

**LANCASTER CITY COUNCIL
LANCASTER, OHIO**

July 18, 2022

**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 AND 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 #90-22 | A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CONTRACT WITH SCHOOLEY CALDWELL AS THE CITY'S DESIGN PROFESSIONAL FOR THE REHABILITATION OF CITY HALL AND TO APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE CAPITAL IMPROVEMENT FUND AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR Finance (McDaniel/Crites) (2 Readings) |
|-----------------|--|

FIRST READING

| | |
|-----------------|--|
| Temp Res #94-22 | A RESOLUTION TO AMEND THE CERTIFICATE OF APPROPRIATION WITH THE COUNTY AUDITOR AND APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE GENERAL FUND (1001) Finance (Stoughton/McDaniel) (3 Readings) |
| Temp Res #95-22 | A RESOLUTION TO AMEND THE CERTIFICATE OF APPROPRIATION WITH THE COUNTY AUDITOR AND APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE GENERAL FUND (1001) Finance (Stoughton/Crites) (1 Reading) |
| Temp Res #96-22 | A RESOLUTION TO INCREASE RECEIPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE, AND AMEND THE CERTIFICATE OF OTHER SOURCES AND APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE MUNI CT/JUDICIAL/DRUG CT/ADAMH FUND (2039) Finance (Stoughton/McDaniel) (1 or 2 Readings) |

Temp Res #97-22

A RESOLUTION TO AUTHORIZE THE ISSUANCE OF A THEN AND NOW CERTIFICATE TO PAY AN INVOICE TO WHITING SERVICES, INC.

Water/WPC (James/Mattlin) (1 Reading)

READING OF ORDINANCES

THIRD READING

NONE.

SECOND READING

NONE.

FIRST READING

Temp Ord #21-22

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART THREE – TRAFFIC CODE, TITLE SEVEN – PARKING, CHAPTER 351 PARKING GENERALLY, SECTION 351.15 PARKING DURING SNOW REMOVAL OR STREET CLEANING AND PART THREE – TRAFFIC CODE, TITLE ONE – ADMINISTRATION, CHAPTER 303 ENFORCEMENT, IMPOUNDING AND PENALTY, SECTION 303.08 IMPOUNDING OF VEHICLES; REDEMPTION OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER

Law (Crites/Schoonover) (2 Readings)

Temp Ord #22-22

AN ORDINANCE TO GRANT AN EASEMENT TO SUMMITIG, LLC FOR THE INSTALLATION AND MAINTENANCE OF A FIBER OPTIC TELECOMMUNICATIONS SYSTEM OVER AND THROUGH 0.554 +/- ACRES OF CITY OF LANCASTER PROPERTY

Public Works (Schoonover/James) (1 Reading)

TABLED LEGISLATION

NONE.

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENT OF SCHEDULED MEETINGS

REGULARLY SCHEDULED CITY COUNCIL MEETINGS

1. August 8th at 6:30 p.m.
2. August 22nd at 6:30 p.m.

SPECIAL SCHEDULED MEETINGS

1. None.

REGULARLY SCHEDULED COMMITTEE MEETINGS

1. Law – August 3rd at 11:30 a.m. – 1897 CR
2. Code Enforcement – August 8th at 7:30 a.m. – 1897 CR
3. Finance – August 8th at 6:00 p.m. – Council Chambers
4. Water/WPC – August 10th at 8:30 a.m. – 1897 CR
5. Public Works – August 12th at 7:30 a.m. – 1897 CR
6. Economic Development – August 18th at 7:30 a.m. – 1897 CR

**READING OF BILLS
EXECUTIVE SESSION (if needed)
ADJOURNMENT**

TEMPORARY RESOLUTION NO. 94-22

PERMANENT RESOLUTION NO. _____

A RESOLUTION TO AMEND THE CERTIFICATE OF APPROPRIATION WITH THE COUNTY AUDITOR AND APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE GENERAL FUND (1001)

WHEREAS, there has been an increase in claims for indigent burial in 2022; and

WHEREAS, an additional appropriation is needed to cover future applications for indigent burials for the remainder of 2022;

BE IT RESOLVED BY THE 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 Nine Thousand Five Hundred Dollars (\$9,500.00) in the General Fund (1001).

SECTION 2. That the City of Lancaster Auditor appropriate from the unencumbered balance in the General Fund (1001) in expense account 1001.4000.54010 (Indigent Burials) in the amount of Nine Thousand Five Hundred Dollars (\$9,500.00).

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: _____

Offered by: _____

Second by: _____

Requested by Finance Committee

President of Council

Mayor

TEMPORARY RESOLUTION NO. 95-22

PERMANENT RESOLUTION NO. _____

A RESOLUTION TO AMEND THE CERTIFICATE OF APPROPRIATION WITH THE COUNTY AUDITOR AND APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE GENERAL FUND (1001)

WHEREAS, funds were not budgeted in the Municipal Clerk's Office overtime line item; and

WHEREAS, at the end of payroll 13, the Clerk's Office had an employee who was owed one hour of comp time upon her departure from the office; and

WHEREAS, this created a Seventeen Dollar and Twenty-Eight Cent (\$17.28) deficit in the Municipal Clerk's overtime line item; and

WHEREAS, an appropriation is needed to cover the immediate shortfall and any future overtime payments necessary for the remainder of 2022;

BE IT RESOLVED BY THE 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 Two Thousand Five Hundred Dollars (\$2,500.00) in the General Fund (1001).

SECTION 2. That the City of Lancaster Auditor appropriate from the unencumbered balance in the General Fund (1001) in expense account 1001.2250.51003 (Overtime Municipal Court/Clerk's Office) in the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

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: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Finance Committee

TEMPORARY RESOLUTION NO. 96-22

PERMANENT RESOLUTION NO. _____

A RESOLUTION TO INCREASE RECEIPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE, AND AMEND THE CERTIFICATE OF OTHER SOURCES AND APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE MUNI CT/JUDICIAL/DRUG CT/ADAMH FUND (2039)

WHEREAS, the Fairfield County Municipal Court needs to appropriate an additional One Hundred Thirty Thousand Dollars (\$130,000.00) in funds from surplus monies in the Indigent Drivers Alcohol Treatment Fund to cover expenses for the "Fresh Start" Drug Court Program; and

WHEREAS, the Court intends to use these funds to pay for contract services and drug and alcohol testing supplies;

BE IT RESOLVED BY THE 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 One Hundred Thirty Thousand Dollars (\$130,000.00) in the Muni CT/Judicial/Drug CT/ADAMH Fund (2039).

SECTION 2. That the City of Lancaster Auditor increase receipts in revenue account 2039.0000.49086 (Muni CT/Judicial/Drug CT/ADAMH Transfer In) in the amount of One Hundred Thirty Thousand Dollars (\$130,000.00)

SECTION 3. That the City of Lancaster Auditor appropriate the sum of One Hundred Thirty Thousand Dollars (\$130,000.00) into the following expense accounts:

| | |
|---------------------------------------|---------------------|
| 2039.2550.52034, Contractual Services | \$ 65,000.00 |
| 2039.2550.53000, Supplies | <u>\$ 65,000.00</u> |
| TOTAL | \$130,000.00 |

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 Finance Committee

TEMPORARY RESOLUTION NO. 97-22

PERMANENT RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE ISSUANCE OF A THEN AND NOW CERTIFICATE TO PAY AN INVOICE TO WHITING SERVICES, INC.

WHEREAS, the Water Pollution Control Department received an invoice for Mobile Truck Crane Training that was provided in March of 2022; and

WHEREAS, because the purchase order for this training was created after the training was performed, a Then and Now Certificate is required.

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

SECTION 1. That Lancaster City Council authorize a Then and Now Certificate for payment to Whiting Services, Inc., in the amount of Four Thousand Eight Hundred Ninety-Two Dollars and Fifty Cents (\$4,892.50), from expense account 6004.6750.52011 (Training).

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: _____

Offered by: _____

Second by: _____

Requested by Water/Water Pollution Control Committee

President of Council

Mayor

TEMPORARY ORDINANCE NO. 21-22

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART THREE – TRAFFIC CODE, TITLE SEVEN – PARKING, CHAPTER 351 PARKING GENERALLY, SECTION 351.15 PARKING DURING SNOW REMOVAL OR STREET CLEANING AND PART THREE – TRAFFIC CODE, TITLE ONE – ADMINISTRATION, CHAPTER 303 ENFORCEMENT, IMPOUNDING AND PENALTY, SECTION 303.08 IMPOUNDING OF VEHICLES; REDEMPTION OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER

WHEREAS, annually, summer paving and construction projects encounter regular delays due to vehicles parked in marked paving and construction zones; and

WHEREAS, these vehicles result in increased construction costs and tie up police officers trying to determine and locate their owners; and

WHEREAS, these issues could be remediated by authorizing the Service-Safety Director to prohibit parking temporarily in paving and construction areas, as he is already authorized to do for snow removal and street cleaning pursuant to Lancaster Codified Ordinance (“LCO”) 351.15; and

WHEREAS, adding paving and construction to that LCO Section would allow vehicles parked in marked paving and construction zones where parking is temporarily prohibited by order of the Service-Safety Director to be removed and impounded in accordance with LCO 303.08, if necessary;

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

SECTION 1. That Part Three – Traffic Code, Title Seven – Parking, Chapter 351 Parking Generally, Section 351.15 Parking During Snow Removal or Street Cleaning of the Codified Ordinances of the City of Lancaster, be repealed and replaced pursuant to Exhibit “A” attached hereto and incorporated by reference herein.

SECTION 2. That Part Three – Traffic Code, Title One – Administration, Chapter 303 – Enforcement, Impounding and Penalty, Section 303.08 Impounding of Vehicles; Redemption of the Codified Ordinances of the City of Lancaster, be repealed and replaced pursuant to Exhibit “B” attached hereto and incorporated by reference herein.

SECTION 3. That City 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 4. 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

Offered by: _____

Second by: _____

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2022 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

EXHIBIT A

351.15 PARKING DURING SNOW REMOVAL, PAVING, CONSTRUCTION, OR STREET CLEANING.

(a) The Service-Safety Director is hereby authorized to prohibit parking temporarily on City streets where the City is in the process of removing snow, **paving, performing construction**, or cleaning the streets.

(b) The Service-Safety Director shall clearly designate and mark such streets on which parking will be prohibited temporarily for such purposes.

(c) Vehicles parked on the streets in violation of subsections (a) and (b) hereof **may** ~~shall~~ be removed and impounded in accordance with Section 303.08.
(Ord. 9-68. Passed 2-26-68.)

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning, **paving, construction**, or snow removal operations.
- (2) When any vehicle or "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 is left on private property for more than forty-eight consecutive hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving such vehicle in such place. Prior to disposal of an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63, it shall be photographed by a law enforcement officer.
- (3) When any vehicle has been stolen or operated without the consent of the owner and is located upon either public or private property.
- (4) When any vehicle displays illegal license plates or fails to display the current lawfully required plates and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (5) When any vehicle has been used in or connected with the commission of a felony and is located upon either public or private property.
- (6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property, and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (7) When any vehicle is left unattended either on public or private property due to the removal of an ill, injured or arrested operator, or due to the abandonment thereof by the operator during or immediately after pursuit by a law enforcement officer.
- (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision and is located either on public or private property.
- (9) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.
- (10) When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required, and is located

upon a public street or other property open to the public for purposes of vehicular travel or parking.

- (11) When the driver has been cited under a state or local law that requires the impoundment of the motor vehicle. (Ord. 29-02. Passed 8-26-02.)

(b) Any vehicle removed under authority of subsection (a)(2) hereof shall be ordered into storage and/or disposed of as provided under Ohio R.C. 4513.60 et seq. Any other vehicle removed under authority of this section shall be ordered into storage and the Municipal police shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the police offices to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges.

(c) No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima-facie evidence that it was so removed by the owner or operator.

(d) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

TEMPORARY ORDINANCE NO. 22-22

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO GRANT AN EASEMENT TO SUMMITIG, LLC FOR THE INSTALLATION AND MAINTENANCE OF A FIBER OPTIC TELECOMMUNICATIONS SYSTEM OVER AND THROUGH 0.554 +/- ACRES OF CITY OF LANCASTER PROPERTY

WHEREAS, SummitIG, LLC (“SummitIG”) is a public utility with current certificate 90-6451 issued by the Public Utilities Commission of Ohio (“PUCO”); and

WHEREAS, SummitIG is a contractor for Project Mustang and currently engaged in the construction of a fiber optic telecommunications system which will serve that important economic development project upon completion; and

WHEREAS, the most direct route for the conduit containing the fiber optic telecommunications system is over and through City of Lancaster (“City”) property; and

WHEREAS, in exchange for granting this easement, SummitIG has agreed to provide the City with one (1) HDPE conduit with a twenty-four (24) count fiber optic cable and twenty-one (21) handholes to access this dark fiber; and

WHEREAS, there exists a real and present need to grant said easement as SummitIG is prepared to start construction on this crucial telecommunications project immediately;

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

SECTION 1. The following easement shall be granted to SummitIG according to the terms and conditions in the easement document and plat of survey on file with the Clerk:

| <u>GRANTOR</u> | <u>GRANTEE</u> | <u>EASEMENT AREA</u> |
|-------------------|----------------|----------------------|
| City of Lancaster | SummitIG, LLC | 0.554 +/- Acres |

SECTION 2. SummitIG shall pay all costs associated with the acceptance of this easement, including but not limited to, costs for preparing and recording this easement.

SECTION 3. The easement in the form presently on file with the Clerk of Council is hereby approved and authorized with changes therein, if necessary, which are not inconsistent with this Ordinance and not substantially adverse to the City. The Mayor, for and in the name of the City, is hereby authorized to execute the easement, including any changes that are approved by the Law Director; acceptance shall be evidenced conclusively by the execution thereof. This Council further authorizes the Mayor, for and in the name of the City, to execute any amendments or revisions to the final documents, which are not inconsistent with this Ordinance and not substantially adverse to the City.

SECTION 4. 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 _____, 2022 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council