

**LANCASTER CITY COUNCIL  
LANCASTER, OHIO**

**May 10, 2021**

**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**

NONE.

**SECOND READING**

Temp Res #52-21	A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN ENGINEERING AGREEMENT FOR THE WESTERN WATER TRANSMISSION MAIN PROJECT <b>Water/WPC (James/Tener) (2 Readings)</b>
Temp Res #57-21	A RESOLUTION TO APPROVE AN ENTERPRISE ZONE AGREEMENT WITH BLUE LABEL PACKAGING COMPANY d/b/a BLUE LABEL DIGITAL PRINTING AND ONE WRITE COMPANY <b>Finance (Stoughton/Bobbitt) (2 Reading)</b>

**FIRST READING**

Temp Res #59-21	A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) WATER SUPPLY REVOLVING LOAN ACCOUNT (WSRLA) PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED <b>Water/WPC (James/Hall) (2 Readings)</b>
Temp Res #60-21	A RESOLUTION TO INCREASE RECEIPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE, AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND (2073) AND APPROVE A THEN AND NOW CERTIFICATE <b>Economic Development (Stoughton/Crites) (1 Reading)</b>

- Temp Res #61-21      A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR A CONSTRUCTION MANAGER AT RISK AND SUBMIT REQUESTS FOR PROPOSALS FOR CAPITAL IMPROVEMENTS TO CITY HALL  
**Law (Hall/McDaniel) (3 Readings)**
- Temp Res #62-21      A RESOLUTION TO INCREASE RECEIPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE, AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR IN THE LOCAL FISCAL RECOVERY FUND (2052)  
**Finance (Stoughton/Crites) (1 Reading)**
- Temp Res #63-21      A RESOLUTION AUTHORIZING THE MAYOR TO SERVE ON THE OHIO PUBLIC WORKS COMMISSION DISTRICT SEVENTEEN INTEGRATING COMMITTEE  
**Law (Hall/Tener) (1 Reading)**

## READING OF ORDINANCES

### THIRD READING

NONE.

### SECOND READING

NONE.

### FIRST READING

- Temp Ord #15-21      AN ORDINANCE OF THE CITY OF LANCASTER TO EXPAND THE CURRENT DESIGNATED OUTDOOR REFRESHMENT AREA AND REPEAL AND REPLACE EXISTING LANCASTER CODIFIED ORDINANCE PART SEVEN – BUSINESS REGULATION CODE; CHAPTER 705 — “OUTDOOR REFRESHMENT AREAS” OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER AND TO DECLARE AN EMERGENCY  
**Law (Hall/McDaniel) (3 Readings)**

## TABLED LEGISLATION

NONE.

## UNFINISHED BUSINESS

### NEW BUSINESS/PRESENTATIONS

### ANNOUNCEMENT OF SCHEDULED MEETINGS

#### REGULARLY SCHEDULED CITY COUNCIL MEETINGS

1. May 24<sup>th</sup> at 6:30 p.m.
2. June 14<sup>th</sup> at 6:30 p.m.

#### SPECIAL SCHEDULED MEETINGS

1. None

#### REGULARLY SCHEDULED COMMITTEE MEETINGS

1. Water/WPC – May 12<sup>th</sup> at 8:00 a.m. – City Hall 1897 CR
2. Law Committee – May 12<sup>th</sup> at 9:30 a.m. – City Hall 1897 CR
3. Economic Development – May 20<sup>th</sup> at 7:30 a.m. – City Hall 1897 CR

4. Finance – May 24<sup>th</sup> at 6:00 p.m. – Council Chambers
5. Service – June 4<sup>th</sup> at 7:30 a.m. – City Hall 1897 CR
6. Code Enforcement – June 7<sup>th</sup> at 8:00 a.m. – City Hall 1897 CR
7. Water/WPC – June 9<sup>th</sup> at 8:00 a.m. – City Hall 1897 CR

**READING OF BILLS**  
**EXECUTIVE SESSION**  
**ADJOURNMENT**

TEMPORARY RESOLUTION NO. 59-21

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

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) WATER SUPPLY REVOLVING LOAN ACCOUNT (WSRLA) PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED

WHEREAS, the OEPA WSRLA Program is providing financial assistance, in the form of low interest loans, to political subdivisions for drinking water projects; and

WHEREAS, the City of Lancaster is planning to make capital improvements to its drinking water system by replacing the water treatment plant in Miller Park as part of the North Water Treatment Plant (NWTP) Replacement Project; and

WHEREAS, the City currently anticipates utilizing the WSRLA program to pay the costs for both the design and construction of the project, which combined is expected to cost between Forty and Fifty Million Dollars (\$40,000,000.00 - \$50,000,000.00); and

WHEREAS, the final loan amount will be determined after the public opening of bids, which is tentatively scheduled for the summer of 2022; 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 OEPA WSRLA Program; and

WHEREAS, this will allow the City to utilize the WSRLA Funds for reimbursement of a portion of the funds being used for design costs and design work starting this month; and

WHEREAS, the loan will not be in place for at least a few more months, so it is the City's intention for the design costs that are incurred over the next few months to be reimbursed once the loan is secured;

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 OEPA 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

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

\_\_\_\_\_  
Mayor

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

Requested by Water/Water Pollution Control Committee

TEMPORARY RESOLUTION NO. 60-21

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

A RESOLUTION TO INCREASE RECEIPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE, AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND (2073) AND APPROVE A THEN AND NOW CERTIFICATE

WHEREAS, the City of Lancaster Community Development Department is receiving separate CARES Act Federal Grant Funding (CDBG-CV); and

WHEREAS, the CARES Act monies are to be used for working capital grants for small businesses and foreclosure prevention for homeowners;

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 Other Sources and Appropriations with the County Auditor in the amount of Five Hundred and Twenty Thousand One Hundred Fifty-Eight Dollars (\$520,158.00) in the Community Development Block Grant (CDBG) Fund (2073).

SECTION 2. That the City of Lancaster Auditor increase receipts in revenue account 2073.8011.43013 (CDBG-Coronavirus HUD) in the amount of Five Hundred and Twenty Thousand One Hundred Fifty-Eight Dollars (\$520,158.00).

SECTION 3. That the City of Lancaster Auditor appropriate form the unencumbered balance in the expense account 2073.8011.52034 (CDBG-Coronavirus HUD) in the amount of Five Hundred and Twenty Thousand One Hundred Fifty-Eight Dollars (\$520,158.00).

SECTION 4. That Lancaster City Council approve a Then and Now for payments that need to be made to participants of the grant that made request for payments prior to this legislation being passed.

SECTION 5. 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: \_\_\_\_\_

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

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

Requested by Economic Development Committee

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

\_\_\_\_\_  
Mayor

TEMPORARY RESOLUTION NO. 61-21

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

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR A CONSTRUCTION MANAGER AT RISK AND SUBMIT REQUESTS FOR PROPOSALS FOR CAPITAL IMPROVEMENTS TO CITY HALL

WHEREAS, City Hall is currently in need of capital improvements including repairs, renovations, and modernization; and

WHEREAS, City Hall is a listed property on the National Register of Historic Properties, so renovations require technical construction expertise specific to historic property; and

WHEREAS, the City would like to solicit statements of qualifications from qualified construction managers at risk to deliver this historically significant project; and

WHEREAS, the City would like to submit a Request for Proposals (RFP) to the three (3) most qualified construction managers at risk, prior to negotiating a contract for the necessary capital improvements to City Hall;

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

SECTION 1. That the Service-Safety Director is hereby authorized to advertise a Request for Qualifications for a construction manager at risk for providing capital improvements to City Hall.

SECTION 2. That the Service-Safety Director is hereby authorized to submit an RFP to the three (3) construction managers at risk the City deems most qualified based on its selection criteria.

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 Law Committee

TEMPORARY RESOLUTION NO. 62-21

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

A RESOLUTION TO INCREASE RECEIPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE, AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR IN THE LOCAL FISCAL RECOVERY FUND (2052)

WHEREAS, the City of Lancaster anticipates receiving Six Million Three Hundred Thousand Dollars (\$6,300,000.00) in Local Fiscal Recovery Fund money in 2021 and Six Million Three Hundred Thousand Dollars (\$6,300,000.00) in 2022; and

WHEREAS, revenue and expense budgets need to be set for the 2021 budget year to process the incoming Local Fiscal Recovery Fund money for 2021; and

WHEREAS, the reimbursement expenses from the Local Fiscal Recovery Fund will have detailed documentation that meet the grant terms and conditions before a reimbursement expense will be made;

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 Other Sources and Appropriations with the County Auditor in the amount of Six Million Three Hundred Thousand Dollars (\$6,300,000.00) in the Local Fiscal Recovery Fund (2052).

SECTION 2. That the City of Lancaster Auditor increase receipts in revenue account 2052.0000.43035 (Federal Local Fiscal Recovery Fund) in the amount of Six Million Three Hundred Thousand Dollars (\$6,300,000.00).

SECTION 3. That the City of Lancaster Auditor appropriate from the unencumbered balance in the following expense accounts:

2052.2860.52034, Local Business Reimb	\$1,000,000.00
2052.2860.59002, Transfer to LDOT	\$ 453,947.00
2052.2860.59015, Transfer to Parks	\$ 399,808.00
2052.2860.59038, Transfer to Muni Ct Clerk Computer	\$ 67,381.00
2052.2860.59041, Transfer to Gas	\$ 54,121.00
2052.2860.59042, Transfer to Sanitation	\$ 49,266.00
2052.2860.59043, Transfer to Storm Water	\$ 16,089.00
2052.2860.59044, Transfer to Water	\$4,174,040.00
2052.2860.59045, Transfer to Waste Water	\$ 82,140.00
2052.2860.59050, Transfer to Fuel Depot	\$ 3,171.00
TOTAL	\$6,300,000.00

SECTION 4. That Lancaster City Council will allow the City Auditor to complete any appropriation budget transfers within the Local Fiscal Recovery Fund (2052) as needed to process the Federal Grant money received by the City.



SECTION 5. 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 Finance Committee

TEMPORARY RESOLUTION NO. 63-21

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

A RESOLUTION AUTHORIZING THE MAYOR TO SERVE ON THE OHIO PUBLIC WORKS COMMISSION DISTRICT SEVENTEEN INTEGRATING COMMITTEE

WHEREAS, the Ohio Public Works Commission (OPWC) District Integrating Committees are responsible for reviewing, rating, and ranking project applications for the State Capital Improvement Program and the Local Transportation Improvement Program, administered by the OPWC; and

WHEREAS, the Mayor has been nominated for appointment to the OPWC District Seventeen Integrating Committee for the term commencing May of 2021 and ending May of 2024; and

WHEREAS, pursuant to Ohio Revised Code 164.04, the Mayor may appoint an alternate to fulfill his duties in his absence; and

WHEREAS, the Mayor desires that the City Engineer, Mitch Noland, serve as his alternate at the OPWC District Seventeen Integrating Committee;

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

SECTION 1. That Mayor Scheffler, and City Engineer Mitch Noland, as the Mayor's alternate, are authorized to represent the City of Lancaster on the OPWC District Seventeen Integrating Committee for the term commencing May of 2021 and ending May of 2024.

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: \_\_\_\_\_

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

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

\_\_\_\_\_  
Mayor

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

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

Requested by Law Committee

TEMPORARY ORDINANCE NO. 15-21

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

AN ORDINANCE OF THE CITY OF LANCASTER TO EXPAND THE CURRENT DESIGNATED OUTDOOR REFRESHMENT AREA AND REPEAL AND REPLACE EXISTING LANCASTER CODIFIED ORDINANCE PART SEVEN – BUSINESS REGULATION CODE; CHAPTER 705 — “OUTDOOR REFRESHMENT AREAS” OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER AND TO DECLARE AN EMERGENCY

WHEREAS, the City currently has a designated outdoor refreshment area (DORA) and would like to expand the boundaries in order to revitalize a larger portion of downtown Lancaster and promote economic development within the expansion area; and

WHEREAS, in order to expand the boundaries of the DORA, pursuant to Lancaster Codified Ordinance (LCO) 705.02(a) the Mayor is required to apply to City Council and demonstrate that the proposed DORA will conform with the requirements set forth in LCO 705.02(a)(1)-(5); and

WHEREAS, the DORA application on file with the Clerk of Council corroborates the expanded DORA will meet these requirements: and

WHEREAS, additional changes are needed to the existing Lancaster Codified Ordinance 705 to accomplish this.

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

SECTION 1. That Lancaster Codified Ordinance Part Seven Business Regulations Code; Chapter 705 – Outdoor Refreshment Areas – is hereby repealed and replaced and adopted to read as demonstrated by Exhibit “A” attached hereto.

SECTION 2. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Lancaster City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3. That nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance cited in Section 1 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 4. That the Clerk of Council is hereby ordered and directed to cause this ordinance to be published.

SECTION 5. That in the interest of the health, safety, and welfare of the community and more specifically in furtherance of the economic development and revitalization of downtown Lancaster, City Council does hereby declare an emergency so that this ordinance shall take effect and be in full force immediately.

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

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

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

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

\_\_\_\_\_  
Mayor

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

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

Requested by Law Committee

I, \_\_\_\_\_, Clerk of Council do hereby certify that on \_\_\_\_\_, 2021 and \_\_\_\_\_, 2021 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

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

**Chapter 705. Designated Outdoor Refreshment Areas.**

**Sec. 705.01. Definitions**

As used in this Chapter:

- (a) “Qualified permit holder” means the holder of an A-1, A-1-A, A-1c, A-2, or D permit issued under Chapter 4303 of the Ohio Revised Code (“ORC”).
- (b) “**Designated** outdoor refreshment area” shall mean a designated territory in the city of Lancaster, no larger than one-half square mile, within which no fewer than four businesses with liquor permits may sell beer or intoxicating liquor for on-premises consumption and for consumption off-premises but within the outdoor refreshment area, in accordance with ORC §§ 4301.62 and 4301.82.

**Sec. 705.02. Creation of Designated Outdoor Refreshment Areas.**

- (a) The Mayor may file an application with city council to have property within the city of Lancaster designated as a **designated** outdoor refreshment area or to expand an existing **designated** outdoor refreshment area to include additional property within the city, in accordance with ORC §§ 4301.62 and 4301.82. The Mayor or his or her designee shall ensure that the application contains all of the following:
  - (1) A map or survey of the proposed **designated** outdoor refreshment area, which shall not exceed three hundred and twenty contiguous acres or one-half square mile, in sufficient detail to identify the boundaries of the area;
  - (2) A general statement of the nature and types of establishments that will be located within the proposed **designated** outdoor refreshment area;
  - (3) A statement that the proposed **designated** outdoor refreshment area will encompass not fewer than four qualified permit holders;
  - (4) Evidence that the uses of land within the proposed outdoor refreshment area is in accordance with the master zoning plan or map of the city; and
  - (5) Proposed requirements for the purpose of ensuring safety within the proposed **designated** outdoor refreshment area.
- (b) Notice and time requirements.
  - (1) Within forty-five days after the date the application is filed with city council, city council shall publish public notice of the application once a week for two consecutive weeks in one newspaper of general circulation in the city of Lancaster or as provided in ORC § 7.16. City council shall ensure that the notice states that the application is on file in the office of the clerk of council and is available for inspection by the public during regular business hours. City council also shall indicate in the notice the date and time of any public hearing to be held regarding the application by city council.
  - (2) Not earlier than thirty but not later than sixty days after the initial publication of notice, city council shall approve or disapprove the application by ordinance. Approval of an application requires an affirmative vote of a majority of city council.
- (c) Upon approval of the application by city council, the territory described in the application shall constitute a **designated** outdoor refreshment area. City council shall provide to the Ohio division of liquor control notice of the approval of the application and a description of the area specified in the application. If city

council disapproves the application, the Mayor may make changes in the application to secure its approval by city council.

- (d) The number of **designated** outdoor refreshment areas is limited as provided in ORC § 4301.82 or any successor statute.
- (e) As soon as possible after receiving notice that a **designated** outdoor refreshment area has been approved, the Ohio division of liquor control, for purposes of ORC § 4301.62, shall issue a **designated** outdoor refreshment area designation to each qualified permit holder located within the refreshment area that is in compliance with all applicable requirements under ORC Chapters 4301 and 4303. The division shall not charge any fee for the issuance of the designation. Any permit holder that receives such a designation shall comply with all laws, rules, and regulations that govern its license type and, if applicable, any safety requirements established for the **designated** outdoor refreshment area under division (F) of this section.
- (f) Safety requirements and modification of existing **designated** outdoor refreshment areas.
  - (1) At the time of the creation of a **designated** outdoor refreshment area or any time thereafter, city council may adopt an ordinance that establishes requirements city council determines necessary to ensure safety within the area. City council may, but is not required to, include in the ordinance any safety requirements proposed in an application under division (a) of this section to designate or expand the **designated** outdoor refreshment area. City council may subsequently modify the safety requirements as it determines necessary.
  - (2) Prior to adopting an ordinance under this subsection, city council shall give notice of its proposed action by publication once a week for two consecutive weeks in one newspaper of general circulation in the city of Lancaster or as provided in ORC § 7.16.
  - (3) City council shall provide to the division of liquor control notice of any safety requirements established or modified under this subsection.
- (g) ORC § 4399.18 applies to a liquor permit holder located within an outdoor refreshment area in the same manner as if the liquor permit holder were not located in a **designated** outdoor refreshment area.

**Sec. 705.03. Review and Re-Approval of Existing Designated Outdoor Refreshment Areas.**

- (a) Five years after the date of creation of a **designated** outdoor refreshment area, city council shall review the operation of the area and shall, by ordinance, either approve the continued operation of the area or dissolve the area.
  - (1) Prior to adopting the ordinance, city council shall give notice of its proposed action by publication once a week for two consecutive weeks in one newspaper of general circulation in Lancaster or as provided in ORC § 7.16.
  - (2) If city council dissolves the **designated** outdoor refreshment area, the outdoor refreshment area ceases to exist. City council then shall provide notice of its action to the Ohio division of liquor control, and the division shall revoke all **designated** outdoor refreshment area designations issued to qualified permit holders within the dissolved area.
  - (3) If city council approves the continued operation of the outdoor refreshment area, the area continues in operation.

- (b) Five years after the approval of the continued operation of an outdoor refreshment area under division (a)(3) of this section, city council shall conduct a review in the same manner as provided in division (a) of this section. The legislative authority also shall conduct such a review five years after any subsequent approval of continued operation under this subsection of this section.
- (c) At any time, city council may, by ordinance, dissolve all or a part of the outdoor refreshment area.
  - (1) Prior to adopting the ordinance, city council shall give notice of its proposed action by publication once a week for two consecutive weeks in one newspaper of general circulation in Lancaster or as provided in ORC § 7.16.
  - (2) If city council dissolves all or part of a **designated** outdoor refreshment area, the area designated in the ordinance shall no longer constitute an outdoor refreshment area. City council shall provide notice of its actions to the division of liquor control. Upon receipt of the notice, the division shall revoke all **designated** outdoor refreshment area designations issued to qualified permit holders within the dissolved area or portion of the area.

**Sec. 705.04. Rules Governing Patrons in a Designated Outdoor Refreshment Area**

- (a) A person may possess an opened container of beer or intoxicating liquor at an outdoor location within a **designated** outdoor refreshment area created under ORC § 4301.82 if the opened container of beer or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:
  - (1) The permit holder's premises ~~is~~ **are** located within the **designated** outdoor refreshment area; and
  - (2) The permit held by the permit holder has a **designated** outdoor refreshment area designation.
- (b) Subsection (A) of this section does not authorize a person to do either of the following:
  - (1) Enter the premises of an establishment within a **designated** outdoor refreshment area while possessing an open container of beer or intoxicating liquor acquired elsewhere; or
  - (2) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within a **designated** outdoor refreshment area, unless the motor vehicle is stationary and is not being operated in a lane of vehicular travel or unless the possession is otherwise authorized under divisions (D), (E), or (F) of ORC § 4301.62.

**Sec. 705.05. Safety Requirements and Application Process for Designated Outdoor Refreshment Area**

- (a) Pursuant to 705.02(f)(1), in the interest of the safety of the city, city council authorizes the Service Safety Director to create and implement **safety requirements** ~~an application process for the designated outdoor refreshment area events. City council vests the authority to approve or deny applications for designated outdoor refreshment area events exclusively in the Service Safety Director.~~
- (b) City council authorizes the Service Safety Director to create and post appropriate signage designating the boundaries of the **designated** outdoor refreshment area.

- (c) City council authorizes the Service Safety Director to coordinate with designated permit holders to determine the type of cup that shall be used by all designated permit holders ~~during open~~ **in the designated outdoor** refreshment area ~~events~~.