

**LANCASTER CITY COUNCIL  
LANCASTER, OHIO**

**February 12, 2018**

**REGULAR MEETING CONVENES  
PRAYER  
CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL  
READING AND DISPOSING OF THE JOURNAL  
REPORTS OF CITY OFFICIALS  
COMMUNICATIONS  
SPECIAL PRESENTATION (AWARDS)  
PETITIONS AND MEMORIALS  
PERMISSION OF VOTERS AND TAXPAYERS TO ADDRESS COUNCIL  
REPORTS OF STANDING COMMITTEES  
REPORTS OF SPECIAL COMMITTEES  
PUBLIC HEARINGS  
READING OF RESOLUTIONS**

**THIRD READING**

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|----------------|--|
| Temp Res #1-18 | A RESOLUTION AUTHORIZING THE LAW DIRECTOR'S OFFICE TO APPLY FOR THE VIOLENCE AGAINST WOMEN ACT GRANT (VAWA)<br><b>Law (Groff/Schoonover) (3 Readings)</b>  |
| Temp Res #2-18 | A RESOLUTION AUTHORIZING THE DISPOSITION OF CITY PROPERTY NO LONGER NEEDED VIA AUCTION OR INTERNET AUCTIONS FOR 2018<br><b>Law (Groff/Baus) (3 Readings)</b>   |
| Temp Res #4-18 | A RESOLUTION AUTHORIZING THE CITY OF LANCASTER, A POLITICAL SUBDIVISION, TO PARTICIPATE IN THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM<br><b>Finance (Stoughton/Downour) (3 Readings)</b>                                   |
| Temp Res #5-18 | A RESOLUTION AUTHORIZING THE CITY OF LANCASTER, A POLITICAL SUBDIVISION, TO PARTICIPATE IN THE NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE PURCHASING PROGRAM<br><b>Finance (Stoughton/Fracassa) (3 Readings)</b>          |
| Temp Res #6-18 | A RESOLUTION 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<br><b>Water/Water Pollution (Woodgeard/Baus) (3 Readings)</b> |
| Temp Res #7-18 | A RESOLUTION AUTHORIZING SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE PURCHASE OF SALT FOR USE BY   |

## THE WATER DEPARTMENT

**Water/Water Pollution (Woodgeard/Fracassa) (3 Readings)**

- Temp Res #9-18 A RESOLUTION TO DECREASE APPROPRIATIONS AND AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE MUNICIPAL COURT CLERK COMPUTER FUND (236)  
**Finance (Stoughton/Downour) (3 Readings)**
- Temp Res #11-18 A RESOLUTION DECLARING A REAL AND PRESENT EMERGENCY, WAIVING PROCUREMENT REQUIREMENTS, AND AUTHORIZING THE NEGOTIATION OF A DESIGN-BUILD CONTRACT FOR SEWER SYSTEM REHABILITATION IN THE RIVER VALLEY HIGHLANDS AREA  
**Water/Water Pollution (Woodgeard/Baus) (3 Readings)**
- Temp Res #13-18\* A RESOLUTION OF CONSENT FOR PRELIMINARY LEGISLATION FOR THE RESURFACING AND RELATED WORK ON A PORTION OF STATE ROUTE 37 WITHIN THE CITY OF LANCASTER  
**Public Work (Schoonover/Bobbitt) (3 Readings)**
- Temp Res #17-18 A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE, AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR IN LDOT IMPROVEMENT FUND (314) & LDOT FUND (208), AUTHORIZE THE ISSUANCE OF A THEN AND NOW CERTIFICATE, AND INCREASE RECEIPTS IN LDOT IMPROVEMENT FUND (314)  
**Public Work (Schoonover/Tener) (3 Readings)**
- Temp Res #19-18 A RESOLUTION TO AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR, APPROPRIATE FROM THE UNENCUMBERED BALANCE, INCREASE RECEIPTS, AND COMPLETE A FUND TRANSFER IN THE WATER FUND (603) AND IN THE WATER UTILITY RESERVE FUND (627)  
**Water/Water Pollution (Woodgeard/Fracassa) (3 Readings)**
- Temp Res #20-18 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)  
**Water/Water Pollution (Woodgeard/Baus) (3 Readings)**
- Temp Res #22-18 A RESOLUTION TO TRANSFER FUNDS FOR REIMBURSEMENT OF MAINTENANCE PERFORMED ON STATE HIGHWAYS WITHIN THE CITY OF LANCASTER ON AN AS NEEDED BASIS UP TO A MAXIMUM OF \$125,000.00 FOR THE CALENDAR YEAR 2018, AMEND THE CERTIFICATE OF APPROPRIATION WITH THE COUNTY AUDITOR IN FUND (290) AND TO APPROPRIATE FROM UNENCUMBERED BALANCE  
**Public Work (Schoonover/Bobbitt) (3 Readings)**

Temp Res #23-18 A RESOLUTION REQUESTING THE LANCASTER PORT AUTHORITY TO APPROPRIATE FUNDS, AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR, TO INCREASE RECEIPTS, AND APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE DEPARTMENT OF TRANSPORTATION FUND (208)  
**Finance (Stoughton/Fracassa) (3 Readings)**

**SECOND READING**

Temp Res #25-18 A RESOLUTION TO AUTHORIZE THE PURCHASE OF UP TO THREE (3) REPLACEMENT VEHICLES FROM THE STATE TERM CONTRACT FOR USE BY TRANSIT  
**Public Work (Schoonover/Tener) (3 Readings)**

Temp Res #26-18 A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR SFY 2018-2019 OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM  
**Public Work (Schoonover/Tener) (3 Readings)**

Temp Res #27-18 A RESOLUTION AUTHORIZING THE CITY OF LANCASTER TO APPLY FOR THE MEALS ON WHEELS-OLDER ADULT ALTERNATIVES OF FAIRFIELD COUNTY, INC. 2018-2019 GRANT  
**Public Work (Schoonover/Tener) (3 Readings)**

Temp Res #28-18 A RESOLUTION AUTHORIZING THE CITY OF LANCASTER TO APPLY FOR, AND IF AWARDED, ENTER INTO A CONTRACT FOR A 2018 FAIRFIELD COUNTY FOUNDATION GRANT  
**Public Work (Schoonover/Tener) (3 Readings)**

Temp Res #29-18 A RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANTS THROUGH THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT ADMINISTRATION (FTA), AS AUTHORIZED UNDER THE FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM, AND OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM 5339, 5339B, AND ANY OTHER GRANTS THAT BECOME AVAILABLE THROUGH ODOT AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON EACH GRANT APPLICATION APPROVAL  
**Public Work (Schoonover/Tener) (3 Readings)**

Temp Res #30-18 A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE FIRE IMPACT DISTRICT 1 FUND (322) AND TO AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE

FAIRFIELD COUNTY AUDITOR  
**Safety (Baus/Woodgeard) (2 Readings)**

Temp Res #31-18

A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE, AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR IN THE LDOT FUND (208) AND TO ISSUE A THEN AND NOW CERTIFICATE  
**Public Work (Schoonover/Tener) (3 Readings)**

**FIRST READING**

Temp Res #32-18

A RESOLUTION TO ISSUE ONE THEN AND NOW CERTIFICATE FOR THE PAYMENT OF AN INVOICE TO MILLER SERVICE'S LLC FOR RENOVATIONS TO THE NEW SANITATION BUILDING  
**Service (Bobbitt) (1 Readings)**

**READING OF ORDINANCES**

**THIRD READING**

Temp Ord #1-18

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF LANCASTER, OHIO, AND TO DECLARE AN EMERGENCY  
**Law (Groff/Schoonover) (3 Readings)**

**SECOND READING**

NONE

**FIRST READING**

Temp Ord. #2-18

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THREE HUNDRED EIGHTY-ONE THOUSAND DOLLARS (\$381,000.00), IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE STORM WATER SEWER SYSTEM BY CONSTRUCTING STORM WATER LINES ALONG SENECA DRIVE, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY  
**Finance (Stoughton) (3 Readings)**

**TABLED LEGISLATION**

Temp Res #85-17

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE 2017 PARK STREET COMBINED SEWER REHABILITATION PROJECT  
**Water/Water Pollution Control (Hale/Fracassa) (3 Readings)**  
*Tabled after third reading on September 11, 2017*

Temp Ord #28-17

AN ORDINANCE TO ACCEPT THE FINAL DEVELOPMENT

PLAN FOR THE VETERAN'S WAY SUBDIVISION  
**Code Enforcement & Zoning (Tener/Hale) (3 Readings)**  
*Public Hearing set September 25, 2017 at 7:00 p.m.*  
*Tabled after third reading on September 25, 2017*

**UNFINISHED BUSINESS**

**NEW BUSINESS/PRESENTATIONS**

**ANNOUNCEMENT OF SCHEDULED MEETINGS**

**REGULARLY SCHEDULED CITY COUNCIL MEETINGS**

1. February 26, 2018 at 7:00 p.m.
2. March 12, 2018 at 7:00 p.m.

**REGULARLY SCHEDULED COMMITTEE MEETINGS**

1. Water/WPC – February 14, 2018 at 7:00 a.m. – WPC (Conference Room)
2. Law – February 14, 2018 at 9:00 a.m. – FCMC Community Room
3. IT/Telecom – February 15, 2018 at 7:30 a.m. – Annex Building (Conf. Room)
4. Finance – February 26, 2018 at 6:00 p.m. – Council Chambers
5. Service – March 9, 2018 at 7:30 a.m. – Gas Department (Conference Room)
6. Finance – March 12, 2018 at 6:00 p.m. – Council Chambers

**SPECIAL SCHEDULED MEETINGS**

1. None

**READING OF BILLS**

**EXECUTIVE SESSION**

**ADJOURNMENT**

TEMPORARY RESOLUTION NO. 85-17\*

PERMANENT RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE ~~2017~~ 2018 PARK STREET ~~AND LOCUST/EWING STREET COMBINED~~ SEWER REHABILITATION PROJECT

WHEREAS, recent video assessments have shown that the combined sewer on Park Street is in poor condition and in need of improvement; and

WHEREAS, a recent sewer collapse and subsequent video assessments have shown that the sanitary sewer on Locust Street is also in poor condition and in need of improvement;

~~WHEREAS, at the time of the preparation of this legislation the amount not to exceed was not available, and this legislation will be amended to include that before requested passage after the third reading;~~

BE IT RESOLVED BY COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO

SECTION 1. That the Service-Safety Director is authorized to advertise for bids and to enter into a contract for the ~~2017~~ 2018 Park Street and Locust/Ewing Street ~~Combined~~ Sewer Rehabilitation Project in an amount not to exceed ~~seven hundred twenty-five thousand dollars and zero cents, (\$725,000.00).~~

SECTION 2. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_ after \_\_\_\_\_ reading. Vote: Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Date Approved: \_\_\_\_\_

Clerk: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Offered by: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Second by: \_\_\_\_\_

Requested by Water/Water Pollution Control Committee

TEMPORARY RESOLUTION NO. 29-18\*

PERMANENT RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANTS THROUGH THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT ADMINISTRATION (FTA), AS AUTHORIZED UNDER THE FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM, AND OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM 5339, 5339B, AND ANY OTHER GRANTS THAT BECOME AVAILABLE THROUGH ODOT AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON EACH GRANT APPLICATION APPROVAL

WHEREAS, the application deadline is September 1, 2018; and

WHEREAS, the Director of the Ohio Department of Transportation is authorized to make grants for a public transportation program; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program; and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprises be used to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that disadvantaged businesses shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services;

BE IT RESOLVED BY COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO

SECTION 1. That the Mayor or his designee is authorized to execute and file an application on behalf of the City of Lancaster with the Ohio Department of Transportation to aid in the financing of capital and operating assistance projects pursuant to 49 USC Section 5311, and the Ohio Public Transportation Grant Program, the Ohio Elderly and Disabled Transit Fare Assistance Program and any other grants that become available through the Ohio Department of Transportation.

SECTION 2. The Mayor or his designee is authorized to execute and file with such applications any assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

SECTION 3. That the Transit Director or designee is authorized to furnish such additional information as the Ohio Department of Transportation may require in connection with the application for the program of projects submitted to FTA.

SECTION 4. That the Mayor or his designee is authorized to set forth and execute affirmative disadvantaged business policies in connection to any procurement made as part of the project.

SECTION 5. That the Mayor or his designee is authorized to execute grant agreements on behalf of the City of Lancaster with the Ohio Department of Transportation for aid in the financing of operating and capital assistance projects.

SECTION 6. The undersigned duly qualified and acting Mayor or his designee of the City of Lancaster, Ohio, certifies that the forgoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the City Council held on \_\_\_\_\_, 2018.

If applicant has an official seal, impress here.

\_\_\_\_\_  
Signature of Recording Officer  
Clerk of City Council

SECTION 7. That City Council authorized a Then & Now Certificate for the December Public Transit invoices that were unable to have a carryover purchase order due to cash flow from the Ohio Department of Transportation.

SECTION 7 8. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_ after \_\_\_\_\_ reading. Vote: Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Date Approved: \_\_\_\_\_

Clerk: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Offered by: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Second by: \_\_\_\_\_

Requested by Public Works Committee



TEMPORARY RESOLUTION NO. 32-18

PERMANENT RESOLUTION NO. \_\_\_\_\_

A RESOLUTION TO ISSUE ONE THEN AND NOW CERTIFICATE FOR THE PAYMENT OF AN INVOICE TO MILLER SERVICE'S LLC FOR RENOVATIONS TO THE NEW SANITATION BUILDING

WHEREAS, the amount of the invoice from Miller Service LLC was greater than the amount carried over on the 2017 purchase order; and

WHEREAS, the invoice is dated January 30, 2018, however, services were rendered in December 2017, and the Auditor requests a then and now certificate to accompany the invoice;

BE IT RESOLVED BY COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO

SECTION 1. That City Council is hereby authorizing the issue of a Then and Now Certificate for the payment of a bill to Miller Service's LLC in the amount of Eighteen Thousand Two Hundred Dollars (\$18,200.00) from account number 605.631.5620 (Improvements).

SECTION 2. That the Auditor is authorized to make payment to Miller Service's LLC.

SECTION 3. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_ after \_\_\_\_\_ reading. Vote: Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Date Approved: \_\_\_\_\_

Clerk: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Offered by: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Second by: \_\_\_\_\_

Requested by Service Committee

TEMPORARY ORDINANCE 2-18

PERMANENT ORDINANCE \_\_\_\_\_

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THREE HUNDRED EIGHTY-ONE THOUSAND DOLLARS (\$381,000.00), IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE STORM WATER SEWER SYSTEM BY CONSTRUCTING STORM WATER LINES ALONG SENECA DRIVE, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance No. 6-17 passed February 27, 2017, notes in anticipation of bonds in the aggregate principal amount of Five Hundred Eighty-One Thousand Dollars (\$581,000.00), dated March 29, 2017 (the "Outstanding Notes"), were issued, in part, for the for the purpose stated in Section 1 to mature on March 29, 2018; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, the Auditor, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the purpose of the Improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is thirty-nine (39) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation the Bonds, is April 10, 2032;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lancaster, Fairfield County, Ohio, that:

SECTION 1. It is necessary to issue bonds of this City in the maximum aggregate principal amount of \$381,000 (the "Bonds") for the purpose of paying the costs of improving the storm water sewer system by constructing storm water lines along Seneca Drive, together with all necessary appurtenances (the "Improvement").

SECTION 2. The Bonds shall be dated approximately March 1, 2019, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any fiscal year in which principal is payable, shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2019.

SECTION 3. It is necessary to issue and this Council determines that notes in the maximum aggregate principal amount of Three Hundred Eight-One Thousand Dollars (\$381,000.00) (the "Notes") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The aggregate principal amount of Notes to be issued shall be determined by the Auditor in a certificate of award in accordance with Section 6 of this Ordinance (the "Certificate of Award") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, provided

that the Auditor shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Auditor in the Certificate of Award in accordance with Section 6 of this Ordinance. The Notes may be subject to redemption prior to maturity at the option of the City on the terms and at the price or prices as determined by the Auditor in the Certificate of Award.

SECTION 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Auditor in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of Auditor, or at the designated office of a bank or trust company designated by the Auditor in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Auditor if agreed to by the Auditor and the original purchaser (the "Paying Agent").

SECTION 5. The Notes shall be signed by the Mayor and the Auditor in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in minimum denominations (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Auditor) and with numbers as requested by the original purchaser and approved by the Auditor. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Auditor will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Auditor that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Auditor and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and "immobilized" in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Auditor may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Auditor does not or is unable to do so, the Auditor, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Auditor is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Auditor in accordance with law and the provisions of this Ordinance. The Auditor shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, the Auditor, the Director of Law, the Treasurer, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Auditor is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

SECTION 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award may authorize the original purchaser to withhold certain proceeds from the sale of the Notes to provide for the payment of certain financing costs on behalf of the City. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

SECTION 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

SECTION 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent net revenues from the City's storm water sewer system are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of the net revenues so available and appropriated.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, and to the extent not paid from net revenues of the City's storm water sewer system, the amount of such tax shall be reduced by the amount of the receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes and the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the two preceding paragraphs in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes and the Bonds.

SECTION 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as

applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Auditor, as fiscal officer of the City, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Auditor or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure the exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

SECTION 11. The Auditor is authorized to request a rating for the Notes from Moody's Investors Service, Inc. or S&P Global Ratings Services, or both, as the Auditor determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

SECTION 12. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the

State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Auditor is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

SECTION 13. The Clerk of Council is directed to promptly deliver a certified copy of this Ordinance to the County Auditor of Fairfield County, Ohio.

SECTION 14. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

SECTION 15. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 16. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_ after \_\_\_\_\_ reading. Vote: Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Clerk: \_\_\_\_\_

\_\_\_\_\_  
Mayor

The foregoing is a true and correct copy of Ordinance \_\_\_\_-18 as adopted by the Council of the City of Lancaster, Ohio at its meeting on \_\_\_\_\_, 2018.

Offered by: \_\_\_\_\_

Second by: \_\_\_\_\_

Requested by Finance Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on \_\_\_\_\_,  
2018 and \_\_\_\_\_, 2018 the Lancaster Eagle Gazette published the summary of this  
Ordinance in accordance with Ohio Revised Code 731.24.

\_\_\_\_\_  
Clerk of Council