188 repairs by the State of Ohio, it makes it an emergency to get in there and taken care of. If not, it could cause problems with deterioration for the health and wellness of the people in that area.

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. Woodgeard made a motion to pass, engross, and enter upon the written record Temporary Resolution 58-19, seconded by Mr. McDaniel.

President Uhl asked if there is any 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 59-19 – First Reading – April 22, 2019
A RESOLUTION AUTHORIZING THE MAYOR AND THE FAIRFIELD COUNTY MUNICIPAL COURT TO NEGOTIATE AND ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE FAIRFIELD COUNTY COMMISSIONERS TO FUND THE SENTINEL OFFENDER SERVICES CONTRACT FOR ELECTRONIC MONITORING OF CRIMINAL OFFENDERS TO BE UTILIZED BY THE FAIRFIELD COUNTY MUNICIPAL COURT

Mr. Stoughton explained this legislation and the one following is for new hardware platform for electronic monitoring that is a much more vibrant platform and less expensive for the county and City to use. The next two pieces will fund and authorize that. This is the first of two readings.

Resolution Temporary 60-19 – First Reading – April 22, 2019
A RESOLUTION AUTHORIZING THE MAYOR TO DISPENSE WITH COMPETITIVE BIDDING AND ENTER INTO A CONTRACT FOR ELECTRONIC MONITORING SERVICES FOR CRIMINAL OFFENDERS UNDER THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM TO BE UTILIZED BY THE FAIRFIELD COUNTY MUNICIPAL COURT

Mr. Stoughton stated that this is first of two readings.

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

President Uhl stated as we continue, if all Council members could make sure that their microphones are on.

READING OF ORDINANCES

Ordinance Temporary 6-19 – Second Reading – April 8, 2019
AN ORDINANCE TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ACCEPT APPROXIMATELY TEN (10) ACRES, MORE OR LESS, OF PROPERTY SITUATED IN TOWNSHIP 14, RANGE 19, SECTIONS 2 & 3, CITY OF LANCASTER, FAIRFIELD COUNTY, FROM FAIRFIELD HOMES INC.

Mr. Groff stated that this is second of three readings.

Ordinance Temporary 7-19 – First Reading – Permanent Ordinance 8-19
AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART THIRTEEN – BUILDING CODE, CHAPTER 1303 – TECHNICAL CODES, SECTION 1303.06 – APPEAL; MEMBERSHIP AND QUALIFICATIONS OF APPEAL BOARD MEMBERS, OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, AND TO DECLARE AN EMERGENCY

Mr. Groff made a motion to suspend the rules and waive the second and third readings of Temporary Ordinance #7-19, seconded by Mr. Schoonover.

Mr. Groff explained this ordinance as well as the next ordinance will both have the same explanation. The Ohio Revised Code provides 30 days to file an appeal, Lancaster Codified Ordinances only provides 20 days to file an appeal. The Fifth District Court of Appeals has stated that 20 days is not sufficient, and therefore the next two ordinances will bring the
Lancaster Codified Ordinances in line with the Ohio Revised Code.

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. Groff made a motion to pass, engross, and enter upon the written record Temporary Ordinance #7-19, seconded by Mr. Schoonover.

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

**Ordinance Temporary 8-19 – First Reading – Permanent Ordinance 9-19**

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART NINE – STREETS, UTILITIES, AND PUBLIC SERVICES CODE, TITLE ONE – STREETS AND SIDEWALKS, CHAPTER 903 – SIDEWALKS, SECTION 903.08 – RIGHT TO APPEAL, OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, AND TO DECLARE AN EMERGENCY

Mr. Groff made a motion to suspend the rules and waive the second and third readings of Temporary Ordinance #8-19, seconded by Mr. Schoonover.

Mr. Groff explained that this is the same as the previous ordinance bringing Lancaster Codified Ordinances in line with the Ohio Revised Code.

President Uhl asked if there was any further discussion.

Mr. Woodgeard asked if this is going to have much effect on previous situations where Lancaster has only allowed 20 days for appeals.

Law Director Ullom stated, no, the ones in past that have taken place over the years, the time has since passed on those. There has been one case that went to the Fifth District Court of Appeals on this issue in the past, and that is where this decision came from that the 20 days to appeal is insufficient. The City is trying to catch these things throughout all of the Lancaster Codified Ordinances to get them all in line with the Ohio Revised Code with the 30 day requirement period.

Mr. Woodgeard asked if the Law Director anticipated anyone else going to come back on the City.

Law Director Ullom stated no, there is nothing pending and there is nothing out there at this time.

Mrs. Bobbitt asked if the ORC read “30 days” for some time and the City didn’t know.

Law Director Ullom stated that that is correct, the City had some of the appeals at 20 days. It this might have been the first case for the Fifth District to actually address this issue, and they made the determination that the ORC stated 30 days, so therefore, the City needs to update their LCO.

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.

Mr. Groff made a motion to pass, engross, and enter upon the written record Temporary Ordinance #8-19, seconded by Mr. Schoonover.
President Uhl asked if there is any 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 ordinances to come before Council this evening.
With none, we moved onto the next order of business.

TABLED LEGISLATION

None.

UNFINISHED BUSINESS

Mr. Woodgeard inquired as to River Valley Way and if any communications have taken place
with the owner of the private roadway and if they will be fixing the roadway.

Mayor Scheffler explained that he convened a meeting of all of the property owners who
have a stake in that road. There are nine property owners along that road. The first meeting
took place three weeks ago. There is a follow-up meeting on April 23rd, and the Mayor states
that he has been told that a representative of the Glimcher Company will be there at that
meeting. The meeting will be held in City Hall. The City is hosting the meeting, but it is
actually the property owners meeting and the City will be present to answer any questions or
address any issues that come up. It is a property owner issue and they will be discussing it

President Uhl asked if there was any further discussion on any Old Business. President Uhl
asked Mr. Groff if he had any updates on the consideration of changes to the Rules of
Council.

Mr. Groff explained that is was discussed at the last Law Committee Meeting last week. It
was ended with Law Director Ulloom asking for a little additional time to research the issue.

President Uhl asked Law Director Ulloom for an update on small cell tower law suit.

Law Director Ulloom explained the City of Lancaster entered the law suit with 50 or 60 other
cities to challenge the legislation that came through with regards to small cell towers. This
was done predominately be it was attached to legislation that was completely a different
subject matter. It was challenged in court in the single subject rule legislation and field in
Franklin County. The Franklin County Trial Court, of course, found in the City’s favor and
that it was a violation of the single subject rule. The State appealed this to the Tenth District
Court of Appeals, while that appeal was in its process, the State Legislature got the parties
together and sat at a table, both on the industry side and on the government side and they
came up with House Bill 478, which addressed the issue and the State Legislature passed that
bill, which in essence made the appeal issue mute for all of the ones in that law suit for that
particular reason. The state decided that they wanted to pursue the appeal, because they
wanted the Tenth District Court of Appeals to throw out the decision of the lower court,
because they don’t want a case out there saying that they loss on a case subject rule. There
are some cities still pursuing this with the courts and has court dates coming up in the next
month. In essence House Bill 478 fixed the problem.

President Uhl stated, that the City is not one of those cities still pursuing that.
Law Director Ullom stated no, that we are technically still in the law suit as a city, but the issue with regard to that isn’t something the City or their attorney’s leaving the case wanted. They just want the ruling with the Tenth District Court of Appeals to stand.

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

**NEW BUSINESS/SPECIAL PRESENTATION**

President Uhl announced that Treasurer Bob Wolfinger is celebrating a birthday today.

President Uhl thanked Mr. Baus again for his service.

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. May 6th at 6:30 p.m.
2. May 20th at 6:30 p.m.

**Upcoming Committee Meetings for the next 30 days:**
1. Finance – May 6th at 6:00 p.m. – Council Chambers
2. Service – May 10th at 7:30 a.m. – Gas Dept. Conference Room
3. Water/WPC – May 15th at 7:00 a.m. – WPC (Conference Room)
4. Finance – May 20th at 6:00 p.m. – Council Chambers

**Upcoming Special Meetings:**
1. None.

**READING OF BILLS**

There were no bills before Council this evening.

PNC - Spotlight Trophies and Awards $28.00 (plaques/name plates, CH tin plate)

Mr. Schoonover made a motion to pay the bills, seconded by Mr. Groff. The motion carried.

**EXECUTIVE SESSION**

There were no requests for Executive Session this evening.

**ADJOURNMENT**

Mr. Schoonover made a motion to adjourn, seconded by Mr. Groff. Motion carried. Meeting adjourned at approximately 7:01 p.m.

Teresa Lee Sandy, Clerk of Council