

LANCASTER CITY COUNCIL
LANCASTER, OHIO

June 10, 2019

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. Financial Advisory Committee Presentation

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

Temp Res #66-19

AN RESOLUTION ESTABLISHING THE COMMUNITY REINVESTMENT AREA 3 AND AUTHORIZING REAL PROPERTY TAX EXEMPTIONS UP TO 100% FOR UP TO 15 YEARS ON THE CONSTRUCTION OF NEW RESIDENTIAL UNITS AS ESTABLISHED BY SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE

Economic Development (McDaniel/Downour) (3 Readings)

SECOND READING

Temp Res #70-19

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SUBMIT TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT LANCASTER'S FISCAL YEAR (FY) 2019 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN AND STATEMENT OF OBJECTIVES AND AMENDMENTS

Economic Development (McDaniel/Groff) (3 Readings)

Temp Res #71-19

A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE PUBLIC SITES AND OPEN SPACES FUND (231), AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR

Service (Bobbitt/Woodgeard) (3 Readings)

Temp Res #72-19

A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE LDOT FUND (208), INCREASE RECEIPTS AND APPROPRIATIONS IN THE LDOT IMPROVEMENT FUND (314) THEN AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR

Public Works (Schoonover/Tener) (3 Readings)

Temp Res #73-19

A RESOLUTION ADOPTING THE 2020 TAX BUDGET OF

THE CITY OF LANCASTER FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020 AND SUBMITTING SAME TO THE FAIRFIELD COUNTY AUDITOR

Finance (Stoughton/Downour) (3 Readings)

Public Hearing – Monday, June 24, 2019 at 7:00 p.m.

Temp Res #74-19

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) AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR

Safety (Hall/Woodgeard) (2 Readings)

FIRST READING

Temp Res #75-19

A RESOLUTION AUTHORIZING THE LAW DIRECTOR’S OFFICE TO APPLY FOR THE VICTIM OF CRIMES ACT (VOCA) GRANT

Finance (Stoughton/Downour) (2 Readings)

Temp Res #76-19

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS FOR THE MEMORIAL DRIVE CULVERT REPAIR PROJECT

Water/WPC (Woodgeard) (3 Readings)

Temp Res #77-19

A RESOLUTION TO INCREASE RECEIPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE STORMWATER UTILITY RESERVE FUND (6219), AMEND THE CERTIFICATE OF OTHER SOURCES AND APPROPRIATIONS WITH THE COUNTY AUDITOR

Water/WPC (Woodgeard) (3 Readings)

READING OF ORDINANCES

THIRD READING

NONE.

SECOND READING

NONE.

FIRST READING

NONE.

TABLED LEGISLATION

Temp Ord #9-19

AN ORDINANCE TO REPLACE AND REPLACE LANCASTER CODIFIED ORDINANCE PART ONE – ADMINISTRATIVE CODE, TITLE NINE – TAXATION, CHAPTER 187 – MOTOR VEHICLE LICENSE TAX OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER

Public Works (Schoonover/Bobbitt) (2 Reading)

Temp Ord #10-19

AN ORDINANCE TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ACCEPT APPROXIMATELY TWENTY-ONE (21) ACRES, MORE OR LESS, OF PROPERTY SITUATED IN SECTION 33, TOWNSHIP 15, RANGE 19, TOWNSHIP OF GREENFIELD, FAIRFIELD COUNTY, OHIO FROM THE ESTATE OF D. MERRILL BOWERS
Service (Bobbitt/Tener) (3 Readings)

UNFINISHED BUSINESS

NEW BUSINESS/PRESENTATIONS

ANNOUNCEMENT OF SCHEDULED MEETINGS

REGULARLY SCHEDULED CITY COUNCIL MEETINGS

1. June 24th at 6:30 p.m.
 - a. Public Hearing Temporary Resolution 73-19
2. July 15th at 6:30 p.m.

REGULARLY SCHEDULED COMMITTEE MEETINGS

1. Law – June 12th at 9:00 a.m. – FCMC Community Room
2. Public Works – June 14th at 7:30 a.m. – LPT (Conference Room)
3. Water/WPC – June 19th at 7:00 a.m. – WPC (Conference Room)
4. Finance – June 24th at 6:00 p.m. – Council Chambers
5. Safety – June 26th at 7:30 a.m. – CH (2nd Floor CR)
6. IT/Telecom – June 27th at 7:30 a.m. – Annex Building (Conf. Room)

SPECIAL SCHEDULED MEETINGS

1. None

READING OF BILLS

EXECUTIVE SESSION

ADJOURNMENT

TEMPORARY RESOLUTION NO. 75-19

PERMANENT RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE LAW DIRECTOR'S OFFICE TO APPLY FOR THE VICTIM OF CRIMES ACT (VOCA) GRANT

WHEREAS, the solicitation release date on this grant is May 22, 2019; and

WHEREAS, the deadline for filing the grant is June 28, 2019; and

WHEREAS, the City of Lancaster will be notified on or about September 2019 if they are awarded the grant; and

WHEREAS, the project start date on this grant would be October 1, 2019;

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

SECTION 1. That the Law Director's Office is hereby authorized to apply for the Victims of Crime Act (VOCA) Grant by authorizing Randall Ullom or his designee to act on behalf of the City of Lancaster in applying for this grant.

SECTION 2. That the City of Lancaster is responsible for the grant match pursuant to the terms and conditions of the grant.

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 _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Finance Committee

TEMPORARY RESOLUTION NO. 76-19

PERMANENT RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS FOR THE MEMORIAL DRIVE CULVERT REPAIR PROJECT

WHEREAS, the existing culvert north of Whittier Drive has a failing headwall and pipe corrosion; and

WHEREAS, the failing headwall is impacting the existing guardrail and roadway;

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 for the Memorial Drive Culvert Repair Project.

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 _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Water/Water Pollution Control Committee

TEMPORARY RESOLUTION NO. 77-19

PERMANENT RESOLUTION NO. _____

A RESOLUTION TO INCREASE RECEIPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE STORMWATER UTILITY RESERVE FUND (6219), AMEND THE CERTIFICATE OF OTHER SOURCES AND APPROPRIATIONS WITH THE COUNTY AUDITOR

WHEREAS, the Stormwater Utility has received a settlement from Stockmeister Enterprises related to the lawsuit on the Glassco Park Project in the amount of Two Million One Hundred Six Thousand Eight Hundred Forty Five Dollars and Seventy-Six Cents (\$2,106,845.76); and

WHEREAS, Two Hundred Fifty Thousand Dollars (\$250,000.00) of settlement proceeds has been deposited in the Stormwater R&I Fund (621) to fund emergency repairs; and

WHEREAS, the remaining settlement funds in the amount of One Million Eight Hundred Fifty-Six Thousand Eight Hundred Forty-Five Dollars and Seventy-Six Cents (\$1,856,845.76) has been deposited in the Stormwater Utility Reserve Fund;

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

SECTION 1. That the City of Lancaster Auditor amend the Certificate of Other Sources and Appropriations with the County Auditor in the amount of One Million Eight Hundred Fifty-Six Thousand Eight Hundred Forty-Five Dollars and Seventy-Six Cents (\$1,856,845.76) in the Stormwater Utility Fund (619).

SECTION 2. That the City of Lancaster Auditor increase receipts in revenue account 619.0004301 (Stormwater Improvements) in the amount of One Million Eight Hundred Fifty-Six Thousand Eight Hundred Forty-Five Dollars and Seventy-Six Cents (\$1,856,845.76).

SECTION 3. That the City of Lancaster Auditor appropriate from the unencumbered balance in the amount of Seven Hundred One Million Eight Hundred Fifty-Six Thousand Eight Hundred Forty-Five Dollars and Seventy-Six Cents (\$1,856,845.76) into the following expense accounts:

619.003.5606,	Curbs	\$ 200,000.00
619.006.5606,	Glassco Park	\$1,481,845.76
619.063.5606,	Deeds Wetland	\$ 150,000.00
619.640.5606,	Retirement Reserve	\$ 25,000.00
	TOTAL	\$1,856,845.76

SECTION 4. 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 Water/Water Pollution Control Committee

TEMPORARY ORDINANCE NO. 9-19

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART ONE – ADMINISTRATIVE CODE, TITLE NINE – TAXATION, CHAPTER 187 – MOTOR VEHICLE LICENSE TAX OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER

WHEREAS, amended Substitute House Bill (H.B.) 62 of the 133rd General Assembly, in Ohio Revised Code § 4504.173, authorizes municipal corporations to levy and retain a \$5.00 motor vehicle registration tax on motor vehicles registered in the municipal corporation; and

WHEREAS, the tax revenue may be used for enforcing and administering the tax, for paying the costs associated with public roads, highways, bridges, viaducts, street and traffic signs, markers, signals, debt service obligations and similar purposes; and

WHEREAS, the City of Lancaster’s necessary expenditures to maintain and improve city streets currently exceeds the revenue allotted for street maintenance and improvements;

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

SECTION 1. That Part One – Administrative Code, Title Nine – Taxation, Chapter 187 – Motor Vehicle Tax be repealed and replaced pursuant to Exhibit “A” attached hereto and incorporated by reference herein.

SECTION 2. That the Council hereby finds that this Ordinance was deliberated upon and passed in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

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 Public Works Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2019 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

CHAPTER 187
Motor Vehicle License Tax

- 187.01 Ohio Revised Code Levy 4504.171.**
187.02 Ohio Revised Code Levy 4504.172~~Reductions and exemptions.~~
187.03 Ohio Revised Code Levy 4504.173~~Additional license tax.~~

CROSS REFERENCES

Authority to collect - see Ohio R.C. 4504.06

187.01 OHIO REVISED CODE LEVY 4504.171.

(a) This section will levy ~~There is hereby levied~~ an annual license tax, in addition to the tax levy by Ohio R.C. ~~4503.02, 4503.07 and 4503.18,~~ pursuant to Ohio R.C. 4504.171 upon the operation of motor vehicles on the public streets and highways. Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on all motor vehicles, the District of Registration of which, as defined in Ohio R.C. 4503.10, is in the Municipal Corporation of Lancaster, Ohio. Such tax shall be in addition to Ohio R.C. 4504.172 and 4504.173 and shall continue in effect until repealed.

(b) The tax shall be subject to reductions in the manner provided in Ohio R.C. 4503.11 and the exemptions provided in Ohio R.C. 4503.16, 4503.17, 4503.171, 4503.41 and 4503.43.

187.02 OHIO REVISED CODE LEVY 4504.172~~REDUCTIONS AND EXEMPTIONS.~~

~~The tax shall be subject to reductions in the manner provided in Ohio R.C. 4503.11 and the exemptions provided in Ohio R.C. 4503.16, 4503.17, 4503.171, 4503.17.1, 4503.41 and 4503.43.~~

(a) This section will levy an annual license tax pursuant to Ohio R.C. 4504.172 upon the operation of motor vehicles on the public streets and highways. Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on all motor vehicles, the District of Registration of which, as defined in Ohio R.C. 4503.10, is in the Municipal Corporation of Lancaster, Ohio. Such tax shall be in addition to Ohio R.C. 4504.171 and 4504.173 and shall continue in effect until repealed.

(b) The tax shall be subject to reductions in the manner provided in Ohio R.C. 4503.11 and the exemptions provided in Ohio R.C. 4503.16, 4503.17, 4503.171, 4503.41 and 4503.43.

187.03 OHIO REVISED CODE LEVY 4504.173~~ADDITIONAL LICENSE TAX.~~

(a) This section will levy an annual license tax pursuant to Ohio R.C. 4504.173 ~~in addition to the tax levy renewed and extended in Ordinance 18-96 through Ohio R.C. 4504.06,~~ upon the operation of motor vehicles on the public streets and highways. Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on all motor vehicles, the District of Registration of which, as defined in Ohio R.C. 4503.10, is in the Municipal Corporation of Lancaster, Ohio. Such tax shall be in addition to Ohio R.C. 4504.171 and 4504.172 and shall continue in effect until repealed.

(b) The tax shall be subject to reductions in the manner provided in Ohio R.C. 4503.11 and the exemptions provided in Ohio R.C. 4503.16, 4503.17, ~~4503.171, 4503.41~~ 4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 4503.571.

CODIFIED ORDINANCES OF LANCASTER



TEMPORARY ORDINANCE NO. 10-19

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ACCEPT APPROXIMATELY TWENTY-ONE (21) ACRES, MORE OR LESS, OF PROPERTY SITUATED IN SECTION 33, TOWNSHIP 15, RANGE 19, TOWNSHIP OF GREENFIELD, FAIRFIELD COUNTY, OHIO FROM THE ESTATE OF D. MERRILL BOWERS

WHEREAS, the Estate of D. Merill Bowers wishes to donate a parcel of property in Section 33, Township 15, Range 19, said property being in Greenfield Township, Fairfield County, Ohio consisting of approximately Twenty-One (21) acres, more or less, to the City of Lancaster for use by the City and Parks Department as the Bowers Memorial Park;

WHEREAS, The City of Lancaster Park Board formally approved accepting this donation at its January 9, 2019 meeting;

BE IT ORDAINED by the Council of the City of Lancaster, Fairfield County, State of Ohio

SECTION 1. That the Service-Safety Director is hereby authorized to accept approximately Twenty-One (21) acres, more or less, from the Estate of D. Merrill Bowers situated in Section 33, Township 15, Range 19, said property being in Greenfield Township, Fairfield County, Ohio. The property to be accepted is a portion of that previously recorded in OR Book 1783, Page 2482 of the records of the Fairfield County Recorder.

SECTION 3. The Service-Safety Director is hereby authorized to execute, acknowledge, deliver and perform, in the name of the city, all necessary paperwork to effectuate this real estate transaction including, but not limited to, a donation agreement to accept the property, a reciprocal drainage easement with the adjoining property owner, and the lot split documents.

SECTION 2. The following parcels be accepted as shown in the attachment:

<u>PROPERTY OWNER</u>	<u>PARCEL #</u>	<u>&</u>	<u>ACREAGE</u>	<u>EXHIBIT</u>
Estate of D. Merrill Bowers	To be split from 014-01125-00		20.611 Acres	A

SECTION 3. 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 Service Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2019 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council



Situated in the State of Ohio, County of Fairfield, Township of Greenfield, Township 15, Range 19, Section 33.

Being 20.611 acres of the 113 acre tract as described in Official Record 1783, Page 2482, and being more fully described as follows:

Beginning at a point in Wilson Road, on the south line of the aforementioned 113 acre tract and at the southeast corner of a 1.675 acre tract described in Official Record 1442, Page 391, said point is located South $86^{\circ} 06' 49''$ East a distance of 1078.92 feet from the southwest corner of the northwest quarter of Section 33;

Thence North $03^{\circ} 53' 11''$ East, passing a $5/8$ inch rebar found at 22.99 feet, a total distance of 62.00 feet to a $3/4$ inch rebar found at the northeast corner of the aforementioned 1.675 acre tract;

Thence with a line of the 1.675 acre tract North $79^{\circ} 34' 45''$ West a distance of 434.69 feet to a $5/8$ inch rebar set;

Thence North $15^{\circ} 30' 34''$ East a distance of 338.07 feet to a $5/8$ inch rebar set;
Thence North $45^{\circ} 47' 57''$ East a distance of 309.30 feet to a $5/8$ inch rebar set;
Thence North $57^{\circ} 09' 15''$ East a distance of 287.52 feet to a $5/8$ inch rebar set;
Thence North $66^{\circ} 14' 06''$ East a distance of 180.53 feet to a $5/8$ inch rebar set;
Thence North $49^{\circ} 52' 58''$ East a distance of 128.96 feet to a $5/8$ inch rebar set;
Thence North $61^{\circ} 07' 08''$ East a distance of 517.65 feet to a $5/8$ inch rebar set;
Thence North $81^{\circ} 41' 24''$ East a distance of 86.89 feet to a $5/8$ inch rebar set on the east line of the 113 acre tract;

Thence South $04^{\circ} 03' 58''$ West a distance of 831.80 feet to a $1/2$ inch rebar found at the northeast corner of the 5 acre tract described in Official Record 1516, Page 171;

Thence North $86^{\circ} 09' 47''$ West a distance of 450.00 feet to a $1/2$ inch rebar found at the northwest corner of the aforementioned 5 acre tract;

Thence South $04^{\circ} 03' 58''$ West, passing a $1/2$ inch rebar found at 454.25 feet, a total distance of 484.00 feet to a point in Wilson Road, on the south line of the 113 acre tract and being the southwest corner of the 5 acre tract;

Thence North $86^{\circ} 10' 46''$ West a distance of 392.04 feet to the point of beginning, containing **20.611 acres.**

Bearings are based on the ODOT right-of-way plan FAI-33-7.31. Rebars set are $5/8$ inch by 30 inches and have a yellow plastic identification cap stamped "Tobin-McFarland". For additional information see plat of survey made in conjunction with and considered an integral part of this description.

This description is based on a survey made in January of 2019 by Tobin-McFarland Surveying, Inc., and was prepared by Rodney McFarland, Registered Professional Surveyor No. 6416.

