

LANCASTER CITY COUNCIL  
LANCASTER, OHIO

MAY 20, 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

1. City Stormwater Department
2. In Focus Presentation: City Police Department

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 #56-24

A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE AND AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE 3 MIL STREET IMPROVEMENT LEVY FUND (2009)

**Finance (Wolfinger/Ailes) (3 Readings)**

**SECOND READING**

Temp Res #57-24

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE FAIRFIELD COUNTY GENERAL HEALTH DISTRICT FOR PUBLIC HEALTH SERVICES

**Finance (Wolfinger/Ahlers) (3 Readings)**

Temp Res #58-24

A RESOLUTION TO INCREASE RECEIPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE, AND AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE TIMBERTOP TIF FUND (2060)

**Finance (Wolfinger/Ailes) (3 Readings)**

Temp Res #59-24

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT LANCASTER'S FISCAL YEAR 2024 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN AND STATEMENT OF OBJECTIVES

**Economic Development (Hoop/Nihiser) (3 Readings)**

**FIRST READING**

- Temp Res #61-24 A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE AND AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE POLICE & FIRE LEVY FUND (2047)  
**Safety (Bizjak/Tener) (3 Readings)**
- Temp Res #62-24 A RESOLUTION TO CHANGE THE SPECIAL REVENUE FUND 2060 TIMBERTOP TIF TO A CAPITAL PROJECTS FUND 3060  
**Finance (Wolfinger/Ailes) (1 Reading)**

**READING OF ORDINANCES****THIRD READING**

NONE

**SECOND READING**

- Temp Ord #15-24 AN ORDINANCE TO AMEND SECTION 918.04(B) OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER ENTITLED "USER RATES AND CHARGES"  
**Water/WPC (Wing/Tener) (3 Readings)**

**FIRST READING**

- Temp Ord #18-24 AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE 1590 E. MAIN STREET, APPROXIMATELY 1.0 +/- ACRES, OF REAL PROPERTY FURTHER IDENTIFIED AS FAIRFIELD COUNTY AUDITOR PARCEL NUMBER 0535806100 FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) AND TO DECLARE AN EMERGENCY  
**Safety (Bizjak/Ahlers) (3 Readings)**
- Temp Ord #19-24 AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART SEVEN – BUSINESS REGULATION CODE, CHAPTER 709 – CULTIVATION, PROCESSING OR DISPENSING OF MEDICAL MARIJUANA OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER  
**Law (Nihiser/Wolfinger) (3 Readings)**

**TABLED LEGISLATION**

NONE

**UNFINISHED BUSINESS****NEW BUSINESS****ANNOUNCEMENT OF SCHEDULED MEETINGS****REGULARLY SCHEDULED CITY COUNCIL MEETINGS**

1. June 10<sup>th</sup> at 6:30 p.m.
2. June 24<sup>th</sup> at 6:30 p.m.

**SPECIAL SCHEDULED MEETINGS**

1. Code/Zoning - June 21<sup>st</sup> at 8:00 a.m. – City Hall 1897 Conference Room

**REGULARLY SCHEDULED COMMITTEE MEETINGS**

1. Water/WPC – May 24<sup>th</sup> at 7:30 a.m. – City Hall 1897 Conference Room
2. Service – June 7<sup>th</sup> at 8:00 a.m. – City Hall 1897 Conference Room
3. Safety – June 7<sup>th</sup> at 9:00 a.m. – City Hall 1897 Conference Room
4. Finance – June 10<sup>th</sup> at 6:00 p.m. – Council Chambers
5. Code/Zoning – June 10<sup>th</sup> at 8:00 a.m. – City Hall 1897 Conference Room
6. Public Works – June 14<sup>th</sup> at 7:30 a.m. – City Hall 1897 Conference Room
7. Administrative Services – June 16<sup>th</sup> at 8:00 a.m. – City Hall 1897 Conf Room
8. Finance – June 24<sup>th</sup> at 6:00 p.m. – Council Chambers

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

TEMPORARY RESOLUTION NO. 61-24

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

A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE AND AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE POLICE & FIRE LEVY FUND (2047)

WHEREAS, the Lancaster Fire Department is requesting to transfer funds to allow for the purchase of real property at 1590 East Main Street; 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 amount of Three Hundred Thousand Dollars (\$300,000.00) in the Police & Fire Levy Fund (2047).

SECTION 2. That the City of Lancaster Auditor appropriate from the unencumbered balance in the amount of Three Hundred Thousand Dollars (\$300,000.00) in the expense account 2047.3500.56000 (Land Purchase).

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 Safety Committee

TEMPORARY RESOLUTION NO. 62-24

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

A RESOLUTION TO CHANGE THE SPECIAL REVENUE FUND 2060  
TIMBERTOP TIF TO A CAPITAL PROJECTS FUND 3060

WHEREAS, the City of Lancaster Auditor was advised by the state auditors in May 2023 that the new Timbertop TIF Fund should be a special revenue fund; and

WHEREAS, Permanent Resolution 85-23 was passed to create a new fund for the Timbertop TIF that had the incorrect fund number; and

WHEREAS, the City of Lancaster Auditor later received Auditor of State Bulletin 2010-003 Tax Increment Financing (TIF) in May 2024 stating that TIF Funds must be a capital projects fund; and

WHEREAS, the fund number needs to change from a 2060 special revenue fund to a 3060 capital projects fund number; now, therefore,

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

SECTION 1. That the City of Lancaster Auditor shall change the fund number for the Timbertop TIF Fund from 2060 (Special Revenue Fund) to 3060 (Capital Projects Fund).

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 Finance Committee

TEMPORARY ORDINANCE NO. 18-24

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

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE 1590 E. MAIN STREET, APPROXIMATELY 1.0 +/- ACRES, OF REAL PROPERTY FURTHER IDENTIFIED AS FAIRFIELD COUNTY AUDITOR PARCEL NUMBER 0535806100 FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) AND TO DECLARE AN EMERGENCY

WHEREAS, Fairfield County Auditor Parcel Number ("Parcel Number") 0535806100 is located at 1590 E. Main Street, Lancaster, adjacent to Lancaster Fire Department Engine House 3; and

WHEREAS, the location of this real property will allow the Fire Department to potentially expand the footprint of its current building at 1596 E. Main Street or build a larger fire station on both properties as the needs of the City may require in the future; and

WHEREAS, the Lancaster Fire Department is prepared to purchase this property and pay any expenses incurred as a result from Police & Fire Levy Funds as requested in Temporary Resolution 61-24; now, therefore,

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

SECTION 1. That the Mayor is hereby authorized to enter into an agreement to purchase approximately 1.0 +/- acres of real property and any improvements located at 1590 E. Main Street and further identified as Parcel Number 0535806100 for an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00).

SECTION 2. That the Mayor is hereby authorized to sign whatever documents are necessary to effectuate the transfer of Parcel Number 0535806100 to the City of Lancaster.

SECTION 3. That as a condition of this purchase, the City of Lancaster is hereby authorized to pay any additional costs associated with the purchase of this property. This may include, but shall not be limited to, costs of deed preparation, surveying, environmental testing, closing costs, and any other fees as required by agreement of the parties.

SECTION 4. That this ordinance 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 for the further reason that this ordinance needs to be enacted for the City and property owner to enter into a real estate purchase agreement; wherefore, this ordinance shall take effect and be in force immediately upon its adoption and approval by the Mayor.

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

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

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

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

\_\_\_\_\_

Mayor

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

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

Requested by Safety Committee

I, \_\_\_\_\_, Clerk of Council do hereby certify that on \_\_\_\_\_, 2024  
in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised  
Code 731.24.

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

TEMPORARY ORDINANCE NO. 19-24

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

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART SEVEN – BUSINESS REGULATION CODE, CHAPTER 709 – CULTIVATION, PROCESSING OR DISPENSING OF MEDICAL MARIJUANA OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER

WHEREAS, pursuant to Issue 2, the state Marijuana Legalization Initiative, which passed in November of 2023, the sale of adult use cannabis will be legal in the State of Ohio in September of 2024; and

WHEREAS, pursuant to specific language in that initiative, as well as home rule authority regarding land use, local political subdivisions have the power and authority to determine whether to prohibit adult use dispensaries within their boundaries; and

WHEREAS, the cultivation, processing, or dispensing of medical marijuana is currently prohibited within the municipal corporation limits of Lancaster; and

WHEREAS, the Ohio General Assembly has still not finalized the language of Ohio Revised Code Title 37, Chapter 3780 – Adult Use Cannabis Control, which was created by initiative to regulate adult use cannabis in the State; now, therefore,

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

SECTION 1. That Part Seven – Business Regulation Code, Chapter 709 – Cultivation, Processing or Dispensing of Medical Marijuana of the Codified Ordinances of the City of Lancaster, be repealed and replaced pursuant to Exhibit “A” attached hereto and incorporated herein by reference.

SECTION 2. 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 3. 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



**CHAPTER 709**  
**Cultivating, Processing, ~~Distributing~~, Dispensing, Testing, or Selling**  
**Medical Marijuana or Adult Use Cannabis**

- 709.01** Definitions.
- 709.02** Cultivating, processing, distributing, dispensing, testing, or selling medical marijuana prohibited.
- 709.03** Cultivating, processing, distributing, dispensing, testing, or selling adult use cannabis prohibited.
- 709.04** Violations deemed a public nuisance.
- 709.99** Penalty.

~~CROSS REFERENCES~~

~~Illegal cultivation — see GEN. OFF. 513.06~~

**709.01 DEFINITIONS.**

As used in this chapter:

- (a) “Adult Use Cannabis” means marihuana as defined in Section 3719.01 of the Ohio Revised Code that is cultivated, processed, distributed, dispensed, tested, sold, possessed, or used for a non-medical purpose. Also known as recreational marijuana.
- (b) “Medical marijuana” means marihuana as defined in Section 3719.01 of the Ohio Revised Code that is cultivated, processed, distributed, dispensed, tested, sold, possessed or used for a medical purpose.

~~(Ord. 20-16. Passed 9-26-16.)~~

**709.02 CULTIVATING, PROCESSING, DISTRIBUTING, DISPENSING, TESTING, OR SELLING MEDICAL MARIJUANA PROHIBITED.**

No person shall cultivate, process, ~~distribute~~, dispense, test, or sell medical marijuana.

~~(Ord. 20-16. Passed 9-26-16.)~~

**709.03 CULTIVATING, PROCESSING, DISTRIBUTING, DISPENSING, TESTING, OR SELLING ADULT USE CANNABIS PROHIBITED.**

No person shall cultivate, process, distribute, dispense, test, or sell adult use cannabis.

**709.04 VIOLATIONS DEEMED A PUBLIC NUISANCE**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated at the violator’s expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**709.99 PENALTY.**

Whoever violates any section of this chapter is guilty of a misdemeanor of the first degree. Each day that any person continues to violate this chapter shall constitute a separate and complete offense.

~~(Ord. 20-16. Passed 9-26-16.)~~