

LANCASTER CITY COUNCIL  
LANCASTER, OHIO

August 13, 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)

- 1. Aaron Uhl – Lancaster Brewfest

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

NONE.

SECOND READING

Temp Res #60-18

A RESOLUTION TO ACCEPT THE UPDATED DISTRICT SOLID WASTE MANAGEMENT PLAN  
**Service (Bobbitt/Tener) (3 Readings)**

FIRST READING

Temp Res #63-18

A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE, AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR IN THE WATER REPLACEMENT AND IMPROVEMENT FUND (625) AND WATER UTILITY RESERVE FUND (627) AND AUTHORIZE THE ISSUANCE OF A THEN AND NOW CERTIFICATE  
**Water/Water Pollution Control (Woodgeard)**

Temp Res #64-18

A RESOLUTION TO AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR AND APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE PARK FUND (212)  
**Service (Bobbitt)**

Temp Res #65-18

A RESOLUTION TO AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR AND APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE STORMWATER FUND (606)  
**Water/Water Pollution Control (Woodgeard)**

Temp Res #66-18

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  
**Water/Water Pollution Control (Woodgeard)**

Temp Res #67-18 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  
**Public Works (Schoonover)**

Temp Res #68-18 A RESOLUTION TO APPROPRIATE FROM THE  
UNENCUMBERED BALANCE AND AMEND THE  
CERTIFICATE OF APPROPRIATION WITH THE COUNTY  
AUDITOR IN THE GENERAL FUND (101) FOR CONTRACT  
LABOR  
**Finance (Stoughton)**

**READING OF ORDINANCES**

**THIRD READING**

Temp Ord #11-18 AN ORDINANCE TO ACCEPT THE FINAL PLAT FOR THE  
GENERAL SHERMAN JUNIOR HIGH SCHOOL  
SUBDIVISION  
**Code Enforcement & Zoning (Tener/Schoonover) (3 Readings)**

**SECOND READING**

NONE.

**FIRST READING**

Temp Ord #12-18 AN ORDINANCE TO GRANT AN EASEMENT NECESSARY  
FOR THE PROVISION OF ELECTRIC SERVICES  
**Law (Groff)**

**TABLED LEGISLATION**

NONE.

**UNFINISHED BUSINESS**

**NEW BUSINESS/PRESENTATIONS**

**ANNOUNCEMENT OF SCHEDULED MEETINGS**

**REGULARLY SCHEDULED CITY COUNCIL MEETINGS**

1. August 27, 2018 at 7:00 p.m.
2. September 10, 2018 at 7:00 p.m.

**REGULARLY SCHEDULED COMMITTEE MEETINGS**

1. Finance – August 27, 2018 at 6:00 p.m. – Council Chambers
2. Finance – September 10, 2018 at 6:00 p.m. – Council Chambers
3. Law – September 12, 2018 at 9:00 a.m. – FCMC Community Room

**SPECIAL SCHEDULED MEETINGS**

1. None

**READING OF BILLS  
EXECUTIVE SESSION  
ADJOURNMENT**

TEMPORARY RESOLUTION NO. 63-18

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

A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE, AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR IN THE WATER REPLACEMENT AND IMPROVEMENT FUND (625) AND WATER UTILITY RESERVE FUND (627) AND AUTHORIZE THE ISSUANCE OF A THEN AND NOW CERTIFICATE

WHEREAS, a roof replacement on a building needs to be completed at the South Water Treatment Plant Facility on the East and North Roof Replacement; and

WHEREAS, funds are being transferred from the Water Utility Reserve Fund (627) to the Water Replacement & Improvement Fund (625) to make the necessary payments for the roof replacement;

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

SECTION 1. That the City of Lancaster Auditor amend the Certificate of Appropriations with the County Auditor in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) in the Water Utility Reserve Fund (627).

SECTION 2. That the City of Lancaster Auditor appropriate from the unencumbered balance in the expense account 627.650.5926 (Transfer/Water R&I) for the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) in the Water Utility Reserve Fund (627).

SECTION 3. That the City of Lancaster Auditor complete a Fund to Fund Transfer for Four Hundred Fifty Thousand Dollars (\$450,000.00) from the Water Utility Reserve Fund (627) expense account 627.650.5926 (Transfer/Water R&I) to the Water Replacement & Improvement Fund (625) revenue account 625.072.4301 (Imp-S Water Plt/WF).

SECTION 4. That the City of Lancaster Auditor amend the Certificate of Other Sources and Appropriations with the County Auditor in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) in the Water Replacement & Improvement Fund (625).

SECTION 5. That the City of Lancaster Auditor increase estimated revenue in account 625.072.4301 (imp-S Water Plt/WF) in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00).

SECTION 6. That the City of Lancaster Auditor appropriate from the unencumbered balance the sum of Four Hundred Fifty Thousand Dollars (\$450,000.00) into expense account 625.072.5603 (Imp-S Water Plt/WF).

SECTION 7. City Council is hereby authorizing the issuance of a Then and Now Certificate to make payment to Garland/DBS, Inc. for the roof replacement at the Lawrence Street Water Pollution Control Facility.

SECTION 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 Water/Water Pollution Control Committee

TEMPORARY RESOLUTION NO. 64-18

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

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

WHEREAS, with the increased number of programs offered and the labor it takes to facilitate these programs, there is a need for additional funds to proceed;

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

SECTION 1. That the City of Lancaster Auditor amend the Certificate of Appropriations with the County Auditor in the amount of Eighty Thousand Dollars (\$80,000.00) in the Park Fund (212).

SECTION 2. That the City of Lancaster Auditor appropriate from the unencumbered balance in the Park Fund (212) in the amount of Eighty Thousand Dollars (\$80,000.00) into the following expense accounts:

212.500.5203, Contract Labor Parks	\$15,000.00
212.500.5300, Incidentals and Supplies	\$10,000.00
212.500.5306, Utilities Parks	\$ 5,000.00
212.500.5402, Refunds Parks	\$ 5,000.00
212.502.5203, Contract Labor Seniors	\$15,000.00
212.503.5203, Contract Labor Recreation	\$15,000.00
212.504.5203, Contract Labor Outdoor Education	<u>\$15,000.00</u>
	\$80,000.00

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 RESOLUTION NO. 65-18

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

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

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Lancaster is planning to make capital improvements to its 2019 Culvert Repair and Replacement Project; and

WHEREAS, the infrastructure improvements herein above described are considered to be a priority need for the community and is a qualified project under the Ohio Public Works Commission Program;

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

SECTION 1. That the Mayor is hereby authorized to apply to the OPWC for funds as described above.

SECTION 2. That the Mayor is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

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

\_\_\_\_\_  
Mayor

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

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

Requested by Water/Water Pollution Control Committee

TEMPORARY RESOLUTION NO. 66-18

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

A RESOLUTION TO AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR AND APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE STORMWATER FUND (606)

WHEREAS, the Stormwater Utility Fund has been asked to provide funds for legal fees;

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

SECTION 1. That the City of Lancaster Auditor amend the Certificate of Appropriations with the County Auditor in the amount of Ten Thousand Dollars (\$10,000.00) in the Stormwater Fund (606).

SECTION 2. That the City of Lancaster Auditor appropriate from the unencumbered balance in the Stormwater Fund (606) in the amount of Ten Thousand Dollars (\$10,000.00) into expense account number 606.640.5207 (Legal Fees).

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 Water/Water Pollution Control Committee



TEMPORARY RESOLUTION NO. 67-18

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

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

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvement to public infrastructure; and

WHEREAS, the City of Lancaster is planning to make capital improvements to the Ety Road Safety Improvements Project; and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the Ohio Public Works Commission Program;

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

SECTION 1. That the Mayor is hereby authorized to apply to the OPWC for funds as described above.

SECTION 2. That the Mayor is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

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: \_\_\_\_\_

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

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

\_\_\_\_\_  
Mayor

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

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

Requested by Public Works Committee

TEMPORARY RESOLUTION NO. 68-18

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

A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE AND AMEND THE CERTIFICATE OF APPROPRIATION WITH THE COUNTY AUDITOR IN THE GENERAL FUND (101) FOR CONTRACT LABOR

WHEREAS, funds are needed to cover the insurance deductible in the defense of a federal lawsuit;

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

SECTION 1. That the City of Lancaster Auditor amend the Certificate of Appropriation with the County Auditor in the General Fund (101) by Fifteen Thousand Dollars (\$15,000.00).

SECTION 2. That the City of Lancaster Auditor appropriate from the unencumbered balance the sum of Fifteen Thousand Dollars (\$15,000.00) to account number 101.200.5203, Contract Labor.

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 Finance Committee

TEMPORARY ORDINANCE NO. 12-18

PERMANENT ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO GRANT AN EASEMENT NECESSARY FOR THE PROVISION OF ELECTRIC SERVICES

WHEREAS, there exists a real and present need to grant said easement for the installation of electric services by Ohio Power Company, a unit of American Electric Power;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. The following easement be granted under terms and conditions substantially similar to Exhibit A attached hereto:

<u>PROPERTY OWNER</u>	<u>PERMANENT EASEMENT</u>	<u>EXHIBIT</u>
City of Lancaster	0.099 +/- Acres	A

SECTION 2. As a condition, Ohio Power Company/AEP shall pay all costs associated with the acceptance of this property. This shall include, but shall not be limited to, costs for preparing a deed of conveyance, costs for preparing all documents such as a sale contract, costs of closing, and all property transfer fees.

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

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

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

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

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

\_\_\_\_\_  
Mayor

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

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

Requested by Law Committee

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

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

Line Name: Thornville – Lancaster  
Line No.: TLN160:05032  
Easement No.: 282

### EASEMENT AND RIGHT-OF-WAY

It is hereby agreed that THE CITY OF LANCASTER, OHIO, AN OHIO MUNICIPAL CORPORATION, 104 East Main Street, Lancaster, Ohio, 43130, hereinafter called “Grantor” for Ten and No/100 Dollars (\$10.00) and other valuable consideration paid by OHIO POWER COMPANY, AN OHIO CORPORATION AND UNIT OF AMERICAN ELECTRIC POWER, whose principal business address is 1 Riverside Plaza, Columbus, Ohio, 43215, hereinafter called “Grantee” grants to Grantee:

**a 0.099+/- Acres permanent easement and right of way over, under, upon and across the following described 2.08 Acres tract of real property of Grantor (Parcel No. 0535803000) as further described in Exhibit A which is attached hereto and hereby incorporated herein,**

The easement granted in this agreement shall be used solely for the purpose of the installation, operation, repair, maintenance, inspection, rebuilding, replacing, relocating, and removing of electric and other current/future energy or communication lines and appurtenant facilities and for entering and re-entering said premises for the stated purposes.

The easement shall be permanent and shall be Twenty (20) feet wide lying Ten (10) feet on each side of the facilities as constructed. A drawing showing the approximate location of the permanent easement is attached hereto as Exhibit A.

Grantor hereby warrants that Grantor has full power and authority to grant this easement and has a good and indefeasible fee simple title to the above described easement premises, free and clear of all liens and encumbrances, except those of record which do not unreasonably interfere with the uses herein described, and agrees to forever defend the above described easements and rights unto Grantee, Grantee’s successors and assigns, against every person or entity lawfully claiming or to claim the easement property or any part of it, except as noted above.

This easement shall be binding on, and shall inure to the benefit of, the successors and assigns of the parties hereto. Where the term Grantor or Grantee is used herein, the term shall be deemed to include the successors and assigns of that party.

In addition to the easement, rights, and privileges conveyed in this instrument, Grantee shall have the right to use as much of the surface of the property of Grantor as may be reasonably necessary to construct and install within the right of way granted hereby the facilities contemplated by this grant and the right to remove all trees and/or brush or other obstructions that interfere with the use of the Easement. Upon the completion of the construction, installation, repair, maintenance, rebuilding, replacing, relocating, or removing of said electric and other current/future energy or communication lines, Grantee shall replace and restore the surface to the condition as near as possible to what it was in prior to said construction, maintenance, rebuilding, replacing, relocating, and/or removing of said electrical facilities.

Grantor also retains, reserves, and shall continue to enjoy use of the surface of the property for any and all purposes that do not interfere with or prevent the use by Grantee of the easements.

**Any remaining space on this page left intentionally blank. See next page for signatures.**



GRANTOR:  
City of Lancaster, Ohio  
An Ohio Municipal Corporation

---

DAVID L. SCHEFFLER  
MAYOR

State of Ohio  
County of Fairfield SS:

BEFORE ME, a Notary Public in and for said county and state, personally appeared the above-named David L. Scheffler, Mayor of the City of Lancaster, Ohio, an Ohio Municipal Corporation, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed on behalf of said Municipal Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Lancaster, Ohio, this \_\_\_\_\_ day of August, 2018.

---

Notary Public, State of Ohio

Prepared by:  
Randall T. Ullom  
Law Director & City Prosecutor  
City of Lancaster, Ohio  
136 West Main Street  
P.O. Box 1008  
Lancaster, Ohio 43130

**EXHIBIT "A"**

CITY OF LANCASTER  
 2.08 ACRES PG. 484  
 D.R.B. 344  
 PID: 0535803000

FW RENTALS, LLC  
 O.R. 1755 PG. 3611  
 2.0 ACRES  
 PID: 0535006200

EXHIBIT "A" PREPARED BY:  
 CENTRAL SURVEYING CO. LTD  
 7563 EAST MAIN ST.  
 REYNOLDSBURG OHIO 43068  
 614--864--1100

EASEMENT AREA CONTAINING  
 0.099± ACRES TOTAL  
 (EASEMENT LENGTH = 110')

PREGNANCY DECISION  
 HEALTH CENTERS  
 O.R. 1538 PG. 2182  
 1.0 ACRES  
 PID: 0535806100

POINT OF  
 BEGINNING

LANCASTER ESTATES, LTD.  
 D.B. 655 PG. 429  
 3.0 ACRES  
 PID: 0535008900

NOTES:  
 THIS DRAWING IS FOR EASEMENT PURPOSES ONLY AND HAS  
 BEEN COMPILED USING EXISTING PUBLIC RECORDS ALONG  
 WITH FIELD COLLECTED INFORMATION. SUBJECT TO ALL LEGAL  
 STREETS, HIGHWAYS, RIGHT-OF-WAYS, ALLEYS, EASEMENTS,  
 AGREEMENTS AND/OR CONDITIONS OF RECORD, IF ANY.

LINE	BEARING	DISTANCE
L1	N 03°00'13" E	40.11'
L2	N 82°34'51" E	109.68'
L3	S 03°17'20" W	39.67'
L4	S 82°20'07" W	109.56'

SITUATE: IN THE STATE OF OHIO, COUNTY OF  
 FAIRFIELD, CITY OF LANCASTER, SECTION 5,  
 TOWNSHIP 14, RANGE 18, BEING PART OF LOT 27,  
 AND BEING PART OF A 2.08 ACRE TRACT OF LAND  
 CONVEYED TO CITY OF LANCASTER AS RECORDED  
 IN DEED RECORD BOOK 344, PAGE 484. ALL  
 REFERENCES CONTAINED HEREIN ARE TO FAIRFIELD  
 COUNTY RECORDER'S RECORDS, LANCASTER, OHIO.  
 BASIS OF BEARINGS:  
 BEARINGS ARE BASED ON THE OHIO STATE PLANE  
 COORDINATE SYSTEM, NAD 83, OHIO SOUTH ZONE.



**OHIO POWER COMPANY**  
 EASEMENT ACROSS THE LANDS OF  
 CITY OF LANCASTER  
 CONTAINING 0.099± ACRES

Drawn By: JF  
 Scale: 1"=20'  
 File Name: OPGC0170919-EAS-QITM.LANCASTER  
 Revisions: 05/14/18

Checked By: WW  
 Date: 02/09/18  
 Drawing Number: 2017-0919