LANCASTER CITY COUNCIL
LANCASTER, OHIO

REGULAR MEETING
September 9, 2019

PRAYER

CALL TO ORDER
President Uhl called the meeting to order at approximately 6:40 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. Groff, Mr. Hall, 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 August 26, 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 September 4, 2019, regarding Audit 2018 Pension. Submitted by Auditor Tricia Nettles.
2. Email, dated September 4, 2019, regarding the request to withdraw Temporary Resolution 111-19. Submitted by Stormwater Engineer, Steven Wellstead.
3. Email, dated September 4, 2019, regarding the request to withdraw Temporary Resolution 105-19. Submitted by Stormwater Manager, Denise Crews.

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

COMMUNICATIONS

1. Series of emails, regarding City of Lancaster Fiscal Year 2018 Pension Attestation Engagement Entrance Information. Submitted by David J. Shook, Assistant Auditor, Auditor of State Keith Farber.


4. Notice to Legislative Authority of a new liquor license. To: Chipotle Mexican Grill of Colorado Inc., dba Chipotle Mexican Grill 3433, located at 1248 E. Main Street, Lancaster, Ohio 43130. Submitted by the Ohio Division of Liquor Control, 6606 Tussing 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)

There were no Special Presentations before Council this evening.

PETITIONS & MEMORIALS

There were no Petitions or Memorials before Council this evening.

PERMISSION OF VOTERS AND TAXPAYERS TO ADDRESS COUNCIL

Jason Paduchik, Senior Director Government Affairs, AT&T Ohio. Mr. Paduchik addressed Council this evening in regards to Temporary Ordinance 13-19, and his concerns if passed.

STANDING COMMITTEE REPORTS

1. Finance Committee Meeting minutes for September 9, 2019, submitted by Mr. Stoughton.
2. Special Public Works Committee Meeting minutes for July 12, 2019, and Regular Public Works Committee Meeting minutes for August 9, 2019, submitted by Mr. Schoonover.
3. Safety Committee Meeting minutes for August 14, 2019, submitted by Mr. Hall.

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 94-19* – Third Reading – Permanent Resolution 99-19
A RESOLUTION TO AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR AND APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE CEMETERY FUND (270)
Mr. Schoonover made a motion to amend Temporary Resolution 94-19 by replacing it with Temporary Resolution 94-19* as given to the Clerk in writing prior to the meeting, seconded by Mrs. Tener.

Mr. Schoonover explained that this resolution amendment replaces account numbers.

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

Mr. Schoonover made a motion to pass, engross, and enter upon the written record Temporary Resolution 94-19* seconded by Mrs. Tener.

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 95-19 – Third Reading – Permanent Resolution 100-19**

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE ETY ROAD SAFETY IMPROVEMENTS PROJECT (PID 108470)

Mr. Schoonover made a motion to pass, engross, and enter upon the written record Temporary Resolution 95-19, seconded by Mrs. Bobbitt.

President Uhl asked if there was any discussion on the motion to pass.

Mr. Schoonover explained this is another piece in moving the Ety Road Improvement Project forward.

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 96-19 – Third Reading – Permanent Resolution 101-19**

A RESOLUTION OF CONSENT FOR BRIDGE INSPECTION PROGRAM SERVICES AND TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A BRIDGE INSPECTION PROGRAM SERVICES AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR PID NO. 109334

Mr. Schoonover made a motion to pass, engross, and enter upon the written record Temporary Resolution 96-19 seconded by Mrs. Tener.

President Uhl asked if there was any discussion on the motion to pass.

Mr. Schoonover explained that this is an agreement between the City and the State Department of Transportation to allow them to do bridge inspections throughout the City.

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 97-19 – Third Reading – Permanent Resolution 102-19
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 FOR THE SCO 1029 RECONSTRUCTION PROJECT

Mr. Woodgeard made a motion to pass, engross, and enter upon the written record Temporary Resolution 97-19 seconded by Mr. McDaniel.

President Uhl asked if there was any discussion on the motion to pass.

Mr. Woodgeard explained this resolution authorized the Mayor to submit the application to participate in the Ohio Public Works Commission State Capital Improvement Program, which is done annual at this time of the year.

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 99-19 – Third Reading – Permanent Resolution 103-19
A RESOLUTION TO AMEND THE OFFICIAL THOROUGHFARE PLAN FOR THE CITY OF LANCASTER, OHIO ADOPTED IN JANUARY 2004

Mr. Schoonover made a motion to pass, engross, and enter upon the written record Temporary Resolution 99-19 seconded by Mrs. Bobbitt.

President Uhl asked if there was any discussion on the motion to pass.

Mr. Schoonover stated that City Engineer Mitch Noland explained to Council a couple of meetings ago, and is an update of something that is 15 years old to deal with some of the City’s infrastructure problems the City has giving the City a little more room to work with everything they need to in the right-of-way.

President Uhl asked if there was any other discussion on the motion to pass.

Mr. Woodgeard stated that he has a concern with the comment from AT&T, and maybe Council should table this to allow for discussions from utility companies to see if there are any problems with what the City has proposed in this resolution.

President Uhl asked if there was any other discussion on the motion to pass.

Mayor David Scheffler explained that the comments earlier from AT&T were actually directed to Temporary Ordinance 13-19, and not this resolution.

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 102-19 – Second Reading – September 12, 2019
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
Mr. Stoughton stated that this is the second of three readings.

Resolution Temporary 104-19 – Second Reading – September 12, 2019
A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT AND BYLAWS OF THE OHIO TRANSIT RISK POOL

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

Resolution Temporary 106-19 – First Reading – September 9, 2019
A RESOLUTION TO AMEND APPROPRIATION BUDGETS, THEN AMEND THE CERTIFICATE OF OTHER SOURCES AND APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE GENERAL FUND (101) AND VAWA FUND (225)

Mr. Stoughton explained that this resolution is changing salary line items for a new hire that is taking over a position managing the VAWA Grant funding. Because the new employees salary is different from the prior employee monies must be moved around in the 5100 account and this cannot be accomplished without the approval of Council. Mr. Stoughton stated that this is the first of three readings.

Resolution Temporary 107-19 – First Reading – September 9, 2019
A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE IN GENERAL FUND (101), INCREASE RECEIPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE .45 POLICE & FIRE LEVY FUND (247); AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR; AND TO APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE .15 FIRE LEVY FUND (246)

Mr. Hall stated that this is the first of two readings.

Resolution Temporary 108-19 – First Reading – Permanent Resolution 104-19
A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE IN GENERAL FUND (101), INCREASE RECEIPTS, APPROPRIATE FROM UNENCUMBERED BALANCE IN THE .45 POLICE & FIRE LEVY FUND (247) AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR

Mr. Hall asked Chief Ward to step forward to discuss this resolution.

President Uhl asked Mr. Hall as Chief Ward is stepping forward, could he make his motion to suspend?

Mr. Hall explained that this is basically money in money out issue, and would appreciate passing this at this time.

Mr. Woodgeard stated the President Uhl would like Mr. Hall to make his motion.

Mr. Hall made a motion to suspend the rules and waive the second and third readings of Temporary Resolution 108-19, seconded by Mr. Stoughton.

Chief Pillar explained that the funds in this resolution are from the City auction, and would like to use this money to cover bills. The other funds are from a state grant for bulletproof vest for SRT.
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. Hall made a motion to pass, engross, and enter upon the written record Temporary Resolution 108-19, seconded by Mrs. Stoughton.

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 109-19 – First Reading – Permanent Resolution 105-19
A RESOLUTION TO INCREASE RECEIPTS APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE DRUG USE PREVENTION GRANT FUND (243) AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR, COMPLETE AN EXPENSE ADJUSTMENT AND COMPLETE AN ACCOUNT TO ACCOUNT TRANSFER

Mr. Hall made a motion to suspend the rules and waive the second and third readings of Temporary Resolution 109-19, seconded by Mr. Woodgeard.

President Uhl asked if there was any discussion on the motion to pass.

Mr. Hall asked Chief Pillar to explain this resolution.

Chief Pillar explained that this is a DARE reimbursement funding that officer get for materials and would like to place these funds in his civilian salaries due to an upcoming retirement of a communication tech., to allow for the training of the new com tech before the retirement.

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. Hall made a motion to pass, engross, and enter upon the written record Temporary Resolution 109-19, seconded by Mrs. Woodgeard.

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 110-19 – First Reading – September 9, 2019
A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT(S) FOR MOWING AND OTHER LANDSCAPE MAINTENANCE SERVICES FOR THE CITY CEMETERIES

Mr. Schoonover stated that this is the first of three readings.

Resolution Temporary 112-19 – First Reading – September 9, 2019
A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO NEGOTIATE AND ENTER INTO LAND PURCHASES FOR RIGHT-OF-WAY DEDICATION AND TEMPORARY WORK EASEMENTS AS NECESSARY FOR THE ETY ROAD SAFETY IMPROVEMENT PROJECT

Mrs. Bobbitt stated that this is the 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.

READING OF ORDINANCES

Ordinance Temporary 13-19 – Third Reading – Permanent Ordinance 13-19
AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE ONE – STREETS AND SIDEWALKS, OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, AND TO DECLARE AN EMERGENCY

Mr. Groff made a motion to pass, engross, and enter upon the written record Temporary Ordinance 13-19, seconded by Mr. Hall.

President Uhl asked if there was any discussion on the motion to pass.

Mr. Groff explained this is a right-of-way ordinance that Council has had before them for some time, with numerous discussions. This ordinance was drafted by an outside law firm with comments from the City Engineer Department. City Engineer Mitch Noland did do a presentation before Council at the last meeting. Mr. Groff stated that he did receive a phone call, at the eleventh hour, about 3:00 p.m. from AT&T this afternoon, and referred him to the Law Department. Mr. Groff stated that maybe Law Director Ulloom or City Engineer might like to make comments at this time, but he would leave it up to them.

President Uhl asked if there were any questions and if either Law Director Ulloom or City Engineer has comments then we could work our way through that. President Uhl asked, if there were any other questions or comments this evening on this particular piece of legislation?

Mr. Woodgeard stated that this has been a long time coming, and he would not see a problem waiting a couple of weeks to give a chance for City Engineer Mitch Noland and Law Director Ulloom to meet with different groups, if they wanted to and include AT&T.

President Uhl asked if there was further discussion on the motion to pass.

Mrs. Bobbitt stated that this has in fact been a long time coming and that City Engineer Mitch Noland and Cecil Haines have done a lot of work on this ordinance. This ordinance was before the Law Committee for quite a long time and with the outside law firm for some time, and she appreciates the thorough work that the Engineer’s office has done, and stated that is why she will be supporting this ordinance, and it doesn’t need to be put on hold.

President Uhl asked if there was further discussion on the motion to pass.

Mr. Stoughton stated that his concerns, is we run in here at the eleventh hour, and that this has been a very public process. Mr. Stoughton stated that he is going to continue to support this as a lot of work has been done on it and has been open to the public. Mr. Stoughton stated that he does not believe in a two week period, no offense to Mr. Woodgeard, Mr. Stoughton stated he doesn’t think that we will find out any new information that will change most of the minds around the table

Mrs. Tener why did they wait so long, and if Law Director Ulloom spoke to AT&T today, because this has been going on for a really long time?
Law Director Randall Ullom answered that no, he did not get a chance to speak to AT&T. Law Director Ullom explained that the right-of-way ordinance has been something the City has been working on for some time, and the problem for Lancaster is we need something in place to regulate and maintain the right-of-way. The right-of-way is a resource for not only AT&T, but every other utility including the City of Lancaster and need to be treated fairly and there has to be a continuity process that the City can provide access for all utilities, to do exactly what is stated here tonight “provide services” to citizens in our community. The City contracted with Attorney Chris Miller, from Ice, Miller to draft the document currently before Council. He was chosen because of his particular expertise in this area. This ordinance is almost the exact same ordinance, with some tweaks for Lancaster, as Reynoldsburg, Gahanna, Upper Arlington, Hilliard, Grove City, and White Hall. Dublin’s is a little different, but is the same basic document as New Albany, Athens, Kettering, Monroe, Marysville, Akron, and Cuyahoga Falls. Law Director Ullom stated that he did see letters were sent to Cuyahoga Falls last year, who adopted this ordinance. Law Director stated that he believes that it is good to put this ordinance in place for the utilities companies, so that they are all treated fairly. The letter received from AT&T asked for a general waiver provision, so that the City Engineer would have the ability to waive fees and things like that for good cause shown, in Law Director Ullom’s opinion, you don’t want to write a law like that because you want it to be objective, not subjective. Putting the law into one individual’s hands to decide you take out that equal treatment, you harm everybody. The process the City has gone through, which has been a long process, and believes the utility companies are very familiar with what the City is looking to adopt, because all of the communities around us are already utilizing these particular standards and particular rules, and that it is his suggestion to pass this ordinance.

President Uhl any further discussion or other questions on this issue.

City Engineer Mitch Noland stated that he would like to echo Law Director Ullom’s comments. The right-of-way is a public owned resource that is limited. City Engineer Mitch Noland states that he deals with this almost daily the things that happen and the stuff beneath your feet, as you walk down the streets, the average person has no idea what is lying under the ground where you walk. This is dealt with almost daily on various projects. Mr. Noland stated that they work well with a whole host of utilities in the right-of-way. This will continue even with the passage of this ordinance. This will give the Engineering Department a management document that they have never had, giving them a way to manage the right-of-way. Mr. Noland stated that he has put in a lot of work over the last two years with this ordinance, weeding through pages and pages of documents, and if this passes tonight, he stated there is still a lot of work to do and will come to fruition on January 1, 2020. There is a lot of work to get done to get things in place and asks Council to pass this ordinance this evening, so they can continue their work.

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 8-1, with Mr. Woodgeard voting no.

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**

**Ordinance Temporary 11-19* – Third Reading – August 12, 2019 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 INCREASE THE CITY INCOME TAX RATE BY FORTY-FIVE HUNDREDTHS OF ONE PERCENT (0.45%) FROM THE CURRENT RATE OF ONE AND SEVENTY-FIVE HUNDREDTHS PERCENT (1.75%) TO A RATE OF TWO AND TWENTY HUNDREDTHS PERCENT (2.20%), BEGINNING JANUARY 1, 2020,
AND TO SPECIFY THE ALLOCATION OF FUNDS FROM SUCH TAX, AND TO DECLARE AN EMERGENCY

UNFINISHED BUSINESS

There was no Unfinished Business before Council this evening.

NEW BUSINESS/SPECIAL PRESENTATION

Mrs. Tener announced that Ann Kitzmiller passed away on September 2nd, and was a fixture every year, and wanted to give her thoughts and prayers go out to her family. She was a very good teacher and great lady. The service is Friday, September 20, 2019 at 11:00 a.m. Anyone wanting to send cards or thoughts could do so. Mrs. Tener asked how many years had Ms. Kitzmiller done Constitution Week. Ann came before Council annually during Constitution Week and presented everyone the constitution handout each year.

Mr. Stoughton answered that she had did this pretty much every year, and the years she was on Council she participated. Tom stated that he has at least 15 of the cards she passed out and will be odd when we don’t see her at the podium.

Mrs. Tener stated a lot of people did not know of her passing and wanted to make everyone aware.

Mr. Hall stated it is not unheard of for legislative bodies to pass resolutions of accommodations. Mr. Hall stated that being very new to this legislative body, he wasn’t sure if this is something that Council may want to consider at a future meeting and the recognition of someone of her stature of contributions to our community and would be somebody really worthy of that kind of recognition by Council.

President Uhl agreed with Mr. Hall and stated something could be put together by the next Council meeting and get that to her family.

Mrs. Tener volunteered that she would work on that.

President Uhl agreed that Ms. Tener would work on this with the Mayor’s Office and get something together that we could pass, sign, and get to the family.

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 23rd at 6:30 p.m.
2. October 14th at 6:30 p.m.

Upcoming Special Meetings:
1. None

Upcoming Committee Meetings for the next 30 days:
1. Service – September 13th at 7:30 a.m. – Gas Dept. Conference Room
2. Water/WPC – September 18th at 7:00 a.m. – WPC (Conference Room)
3. Economic Development – September 19th at 7:30 a.m. – CH (2nd Floor CR)
4. Finance – September 23rd at 6:00 p.m. – Council Chambers
5. IT/Telecom – October 3rd at 7:30 a.m. – CH (2nd Floor CR)
6. Code Enforcement – October 7th at 7:30 a.m. – CH (2nd Floor CR)
7. Law – October 9th at 9:00 a.m. – FCMC Community Room
8. Public Works – October 11th at 7:30 a.m. – LPT (Conference Room)

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 Mr. Hall. Motion carried. Meeting adjourned at approximately 7:20 p.m.

Teresa Lee Sandy, Clerk of Council