

LANCASTER CITY COUNCIL
LANCASTER, OHIO

FEBRUARY 12, 2024

- 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

- 1. Temporary Ordinance 5-24 (Schoonover)

READING OF RESOLUTIONS

THIRD READING

Temp Res #3-24 A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PURCHASE ROCK SALT FOR THE 2024-2025 WINTER SEASON
Public Works (Tener/Schoonover) (3 Readings)

Temp Res #7-24 A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN LOCAL PUBLIC AGENCY FEDERAL LOCAL LET PROJECT AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION FOR THE MEMORIAL-PIERCE WALK WAYS PROJECT, PID 120594, AND DESIGN/PRECONSTRUCTION SERVICES CONTRACTS WITH VARIOUS CONSULTANTS, TO APPROPRIATE FROM THE UNENCUMBERED BALANCE, AND AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE LDOT IMPROVEMENT FUND (3014)
Code Enforcement & Zoning (Ahlers/Hoop) (3 Readings)

Temp Res #13-24 A RESOLUTION AUTHORIZING THE LANCASTER POLICE DEPARTMENT TO APPLY FOR THE 2024-2025 DRUG USE PREVENTION GRANT
Safety (Bizjak/Ahlers) (3 Readings)

SECOND READING

Temp Res #15-24 A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR THE PURCHASE OF CHEMICALS FOR USE BY THE DIVISION OF WATER
Water/WPC (Wing/Ailes) (3 Readings)

- Temp Res #16-24 A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR THE PURCHASE OF PIPE AND FITTINGS FOR USE BY THE DIVISION OF WATER
Water/WPC (Wing/Tener) (3 Readings)
- Temp Res #17-24 A RESOLUTION TO AMEND THE UTILITIES COLLECTION FUND (7006) EXPENSE BUDGET AND AMEND THE CERTIFICATE OF APPROPRIATION WITH THE COUNTY AUDITOR
Finance (Wolfinger/Ahlers) (3 Readings)
- Temp Res #18-24 A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS TO CONSTRUCT THE CONCENTRATE DISCHARGE IMPROVEMENTS PROJECT
Water/WPC (Wing/Ailes) (3 Readings)
- Temp Res #21-24 A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE AND AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE GENERAL FUND (1001), AUTHORIZE THEN AND NOW CERTIFICATES FOR PAYMENT OF AN INVOICE FOR ANNUAL CODIFICATION, AND TO DECLARE AN EMERGENCY
Finance (Wolfinger/Ahlers) (3 Readings)
- Temp Res #24-24 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 FIRE INSURANCE ESCROW FUND (8023)
Finance (Wolfinger/Ailes) (3 Readings)

FIRST READING

- Temp Res #25-24 A RESOLUTION TO AMEND THE 3 MIL STREET IMPROVEMENT FUND (2009) EXPENSE BUDGET AND AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR
Finance (Schoonover/Ailes) (3 Readings)
- Temp Res #26-24 A RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT PURSUANT TO OHIO REVISED CODE SECTION 929.02 AND TO DECLARE AN EMERGENCY
Law (Nihiser/Bizjak) (2 Readings)
- Temp Res #27-24 A RESOLUTION AUTHORIZING THE SERVICE SAFETY DIRECTOR TO SETTLE A CLAIM FOR PROPERTY DAMAGE WITH AEP
Service (Ailes/Hoop) (1 Reading)

- Temp Res #28-24 A RESOLUTION AUTHORIZING THE SERVICE SAFETY DIRECTOR TO ACCEPT A H2OHIO EQUIPMENT GRANT AND TO EXECUTE CONTRACTS AS REQUIRED
Water/WPC (Wing/Tener) (2 Readings)
- Temp Res #29-24 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 (6004) AND IN THE WASTE WATER UTILITY RESERVE FUND (6029)
Water/WPC (Wing/Ailes) (3 Readings)
- Temp Res #30-24 A RESOLUTION TO INCREASE RECEIPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE, AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR IN THE WASTE WATER REPLACE & IMP FUND (6023)
Water/WPC (Wing/Tener) (3 Readings)
- Temp Res #31-24 A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR IN THE GENERAL FUND (1001)
Finance (Schoonover/Ahlers) (3 Readings)
- Temp Res #32-24 A RESOLUTION TO INCREASE ESTIMATED REVENUE IN FUND (6027) APPROPRIATE FROM THE UNENCUMBERED BALANCE, AND AMEND THE CERTIFICATE OF OTHER SOURCES AND APPROPRIATEIONS WITH THE COUNTY AUDITOR IN THE WATER UTILITY RESERVE FUND (6027)
Water/WPC (Wing/Ailes) (2 Readings)
- Temp Res #33-24 A RESOLUTION AUTHORIZING THE ISSUANCE OF A THEN AND NOW CERTIFICATE FOR THE LANCASTER DEPARTMENT OF TRANSPORTATION TO PAY LANCASTER UTILITIES AND TO DECLARE AND EMERGENCY
Public Works (Tener/Luchtenberg) (1 Reading)
- Temp Res #34-24 A RESOLUTION TO CREATE A NEW FUND FOR STATE OF OHIO COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT FUNDS (2085) AND TO SET UP REVENUE AND EXPENSE ACCOUNTS
Finance (Schoonover/Ailes) (1 Reading)
- Temp Res #35-24 A RESOLUTION TO INCREASE RECIEPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE AND AMEND THE CERTIFICATE OF OTHER SOURCES AND APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE CDBG-CV STATE OF OHIO CARES ACT FUND (2085)
Finance (Schoonover/Ahlers) (1 Reading)

Temp Res #36-24

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF LANCASTER, OHIO, TO VOTE ON BEHALF OF THE CITY IN THE ENDO INTERNATIONAL REORGANIZATION BANKRUPTCY CASE AND TO DECLARE AN EMERGENCY
Finance (Schoonover/Ailes) (1 Reading)

READING OF ORDINANCES

THIRD READING

Temp Ord #5-24

AN ORDINANCE TO AMEND THE ZONING MAP SUBJECT TO PASSAGE OF THE ANNEXATION OF 45.1 +/- ACRES IN PLEASANT TOWNSHIP, AND TO DECLARE AN EMERGENCY
Council of the Whole (Schoonover/Tener)(3 Readings & Table)
Public hearing set for February 12, 2024 at 6:30 p.m.

SECOND READING

Temp Ord #8-24

AN ORDINANCE TO AMEND THE CITY OF LANCASTER ZONING MAP TO CHANGE THE ZONING OF 0.99 +/- ACRES IDENTIFIED AS FAIRFIELD COUNTY AUDITOR TAX PARCEL NUMBERS 0535067300, 0535067500, AND 0535067510 FROM CENTRAL BUSINESS DISTRICT TO SERVICE INDUSTRIAL
Code/Zoning (Ahlers/Luchtenberg) (3 Readings & Table)
Public hearing set for March 11, 2024 at 6:30 p.m.

Temp Ord #10-24

AN ORDINANCE TO AUTHORIZE THE MAYOR TO DEED APPROXIMATELY 21.746 +/- ACRES OWNED BY THE CITY OF LANCASTER, AND FURTHER IDENTIFIED AS FAIRFIELD COUNTY, OHIO PARCEL NO. 0531800450 FOR ONE DOLLAR (\$1.00) TO THE LANCASTER PORT AUTHORITY AND TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE TRANSFER THEREOF AND TO DECLARE AN EMERGENCY
(Economic Development (Hoop/Schoonover) (3 Readings))

FIRST READING

NONE

TABLED LEGISLATION

Temp Ord #2-24

AN ORDINANCE TO ACCEPT A DONATION OF APPROXIMATELY 5.199 +/- ACRES
Council of the Whole (Schoonover/Tener)
(Tabled after 2nd Reading)

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENT OF SCHEDULED MEETINGS

REGULARLY SCHEDULED CITY COUNCIL MEETINGS

1. February 26th at 6:30 p.m.
 - a. In Focus City Department Presentation Code Enforcement

2. March 11th at 6:30 p.m.
 - a. Public Hearing Temporary Ordinance 8-24

SPECIAL SCHEDULED MEETINGS

1. None.

REGULARLY SCHEDULED COMMITTEE MEETINGS

1. Finance – February 26th at 6:00 p.m. – Council Chambers
2. Service – March 1st at 8:00 a.m. – City Hall 1897 Conference Room
3. Finance – March 11th at 6:00 p.m. – Council Chambers

READING OF BILLS

EXECUTIVE SESSION (if needed)

ADJOURNMENT

TEMPORARY RESOLUTION NO. 25-24

PERMANENT RESOLUTION NO. _____

A RESOLUTION TO AMEND THE 3 MIL STREET IMPROVEMENT FUND (2009) EXPENSE BUDGET AND AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR

WHEREAS, the 3 Mil Street Improvement Levy Fund (2009) expense budget exceeds the 3 Mil Street Improvement Fund (2009) revenue budget; and

WHEREAS, the expense budget must be lowered to match the revenue budget; now, therefore,

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 following fund:

Fund	2009, 3 Mil Street Improvement Levy Fund	-\$	200,000.00
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SECTION 2. That the City of Lancaster Auditor amend appropriations in the following expense account:

2009-7500-53011, Materials – 3 Mil Street Levy	-\$	200,000.00
Total	-\$	200,000.00

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 Finance Committee

TEMPORARY RESOLUTION NO. 26-24

PERMANENT RESOLUTION NO. _____

A RESOLUTION APPROVING THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT PURSUANT TO OHIO REVISED CODE SECTION 929.02 AND TO DECLARE AN EMERGENCY

WHEREAS, Michael J. Scholl, 1453 Schwilk Road, Lancaster, Ohio, filed an Application for Placement of Farmland in an Agricultural District on March 1, 2019, with the Fairfield County Auditor's Office pursuant to Ohio Revised Code Section 929.02(A); and

WHEREAS, every five (5) years, a property owner is required to file a Renewal Application for Placement of Farmland in an Agricultural District with the Fairfield County Auditor's Office pursuant to Ohio Revised Code Section 929.02(A); and

WHEREAS, a copy of Mr. Scholl's Renewal Application for Placement of Farmland in an Agricultural District was received by the Clerk of City Council on Friday, January 19, 2024, and is attached hereto as Exhibit A; and

WHEREAS, pursuant to Ohio Revised Code Section 929.02(B) an application which includes property within a municipality requires the applicant file the application with the municipal legislative authority for approval, modification, or rejection; and

WHEREAS, 107.95 acres included in the application are within the municipal corporation limits of the City of Lancaster, Ohio; and

WHEREAS, Ohio Revised Code Section 929.02(B)(1) states that the City's criteria to consider in approving, rejecting, or modifying such an application is that it is "necessary to prevent a substantial, adverse effect on the provision of municipal services within the municipal corporation, efficient use of land within the municipal corporation, the orderly growth and development of the municipal corporation, or the public health, safety, or welfare; and

WHEREAS, City Council must hold a public hearing on a Renewal Application for Placement of Farmland in an Agricultural District within thirty (30) days of receiving the application and must render a decision on the application within thirty (30) days of the public hearing; now, therefore,

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

SECTION 1. That the Renewal Application for Placement of Farmland in an Agricultural District submitted by Michael J. Scholl, 1453 Schwilk Road, Lancaster, Ohio, for 107.95 acres having a farm base address of 4600 Duffy Road, Lancaster, Ohio is hereby approved.

SECTION 2. That the Council Clerk is hereby directed to notify the applicant and the Fairfield County Auditor of this decision pursuant to the requirements of Ohio Revised Code Section 929.02.

SECTION 3. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and in order for the applicant to submit his application by the programmatic deadline of

Date Approved: _____

Clerk: _____

Offered by: _____

Second by: _____

Requested by Law Committee

President of Council

Mayor

**APPLICATION FOR PLACEMENT OF FARMLAND
IN AN AGRICULTURAL DISTRICT (O.R.C. SECTION 929.02)**
(See pages 3 & 4 for Information regarding this Application)

INSTRUCTIONS FOR COMPLETING APPLICATION

Print or type all entries.

- o List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- o Describe location of property by roads, etc., and taxing district where located.
- o State whether any portion of land lies within a municipal corporation.
 - o Note: See "Where to File" on page 3 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.
- o A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- o If the acreage totals 10 acres or more, do not complete Part D.
- o If the acreage totals less than 10 acres, complete either D (1) or (2).
- o Do not complete the bottom section of page 2. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A. Owner's Name and Address:

SCHOLL MICHAEL
1453 SCHILK RD SE
~~RUSHVILLE OH 43130~~
LANCASTER, OH 43130

*NOTE!
WRONG TOWN*

COUNTY FAIRFIELD COUNTY
TAX YEAR 2024
APPLICATION # 301

X	PARCEL NUMBER	TAX DIST	ACRES	PROPERTY LOCATION
	004-00050-00	004	100.0000	DUFFY RD SE, LANCASTER OH 43130
	004-00102-00	004	34.2300	1453 SCHWILK RD SE, LANCASTER OH 43130
	004-00102-10	004	5.5100	1453 SCHWILK RD SE, LANCASTER OH 43130
	006-01529-10	006	10.1000	LAKE RD SE, LANCASTER 43130
	006-01537-00	006	15.1700	DUFFY RD SE,
	006-01546-00	006	131.0000	4600 DUFFY RD SE,
	006-01549-00	006	40.0000	4141 DUFFY RD SE,
	006-01550-00	006	58.9600	DUFFY RD SE,
	006-01561-00	006	62.0800	DUFFY RD SE, LANCASTER OH 43130
	Total Acres		565.0000	

B. Does any of the land lie within a municipal corporation limit or subject to pending annexation? Yes X No _____
If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code?
Yes X No _____

1. If "NO" Complete the following showing how the land was used in the past three years:

Last Year Two Years Ago Three Years Ago
Acres Acres Acres

	Last Year Acres	Two Years Ago Acres	Three Years Ago Acres
Cropland			
Permanent Pasture Used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
Total Acres			

INFORMATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT

A. WHO MAY FILE?

Any owner of land used for agricultural production may file an application to have the land placed in an agricultural district.

B. WHERE TO FILE

The completed application must be filed with the auditor of the county where the land is located. The applicant will be notified of action taken by the county auditor within 30 days of the filing of the application if the land is not within a municipal corporation or an annexation petition has not been filed. If the land for which an application has been made lies within a municipal corporation limit or if an annexation petition that includes the land has been filed with the Board of County Commissioners under Section 709.02 of the Ohio Revised Code, a copy of the application must also be filed with the Clerk of the legislative body of the municipal corporation. The legislative body is required to conduct a public hearing on the application within 30 days after the application has been filed with the Clerk. Within 30 days of the hearing, the legislative body may approve the application, modify and approve the application as modified, or reject the application.

C. WHEN TO FILE AND RENEWAL

The original application may be filed at any time for placement of land in an agricultural district for a five-year period. If at the end of five years, the owner decides to keep some or all of his or her land in a district, he or she shall submit a renewal application and must meet the same land requirements and use the same application process as the original application. The renewal application may be filed at any time after the first Monday in January and prior to the first Monday in March of the year during which an agricultural district terminates, for a period of time ending on the first Monday in April of the fifth year following the renewal application.

D. WHAT IS "LAND USED FOR AGRICULTURAL PRODUCTION?"

In accordance with Section 929.01(A) of the Revised Code, land is devoted to "agricultural production" when it is used for commercial aquaculture, apiculture, animal husbandry, poultry husbandry; the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs, ornamental trees; flowers or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

"Agricultural production" includes conservation practices provided that the tracts, lots, or parcels of the land or portions thereof that are used for conservation practices comprise not more than twenty-five percent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed.

"Conservation practices" are practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

E. WHAT DOES "TRACTS, LOTS, OR PARCELS OF LAND" MEAN?

Tracts, lots, or parcels mean distinct portions of pieces of land (not necessarily contiguous) where the title is held by one owner, as listed on the tax list and duplicate of the county, is in agricultural production and conforms with the requirements of either D1, D2, or D3 below.

TEMPORARY RESOLUTION NO. 27-24

PERMANENT RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE SERVICE SAFETY DIRECTOR TO SETTLE
A CLAIM FOR PROPERTY DAMAGE WITH AEP**

WHEREAS, the City of Lancaster owns infrastructure located at 1507 East Main Street that was damaged by AEP when they struck a natural gas main while performing excavation on September 6, 2023; and

WHEREAS, AEP is prepared to take responsibility for the damages and reimburse Lancaster Municipal Gas for all materials, equipment, and labor necessary to repair the City's property, which amounts to Four Thousand Two Hundred Sixty-Seven Dollars and Twelve Cents (\$4,267.12); and

WHEREAS, in exchange for this monetary settlement, AEP is asking to the City to release and waive any future claims for the property damage described above; now, therefore,

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

SECTION 1. That the Service Safety Director is hereby authorized to execute any agreements that may be necessary to settle the property damage claim described above with AEP in exchange for reimbursement of the City's damages, totaling Four Thousand Two Hundred Sixty-Seven Dollars and Twelve Cents (\$4,267.12).

SECTION 2. That payment for this claim shall be credited to the Lancaster Municipal Gas Department.

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 Service Committee

President of Council

Mayor

TEMPORARY RESOLUTION NO. 28-24

PERMANENT RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SERVICE SAFETY DIRECTOR TO ACCEPT A H2OHIO EQUIPMENT GRANT AND TO EXECUTE CONTRACTS AS REQUIRED

WHEREAS, the State of Ohio H2Ohio Equipment Grant program provides financial assistance to political subdivisions for specialized equipment for water system maintenance; and

WHEREAS, the City Division of Water needs to purchase portable flow meters to identify water loss in the system; and

WHEREAS, the State of Ohio has indicated that the City of Lancaster may be eligible for a grant in the amount of Seventeen Thousand Three Hundred Sixty-Three Dollars (\$17,363.00) to purchase the equipment; now, therefore,

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

SECTION 1. That the Service Safety Director is hereby authorized to execute any agreements that may be necessary to obtain financial assistance from the H2Ohio Equipment Grant.

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. 29-24

PERMANENT RESOLUTION NO. _____

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 (6004) AND IN THE WASTE WATER UTILITY RESERVE FUND (6029)

WHEREAS, pursuant to the covenants the City entered into for the Waste Water Revenue Bond, the City needs to keep a larger cash balance in the Waste Water Utility Reserve Fund (6029); and

WHEREAS, this resolution will transfer cash from the Waste Water Revenue Fund (6004) into the Waste Water Utility Reserve Fund (6029) to ensure the City is compliant with its bond covenants; now, therefore,

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

SECTION 1. That the City of Lancaster Auditor appropriate from the unencumbered balance in the Waste Water Fund (6004) in expense account 6004.6750.59019 (Transfer) in the amount of Two Million Nine Hundred Thousand Dollars (\$2,900,000.00).

SECTION 2. That the City of Lancaster Auditor amend the Certificate of Appropriations with the County Auditor in the amount of Two Million Nine Hundred Thousand Dollars (\$2,900,000.00) into the Waste Water Fund (6004).

SECTION 3. That the City of Lancaster Auditor complete a Fund-to-Fund transfer from expense account 6004.6750.59019 (Transfer) to revenue account 6029.0000.49073 (Transfer from Waste Water Revenue) in the amount of Two Million Nine Hundred Thousand Dollars (\$2,900,000.00).

SECTION 4. That the City of Lancaster Auditor increase receipts in revenue account 6029.0000.49073 (Transfer from Waste Water Revenue) in the amount of Two Million Nine Hundred Thousand Dollars (\$2,900,000.00).

SECTION 5. That the City of Lancaster Auditor appropriate from the unencumbered balance in expense account 6029.6750.59025 (Transfer to Waste Water Revenue) in the amount of Two Million Nine Hundred Thousand Dollars (\$2,900,000.00).

SECTION 6. That the City of Lancaster Auditor amend the Certificate of Other Sources and Appropriations with the County Auditor in the amount of Two Million Nine Hundred Thousand Dollars (\$2,900,000.00) into the Waste Water Utility Reserve Fund (6029).

SECTION 7. 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: _____

Offered by: _____

Second by: _____

Requested by Water/Water Pollution Control Committee

TEMPORARY RESOLUTION NO. 30-24

PERMANENT RESOLUTION NO. _____

A RESOLUTION TO INCREASE RECEIPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE, AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR IN THE WASTE WATER REPLACE & IMP FUND (6023)

WHEREAS the City of Lancaster Water Pollution Control budgeted to do a fund-to-fund transfer of Two Hundred Forty Thousand Dollars (\$240,000.00) from the Waste Water Fund (6004) to the Waste Water Replace & Imp Fund (6023); now, therefore,

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 in Waste Water Replace & Imp Fund (6023) in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00) and Appropriations with the County Auditor in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00) in the Waste Water Replace & Imp Fund (6023).

SECTION 2. That the City of Lancaster Auditor increase receipts in the receipt account 6023.0000.49090 (Deposits from Wastewater Revenue) in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00)

SECTION 3. That the City of Lancaster Auditor appropriate from the unencumbered balance in expense account 6023.6750.56030 (Equipment/Vehicle – Waste Water Plant) in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00).

SECTION 4. That City Council issue a Then and Now Certificate for purchase orders previously encumbered in the Waste Water Replace & Imp Fund (6023) which did not get carried over into the new budget year.

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: _____

President of Council

Offered by: _____

Mayor

Second by: _____

Requested by Water/Water Pollution Control Committee

TEMPORARY RESOLUTION NO. 31-24

PERMANENT RESOLUTION NO. _____

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

WHEREAS, the City of Lancaster's 2024 real estate tax assessment for tax year 2023 for the Hunters Run Conservancy District has increased by 15% in the amount of Four Thousand One Hundred Fifty-Three Dollars and Forty-Two Cents (\$4,153.42), which was unanticipated when setting the 2024 budget; and

WHEREAS, the City of Lancaster's 2024 real estate tax assessment for tax year 2023 for the Downtown Lancaster SID has increased 4% in the amount of Six Hundred Twenty-Nine Dollars and Two Cents (\$629.02), which was unanticipated when setting the 2024 budget; now, therefore,

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

SECTION 1. That the City of Lancaster Auditor amend the Appropriations with the County Auditor in the amount of Four Thousand Seven Hundred Eighty-Two Dollars and Forty-Four Cents (\$4,782.44) in the General Fund (1001).

SECTION 2. That the City of Lancaster Auditor appropriate from the unencumbered balance in expense account 1001.1400.54006 (Real Estate Tax Payments) in the amount of Four Thousand Seven Hundred Eighty-Two Dollars and Forty-Four Cents (\$4,782.44).

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. 32-24

PERMANENT RESOLUTION NO. _____

A RESOLUTION TO INCREASE ESTIMATED REVENUE IN FUND (6027) APPROPRIATE FROM THE UNENCUMBERED BALANCE, AND AMEND THE CERTIFICATE OF OTHER SOURCES AND APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE WATER UTILITY RESERVE FUND (6027)

WHEREAS, the Ohio Water Development Authority reimburses the City for engineering services at the North Water Treatment construction project spent from the Water Utility Reserve Fund (6027); and

WHEREAS, the 2024 budget did not include these payments; now, therefore,

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

SECTION 1. That the City Auditor amend the Certificate of Other Sources & Appropriations with the County Auditor in the following fund:

6027 Water Utility Reserve Fund \$2,400,000.00

SECTION 2. That the City Auditor increase receipts in the following revenue account:

6027.0000.43024 OWDA Reimb-Water Utility Reserve \$2,400,000.00

SECTION 3. That the City Auditor increase appropriations from the unencumbered balance in the following expense account for the Water Utility Reserve Fund:

6027.0360.56003 Miller Park/Waterworks Hill \$2,400,000.00

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: _____

Clerk: _____

Offered by: _____

Second by: _____

Requested by Water/Water Pollution Control

President of Council

Mayor

TEMPORARY RESOLUTION NO. 33-24

PERMANENT RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ISSUANCE OF A THEN AND NOW CERTIFICATE FOR THE LANCASTER DEPARTMENT OF TRANSPORTATION TO PAY LANCASTER UTILITIES AND TO DECLARE AND EMERGENCY

WHEREAS, the Lancaster Department of Transportation (LDOT) is requesting a Then and Now Certificate for payment of LDOT's December/January bill for its Lancaster utility services due to insufficient 2023 fiscal year carryover funds; now, therefore,

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

SECTION 1. That City Council hereby approves the issuance of a Then and Now Certificate for payment of LDOT's December/January bill for Lancaster utility services.

SECTION 2. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City so the Lancaster Department of Transportation can continue serving the citizens; wherefore, this resolution shall take effect and be in force immediately upon its adoption and approval by the Mayor.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Date Approved: _____

Clerk: _____

Offered by: _____

Second by: _____

Requested by Public Works Committee

President of Council

Mayor

TEMPORARY RESOLUTION NO. 34-24

PERMANENT RESOLUTION NO. _____

A RESOLUTION TO CREATE A NEW FUND FOR STATE OF OHIO COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT FUNDS (2085) AND TO SET UP REVENUE AND EXPENSE ACCOUNTS

WHEREAS, Permanent Resolution 31-23 authorized the City of Lancaster to apply for funding from the Ohio Department of Development for the Community Development Block Grant CARES Act (CDBG-CV) grant funding; and

WHEREAS, the City of Lancaster was awarded CDBG-CV grant funds in the amount of Three Hundred Thirty-Six Thousand Six Hundred Dollars (\$336,600.00); and

WHEREAS, the CDBG-CV Program grant agreement requires the City to create a separate fund account; now, therefore,

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

SECTION 1. That the City of Lancaster Auditor establish a new fund for CDBG-CV State of Ohio CARES Act (2085) and create the following revenue and expense accounts:

Revenue: 2085.0000.43013 CDBG-CV State of Ohio CARES Act

Expense: 2085.8012.52034 CDBG-CV State CARES Act payments

SECTION 2. That the City of Lancaster Auditor amend the Certificate of Other Resources and Appropriations with the County Auditor with this legislation to establish CDBG-CV State of Ohio CARES Act Fund (2085).

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. 35-24

PERMANENT RESOLUTION NO. _____

A RESOLUTION TO INCREASE RECIEPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE AND AMEND THE CERTIFICATE OF OTHER SOURCES AND APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE CDBG-CV STATE OF OHIO CARES ACT FUND (2085)

WHEREAS, the City of Lancaster needs to set a 2024 revenue and expense budget to process the State of Ohio Community Development Block Grant CARES Act (CDBG-CV) Program Grant; now, therefore,

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 Three Hundred Thirty-Six Thousand Six Hundred Dollars (\$336,600.00) in the CDBG-CV State of Ohio CARES Act (2085).

SECTION 2. That the City of Lancaster Auditor increase receipts in the revenue account 2085.0000.43013 (CDBG-CV State of Ohio CARES Act) in the amount of Three Hundred Thirty-Six Thousand Six Hundred Dollars (\$336,600.00).

SECTION 3. That the City of Lancaster Auditor appropriate from the unencumbered balance in expense account 2085.8012.52034 (CDBG-CV State CARES Act payments) in the amount of Three Hundred Thirty-Six Thousand Six Hundred Dollars (\$336,600.00).

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: _____

Clerk: _____

Offered by: _____

Second by: _____

Requested by Finance Committee

President of Council

Mayor

TEMPORARY RESOLUTION NO. 36-24

PERMANENT RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF LANCASTER, OHIO, TO VOTE ON BEHALF OF THE CITY IN THE ENDO INTERNATIONAL REORGANIZATION BANKRUPTCY CASE AND TO DECLARE AN EMERGENCY

WHEREAS, the City of Lancaster, Ohio (City) is a municipal corporation formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State and City have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the opioid pharmaceutical supply chain; and

WHEREAS, ENDO International manufactured and distributed opioids in the City, State of Ohio, United States, and internationally; and

WHEREAS, due to more than Eight Billion Dollars (\$8,000,000,000.00) in debt as a result of judgments in opioid related lawsuits, ENDO International filed for Chapter 11 reorganization bankruptcy in the United States Bankruptcy Court, Southern District of New York; and

WHEREAS, the Bankruptcy Court has determined that the City qualifies as a member of a class of creditors (“(B)(6) local government”) with potential claims against the debtor who will be impacted by ENDO International’s reorganization; and

WHEREAS, on Monday, February 5, 2024, the City received its first communication as a member of the class which included a ballot to vote for or reject the Second Amended Joint Chapter 11 Plan of Reorganization of ENDO International, et al. (“proposed plan of reorganization”) which is due by Thursday, February 22, 2024; and

WHEREAS, the proposed plan of reorganization will make approximately Four Hundred Sixty Billion Forty Eight Million Dollars (\$460,048,000.00) available in a Public Opioid Trust to be distributed to nationwide, through the states’ respective opioid abatement programs, which in Ohio is the OneOhio Recovery Foundation; and

WHEREAS, voting for the proposed plan of reorganization now automatically entitles the City to an additional payment of four times what it would have initially would have been entitled to, but that amount would be the total settlement of all the City’s possible claims, and the City would have to release ENDO International from any further claims and/or causes of action; and

WHEREAS, voting against the proposed plan of reorganization now may require the City to sue ENDO International individually, which would complicate and prolong recovering any damages significantly as well as cost the City additional litigation fees; now, therefore,

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

SECTION 2. That the Mayor is further authorized to execute any and all other documents necessary to facilitate the proposed settlement on behalf of the City of Lancaster, Ohio, for the City's potential claims.

SECTION 3. That it is found and determined that all formal actions of the Council relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of this City and is required to be immediately effective to ensure prompt pursuit of funds to assist in abating the City's opioid epidemic; wherefore this Resolution shall be in full force and effect immediately upon its passage by City Council and approval by the Mayor.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Date Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Finance Committee