

LANCASTER CITY COUNCIL  
LANCASTER, OHIO

February 10, 2025

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**

- |                       |   |
|-----------------------|---|
| <b>Temp Res #4-25</b> | A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE, AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE WASTEWATER REPLACEMENT AND IMPROVEMENT FUND (6023), AND AUTHORIZE THE ISSUANCE OF THEN AND NOW CERTIFICATES FOR PAYMENT OF BILLS<br><b><u>Water/Water Pollution Committee (Wing/Tener) (3 Readings)</u></b> |
| <b>Temp Res #5-25</b> | A RESOLUTION TO INCREASE RECEIPTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE, AND AMEND THE CERTIFICATE OF OTHER SOURCES WITH THE COUNTY AUDITOR IN THE WASTEWATER REPLACEMENT AND IMPROVEMENT FUND (6023)<br><b><u>Water/Water Pollution Committee (Wing/Ailes) (3 Readings)</u></b>   |
| <b>Temp Res #6-25</b> | A RESOLUTION TO AMEND THE CERTIFICATE OF APPROPRIATIONS 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)<br><b><u>Water/Water Pollution Committee (Wing/Tener) (3 Readings)</u></b>      |
| <b>Temp Res #7-25</b> | A RESOLUTION TO AMEND 2025 APPROPRIATION BUDGETS AND AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR<br><b><u>Finance Committee (Wolfinger/Sollie) (3 Readings)</u></b>   |

**SECOND READING**

- Temp Res #11-25** 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 Committee (Bizjak/Sollie) (3 Readings)**
- Temp Res #12-25** A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PURCHASE ROCK SALT FOR THE 2025-2026 WINTER SEASON  
**Public Works Committee (Tener/Crites) (3 Readings)**
- Temp Res #13-25** A RESOLUTION TO AUTHORIZE 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 Committee (Wing/Ailes) (3 Readings)**
- Temp Res #14-25** A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR THE PURCHASE OF PIPES AND FITTINGS FOR USE BY THE DIVISION OF WATER  
**Water/WPC Committee (Wing/Tener) (3 Readings)**
- Temp Res #15-25** A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CONTRACT FOR CONSTRUCTION OF THE SOLIDS HANDLING REPLACEMENT PROJECT  
**Water/WPC Committee (Wing/Ailes) (2 Readings)**
- Temp Res #16-25** A RESOLUTION TO MOVE EXISTING BUDGET BETWEEN ACCOUNTS, APPROPRIATE FROM THE UNENCUMBERED BALANCE, AND AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE STORM WATER SEWER FUND (6006)  
**Finance Committee (Wolfinger/Ailes) (3 Readings)**

**FIRST READING**

- Temp Res #17-25** A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF A MAINTENANCE AND STORAGE FACILITY FOR USE BY THE LANCASTER FIRE DEPARTMENT AND TO DECLARE AN EMERGENCY  
**Safety Committee (Bizjak/Sollie) (3 Readings)**

## READING OF ORDINANCES

### THIRD READING

**Temp Ord #1-25** AN ORDINANCE TO ACCEPT THE FINAL PLAT FOR THE FAIRFIELD PARK DEVELOPMENT  
Code Enforcement & Zoning Committee (Sollie/Hoop) (3 Readings)

**Temp Ord #3-25** AN ORDINANCE TO REPEAL LANCASTER CODIFIED ORDINANCE PART SEVEN – BUSINESS REGULATION CODE, CHAPTERS 711, 715, 721, 731, 785, AND 791 OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER  
Law Committee (Crites/Bizjak) (3 Reading)

### SECOND READING

**Temp Ord #7-25** AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A SCHOOL COMPENSATION AGREEMENT FOR INCOME TAX SHARING BETWEEN LANCASTER CITY SCHOOL DISTRICT AND THE CITY OF LANCASTER AND TO DECLARE AN EMERGENCY  
Finance Committee (Wolfinger/Sollie) (3 Readings)

**Temp Ord #8-25** AN ORDINANCE TO AMEND PERMANENT ORDINANCE 51-24, THE MANAGEMENT PAY ORDINANCE, AND TO DECLARE AN EMERGENCY  
Administrative Services Committee (Luchtenberg/Wolfinger) (3 Readings)

### FIRST READINGS

**Temp Ord #9-25** AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, CHAPTER 937 – WASTE REMOVAL  
Service Committee (Ailes/Hoop) (3 Readings)

**Temp Ord #10-25** AN ORDINANCE TO ACCEPT THE ANNEXATION OF 22.080 +/- ACRES IN GREENFIELD TOWNSHIP AND TO DECLARE AN EMERGENCY  
Economic Development Committee (Hoop/Crites) (1 Reading)

**Temp Ord #11-25** AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT A PERMANENT EASEMENT TO THE OHIO POWER COMPANY NECESSARY FOR THE CONSTRUCTION OF ELECTRIC FACILITIES TO SERVE THE NORTH WATER TREATMENT PLANT  
Water/Water Pollution Committee (Wing/Ailes) (1 Reading)

**Temp Ord #12-25**

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN COOPERATIVE AGREEMENT AMONG THE LANCASTER PORT AUTHORITY, THE CITY OF LANCASTER, OHIO, LANCASTER DEVELOPMENT COMPANY, LLC, AND THE HUNTINGTON NATIONAL BANK; AND AUTHORIZING THE APPROPRIATION OF TAX INCREMENT FINANCING FUNDS FOR PAYMENT OF DEBT SERVICE WITH RESPECT TO A MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$6,000,000 OF PORT AUTHORITY REVENUE BONDS TO BE ISSUED TO PAY COSTS OF PUBLIC INFRASTRUCTURE IMPROVEMENTS; AUTHORIZING THE EXECUTION AND DELIVERY OF A TIF ADMINISTRATION AGREEMENT BETWEEN ARGUS GROWTH CONSULTANTS, LTD. AND THE CITY; AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY

**Economic Development Committee (Hoop/Crites) (3 Readings)**

**TABLED LEGISLATION****Temp Ord #52-24**

AN ORDINANCE TO GRANT TO SOUTH CENTRAL POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE FOR THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES AND PUBLIC PLACES OF THE CITY OF LANCASTER, OHIO AND ITS SUCCESSORS, LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY TO THE CITY OF LANCASTER, AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER, AND OTHER PURPOSES, AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH,OR ACROSS SAID CITY OF LANCASTER AND TO DECLARE AN EMERGENCY

**Law Committee (Crites/Wolfinger) (2 Readings)**

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

1. February 24<sup>th</sup> 2025 at 6:30 p.m. – Council Chambers
2. March 10<sup>th</sup> 2025 at 6:30 p.m. – Council Chambers

**SPECIAL SCHEDULED MEETINGS**

None

**REGULARLY SCHEDULED COMMITTEE MEETINGS**

1. Law Committee – February 14<sup>th</sup> at 7:30 a.m. – City Hall 1897 Conference Room
2. Code Enforcement & Zoning committee – February 20<sup>th</sup> at 7:30 a.m. - City Hall 1897 Conference Room
3. Finance Committee – February 24<sup>th</sup> at 6:00 pm – Council Chambers

**READING OF BILLS**

MNCO – \$130.83

**EXECUTIVE SESSION (if needed)**

**ADJOURNMENT**

TEMPORARY RESOLUTION NO. 17-25

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

A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF A MAINTENANCE AND STORAGE FACILITY FOR USE BY THE LANCASTER FIRE DEPARTMENT AND TO DECLARE AN EMERGENCY

WHEREAS, the Lancaster Fire Department (LFD) has been in the planning phases of a project to erect a pole building that will allow for storage of reserve apparatus and equipment and maintaining LFD equipment; and

WHEREAS, LFD is prepared to move forward with construction of this facility and has budgeted Three Hundred Sixty Thousand Dollars (\$360,000.00) for this project in 2025; 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 advertise for bids and to enter into a contract for the construction of a storage building for the Lancaster Fire Department in an amount not to exceed Three Hundred Sixty Thousand Dollars (\$360,000.00).

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 and for the further reason that LFD needs to go out to bid immediately to have this building erected during the 2025 construction season; 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 Safety Committee

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

\_\_\_\_\_  
Mayor

TEMPORARY ORDINANCE NO. 9-25

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

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE, CHAPTER 937 – WASTE REMOVAL

WHEREAS, the City Sanitation Department is requesting changes to Chapter 937 of the Lancaster Codified Ordinances in order to clarify exactly what “construction materials” cannot be accepted at the City’s transfer station; now, therefore,

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

SECTION 1. That Part Nine – Streets, Utilities and Public Services Code, Chapter 937 – Waste Removal of the Codified Ordinances of the City of Lancaster, be repealed and replaced pursuant to Exhibit “A”, as amended, 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 Service Committee

I, Anitra Scott, Clerk of Council do hereby certify that on \_\_\_\_\_, 2025 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

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

**EXHIBIT A (additions in red)**  
**~~Changes strike through~~**

**CHAPTER 937**  
**Waste Removal**

- |               |  |               |  |
|---------------|--|---------------|--|
| <b>937.01</b> | <b>Definitions.</b>                                    | <b>937.11</b> | <b>Dumpsters.</b>                                      |
| <b>937.02</b> | <b>Purpose.</b>  | <b>937.12</b> | <b>Transfer station rates.</b>                         |
| <b>937.03</b> | <b>Rates for collection.</b>                           | <b>937.13</b> | <b>Solid waste disposal fees.</b>                      |
| <b>937.04</b> | <b>Private waste disposal.</b>                         | <b>937.14</b> | <b>Unacceptable waste, recyclables and yard waste.</b> |
| <b>937.05</b> | <b>Acceptable waste container regulations.</b>         | <b>937.15</b> | <b>Bulk pick-up rates and regulations.</b>             |
| <b>937.06</b> | <b>Collection business prohibited.</b>                 | <b>937.16</b> | <b>Charges a lien.</b>                                 |
| <b>937.07</b> | <b>Vehicles of private haulers.</b>                    | <b>937.17</b> | <b>Appeal.</b>   |
| <b>937.08</b> | <b>Collection regulations.</b>                         | <b>937.18</b> | <b>Rules and regulations.</b>                          |
| <b>937.09</b> | <b>Ownership of waste on disposal site.</b>            | <b>937.99</b> | <b>Penalty.</b>  |
| <b>937.10</b> | <b>Discontinuance of service; nuisance conditions.</b> |               |  |

**CROSS REFERENCES**

- Collection and disposal - see Ohio R.C. 715.43, 717.01  
Employment of scavengers - see Ohio R.C. 3707.39  
Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.  
Obstructing streets with building construction refuse - see BLDG. 1311.01

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**937.01 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply:

- (a) "Acceptable waste" means that portion of the residential and commercial stream that is normally disposed of by occupants of a residential dwelling or commercial establishment including only common household waste and refuse.
- (b) "Acceptable waste container" means only the trash carts provided and assigned by the City that may be used for acceptable waste disposal pursuant to the requirements in Section 937.05. An acceptable waste container does include a sealed plastic bag or box.
- (c) "Common household waste" means waste originating from a residential unit or commercial entities and includes, but is not limited to fiber material, paper, cardboard, packaging, cans, bottles, jars, food wastes and other similar materials.
- (d) "Commercial business" means any business that requires a dumpster for their trash needs that can be serviced multiple times per week.
- (e) "Condemned products" means any structure, installation, utensil, equipment, food, drink, feed, chemical or biological preparation, device or article of any kind, that may be a health hazard as determined by the Health Commissioner and which has been seized, tagged or labeled by the Health Commissioner as a hazard and which may not be used in any manner until the Health Commissioner determines the hazard has been abated.

(f) "Construction, remodeling and demolition waste" means all waste building materials, rubble and spoils resulting from construction, remodeling, repair, and demolition operations on buildings, dwelling units, places of business, garages, pavements, streets, alleys, trenches, ditches, underground utilities, excavations, and other structures including, but not limited to roofing, concrete and cinder block, plaster, insulation, lumber, structural steel, plumbing fixtures, electrical wiring, heating and ventilation equipment, windows and doors, interior finishing materials such as woodwork and cabinets, siding, sheathing and aged railroad ties.

(g) "Double or duplex family residence" means the grouping together of two residential units under a common roof.

(h) "Hazardous waste" means any chemical, compound mixture, substance, or article which has been designated by the United States Environmental Protection Agency or an appropriate agency of the State to be hazardous, including, but not limited to flammables such as paint, gasoline, lacquer thinner, or any container that once contained these materials, as well as propane tanks, gun powder and other explosives, and automobile batteries.

(i) "Industrial business" means any business that requires a roll-off container or compacting roll-off container that the City cannot service.

(j) "Medical waste, infectious waste" shall include:

(1) Cultures and stocks of infectious agents and associated biologicals;  
(2) Laboratory wastes that were, or are likely to have been, in contact with infectious agents that may present a substantial threat to public health if improperly managed;

(3) Pathological wastes;

(4) Waste materials from the rooms of humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents;

(5) Human and animal blood specimens and blood products that are being disposed of not including patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids;

(6) Contaminated carcasses, body parts, and bedding of animals that were intentionally exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals, and carcasses and bedding of animals otherwise infected that may present a substantial threat to public health if improperly managed;

(7) Sharp wastes such as hypodermic needles, syringes, or scalpel blades used in the treatment, diagnosis, or inoculation of human beings or animals or that have, or are likely to have, come in contact with infectious agents in medical research or industrial laboratories and which must be placed into puncture resistant containers before disposal;

(8) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that the public council created in Ohio R.C. 3701.33;

(9) Any other waste materials the generator designates as infectious waste.

(k) "Multiple family residence" or "apartment" means the grouping together under a common roof of three or more residential units.

(l) "Normal business" means any business that does not require a dumpster but needs one or more (1) ninety-six (96) gallon provided and assigned trash cart of service per week. These businesses shall be provided and assigned up to three (3) ninety-six (96) gallon trash carts that will be serviced one time per week.

(m) "Radioactive waste" means any substance that spontaneously emits ionizing radiation.

(n) "Recyclables" means aluminum cans, glass bottles and jars, plastic containers, tin cans, newspaper and any other material designated by the Sanitation Department as recyclables.

(o) "Refrigerants and items containing chlorofluorocarbons (CFC) or their substitutes" means items that contain chlorofluorocarbons which contribute to the depletion of the ozone layer. This includes refrigerators and other devices utilizing either chlorofluorocarbons as a coolant or the substitutes for chlorofluorocarbons which may not cause ozone depletion but which are subject to special handling requirements.

(p) "Refuse" means paper, boxes, baskets, rags, old shoes, broken glass, tin cans, ashes and similar discarded materials. It does not include construction, remodeling, and demolition waste.

(q) "Residential unit" means the place of abode of persons living separately or together as an independent family in a "dwelling unit" as defined in Section 1161.01(37) of the Codified Ordinances.

(r) "Trash cart" means a forty-eight (48) gallon or a ninety-six (96) gallon wheeled trash container with a closable lid approved, provided, and assigned by the Sanitation Department. The Sanitation Department Superintendent, or his/her designee, will designate approved trash carts with the concurrence of City Council.

(s) "Unacceptable waste" means that portion of the waste stream that will not be picked up by the City of Lancaster and is further defined in Section 937.14.

(t) "Volume", as used in Section 937.12, means average volume.

(u) "White goods" are a type of bulk refuse that may be recycled or resold including, but not limited to large, enameled appliances such as clothing washers and dryers, dish washers, furnaces and electrical heaters, hot water heaters, stove and ovens.

(v) "Yard waste" means solid waste that included only grass clippings, brush, garden waste, tree trunks, holiday trees, tree trimmings, and/or prunings. (Source: EPA definition from The Municipal Solid Waste Landfill Regulations OAC 3745-27).

(Ord. 9-21. Passed 3-22-21.)

### **937.02 PURPOSE.**

This waste code is enacted to preserve and promote the public health, safety and welfare by establishing minimum standards for the storage, collection, transportation and disposal of acceptable and unacceptable waste in order to maintain a sanitary environment for the residents of the City of Lancaster. Whenever this chapter conflicts with any other portion of the Codified Ordinances, this chapter shall prevail with respect to any matters relating to acceptable or unacceptable waste generated by residential units or places of business.

(Ord. 9-21. Passed 3-22-21.)

### **937.03 RATES FOR COLLECTION.**

(a) Monthly Rates. Monthly rates for the collection and disposal of acceptable waste by the City are hereby established as follows:

(1) Class 1. Any one or two persons, sixty-two (62) years of age or older, occupying a residential unit will be provided and assigned by the Sanitation Department, at no charge, one (1) forty-eight (48) gallon trash cart in which all trash for pick-up must be placed. All trash must be placed in the trash cart with the lid closed. No bags, boxes or trash of any kind shall be placed on top of the trash cart or on the ground. Class 1 occupants must sign an application at the Utilities Collection Office.

A. Rate - thirteen dollars (\$13.00) per month.

(2) Class 2. Residential units will be provided and assigned by the Sanitation Department, at no charge, one (1) ninety-six (96) gallon trash cart. All trash

must be placed in the trash cart with the lid closed. No bags, boxes, or trash of any kind shall be placed on top of the trash cart or on the ground.

- A. Rate - seventeen dollars and fifty cents (\$17.50) per month.
  - B. Any residential unit needing more than one (1) trash cart may request a second trash cart provided and assigned by the Sanitation Department for a one-time non-refundable fee of twenty-five dollars (\$25.00) and an additional three dollars per month service fee for a total monthly rate of twenty dollars and fifty cents (\$20.50) per month.
- (3) Class 4. Normal businesses will be provided and assigned by the Sanitation Department, at no charge, up to three (3) ninety-six (96) gallon trash carts per week.
    - A. Rate - twenty-eight dollars (\$28.00) per month.
  - (4) Class 5a. Commercial, industrial, multiple-family residences and businesses using dumpsters per uncompacted cubic yard, with minimum of two (2) cubic yards.
    - A. Rate - nineteen dollars and twenty-five cents (\$19.25) per month.
  - (5) Class 5b. Commercial, industrial, multiple-family and businesses using dumpster per compacted cubic yard.
    - A. Rate - sixty-nine dollars (\$69.00) per month.

(b) Dumpsters. Dumpsters shall be approved by the Sanitation Department.  
(Ord. 9-21. Passed 3-22-21.)

#### **937.04 PRIVATE WASTE DISPOSAL.**

No person shall throw, dump or deposit acceptable or unacceptable waste upon the ground or bury the same upon any premises, public or private, within the City, and no person shall permit any acceptable or unacceptable waste to stand or lay on the premises occupied by him, as tenant or owner, for a period of longer than one (1) week or burn the same in any place except a heating plant or incinerator so designed as to thoroughly consume the same without causing nuisance or smoke, fly ash or offensive odors. Whenever a landlord assumes responsibility for utility services for a tenant, such landlord shall be equally responsible with the tenant for sanitation services as provided herein.

(Ord. 9-21. Passed 3-22-21.)

#### **937.05 ACCEPTABLE WASTE CONTAINER REGULATIONS.**

Acceptable waste containers in the City of Lancaster shall be only the following:

- (a) Ninety-six (96) or forty-eight (48) gallon trash carts provided and assigned by the Sanitation Department. Should a resident already own a trash cart and wish to use it as a second trash cart they still must pay an additional fee of three dollars (\$3.00) per month, but the one time twenty-five dollars (\$25.00), non-refundable fee will be waived.
- (b) Dumpsters approved by the Sanitation Department.
- (c) Any other garbage can, or trash can, plastic bag, box or container is not an acceptable waste container.

(Ord. 9-21. Passed 3-22-21.)

#### **937.06 COLLECTION BUSINESS PROHIBITED.**

(a) No person, business, firm or corporation, except the City, shall engage in or carry on the business of collection, hauling and disposing of waste in the City.

(b) An exception to this section is permitted if such person, business, firm or corporation received permission in writing from the Superintendent of Sanitation and Service-Safety Director.  
(Ord. 9-21. Passed 3-22-21.)

#### **937.07 VEHICLES OF PRIVATE HAULERS.**

Industrial or other producers of waste herein granted the right to convey waste to the waste disposal site shall accomplish the same in trucks or vehicles so constructed as to prevent the leakage or scattering of the contents thereof, and all such conveyances shall be provided with a suitable tarpaulin which shall at all times cover the contents thereof, except when being loaded or unloaded.

(Ord. 9-21. Passed 3-22-21.)

#### **937.08 COLLECTION REGULATIONS.**

(a) It is the intention of this chapter that each family or person occupying a separate residential unit, or each business or firm, shall make a separate provision for the collection and removal of acceptable waste. There shall be no doubling up. Any multiple family residence and/or three (3) separate businesses shall, if deemed necessary, be required to have a dumpster.

(b) No acceptable waste shall be placed or allowed to be placed for removal except in the acceptable waste containers provided and assigned by the Sanitation Department for that purpose. Acceptable waste containers shall not be placed for pick-up until the night before or the day of pick-up service and no later than 7:30 a.m. on day of pick-up. All trash must be placed inside the trash cart, with the lid completely closed. Additional trash cannot be stacked on top of the trash cart. Failure to abide by these regulations will result in additional fees as set forth in subsection below.

(c) Collection shall be made at the street curb or alley property lines as determined by the Superintendent of the Sanitation Department. Trash carts must be placed within three (3) feet of the curb or alley with lid opening facing the street or alley and the wheels toward the residence. Trash carts must be placed at least three (3) feet from any tree, pole, mailbox, etc., and at least ten (10) feet from parked cars. Multiple trash carts must be spaced three (3) feet apart.

(d) When, in the opinion of the Superintendent of the Sanitation Department, an alternate route of collection will better serve the City and the person whose acceptable waste is being collected, the Superintendent may use such an alternate route.

(e) All trash carts shall be returned by the City employees to designated pick-up points set forth in subsection (c) above. Owners shall then return trash carts to the point of origin/storage location and shall not be left at the street curb or alley property line. Trash carts must be removed from the curb or alley by 7:00 p.m. the day of pick-up.

(f) Additional fees shall apply as follows:

(1) If one (1) cubic yard or less outside of trash cart.

A. Trash will be picked-up and a service fee of ten dollars (\$10.00) will be added to the monthly utility bill for each separate offense.

(2) Bulk items and/or excessive trash in excess of one (1) cubic yard outside closed trash cart, or if too much trash or items that are too large to fit in the trash cart, the bulk items and/or excessive trash will be picked up and bulk pick-up rates will apply pursuant to Section 937.15.

(Ord. 9-21. Passed 3-22-21.)

**937.09 OWNERSHIP OF WASTE ON DISPOSAL SITE.**

All waste on the disposal site is the property of the City, and no person shall be allowed to separate and collect, carry off or dispose of the same except under the direction of the Sanitation Superintendent.

(Ord. 9-21. Passed 3-22-21.)

**937.10 DISCONTINUANCE OF SERVICE; NUISANCE CONDITIONS.**

Fermenting, putrefying and odoriferous waste in containers which has not been collected or which has been dumped in the open due to failure to pay waste removal fees shall be declared a nuisance and the person or persons responsible shall be liable to prosecution under Ohio R.C. 3767.13.

(Ord. 9-21. Passed 3-22-21.)

**937.11 DUMPSTERS.**

(a) It shall be the duty of all commercial businesses and multiple-family residences, where ninety-six (96) gallon trash carts are not suitable for the amount of acceptable waste accumulated, to maintain a dumpster. Such dumpsters shall be constructed and located so as to allow servicing by City equipment by means of a specially designed dumping mechanism.

(b) It shall be the duty of the Superintendent of Sanitation to determine the need, size, number, and frequency of pick-up of dumpsters and require use of same.

(Ord. 9-21. Passed 3-22-21.)

**937.12 TRANSFER STATION RATES.**

(a) The following rates shall be charged at the Transfer Station for all residents and customers within the Solid Waste District.

- (1) Class 2. Minimum charge per customer, up to 999 lbs. Rate - \$30.00.
- (2) Class 3. Per ton, if 1,000 lbs. or over. Rate - \$55.00.
- (3) Class 4. Each appliance, other than refrigerant base. Rate - \$10.00.
- (4) Class 5. Each refrigerant based appliance. Rate - \$15.00.
- (5) Class 5. Tires - each.
  - A. Passenger care tire. Rate - \$10.00.
  - B. Truck tires (Light or Heavy). Rate - \$20.00.
  - C. Tractor tire. Rate - \$100.00.

(b) The Transfer Station will not accept brick, block, shingles, lumber over 4' in length building materials, yard waste, dirt, liquids, or large automotive parts.

(c) The use of the Transfer Station shall be restricted to the residents and commercial haulers of the Coshocton Fairfield Licking-Perry County Solid Waste District.

(d) Transfer Station Accounts. Customers using charge accounts at the Transfer Station shall be charged a penalty of one and five tenths percent (1.5%) per month (18% APR) on outstanding balances thirty (30) calendar days from the closing date of their statement. Charge accounts are to be approved at the discretion of the Sanitation Superintendent using volume as one of the criteria. The superintendent has the authority to refuse to open charge accounts.

(Ord. 9-21. Passed 3-22-21.)

**937.13 SOLID WASTE DISPOSAL FEES.**

The following fees shall be established for the Coshocton, Fairfield, Licking, Perry Solid Waste District:

- (a) One dollar (\$1.00)/ton for waste generated within the District;
- (b) Two dollars (\$2.00)/ton for waste generated outside the District, but inside the State; and

- (c) One dollar (\$1.00)/ton for waste generated outside the State.  
(Ord. 9-21. Passed 3-22-21.)

**937.14 UNACCEPTABLE WASTE, RECYCLABLES AND YARD WASTE.**

- (a) Unacceptable Waste, and Yard Waste and Exclusions.

(1) Unacceptable waste.

- A. "Unacceptable waste" means that portion of the waste stream that will not be collected by the City of Lancaster. If any other governmental agency or unit having appropriate jurisdiction determines that substances which are not as of yet considered harmful, toxic, or dangerous, are in fact harmful, toxic or dangerous or are hazardous or harmful to health, then any such substances or materials should thereafter constitute unacceptable waste.
- B. "Unacceptable waste" includes but is not limited to:
1. Medical waste, infectious waste (defined in Section 937.01.)
  2. Radioactive waste (defined in Section 937.01.)
  3. Hazardous waste (defined in Section 937.01.)
  4. Explosive materials
  5. Liquid waste including motor oil
  6. Asbestos
  7. Whole and shredded tires
  8. Lead acid batteries
  9. Drums and barrels
  10. Motor vehicles or major parts thereof
  11. Equipment or machinery
  12. Fecal matter, other than human fecal matter contained in a diaper or other sanitary garment, pad or napkin and wrapped separately in plastic before it is placed into a container or receptacle
  13. Refrigerants or items containing chlorofluorocarbons (CFCs) or their substitutes (defined in Section 937.01.)
  14. Ashes of any kind
  15. Offal or animal wastes, byproducts or hide trimmings
  16. Nonresidential waste
  17. Shredder fluff from shredding automobiles, light duty trucks, motor vehicle engines, household appliances, white goods, (defined in Section 937.01) and other miscellaneous metal parts
  18. Condemned products (defined in Section 937.01)
  19. And other items as may be determined by the Sanitation Superintendent.

(2) Yard waste.

- A. Yard waste will be collected at the curb line, on a seasonal basis as determined by the Superintendent, only in an approved container at no additional cost.
- B. Yard waste must be:
1. Tied in bundles not exceeding four (4) feet in length and two (2) feet in diameter or fifty (50) pounds; or
  2. Placed in acceptable bio-degradable paper bags weighing no more than fifty (50) pounds each when loaded with waste.
  3. Co-mingling of yard waste within the same container as acceptable waste is prohibited.

- C. Yard waste will be accepted at the transfer facility at the rate outlined in 937.12 Transfer Station Rates. *Transfer Station*

- (3) Any exclusion or exception to any part of this chapter shall be approved by the Superintendent or his designated representative.  
(Ord. 9-21. Passed 3-22-21.)

#### **937.15 BULK PICK-UP RATES AND REGULATIONS.**

(a) Bulk Pick-Up. Any resident or business within Lancaster City limits may call the Sanitation Department to make an appointment for bulk pick-up of items not picked up with normal waste for an additional fee.

- (1) Minimum twenty-five dollars (\$25.00) charge per bulk pick-up, with minimum of one (1) cubic yard.
- (2) Each additional yard will have a fee of nineteen dollars and twenty-five cents (\$19.25) per cubic yard.  
(Ord. 9-21. Passed 3-22-21.)

#### **937.16 CHARGES A LIEN.**

Each charge or rental levied by or pursuant to this chapter is made a lien upon the corresponding lot, land or premises served by the Sanitation Department of the City, and if the same is not paid within thirty (30) days after it shall become due and payable, it shall be certified to the County Auditor who shall place the same on the tax duplicate of the County with the interest and penalties allowed by law and shall be collected.  
(Ord. 9-21. Passed -3-22-21.)

#### **937.17 APPEAL.**

Any customer shall have the right to appeal surcharges or penalties assessed, pursuant to this chapter, to their city utilities monthly billing statement using the appeals process set forth in the City of Lancaster Utilities Collection Office's "General Rules and Regulations" which is available on-line at their City's website and/or at the Utilities Collection Office during normal business hours.  
(Ord. 9-21. Passed 3-22-21.)

#### **937.18 RULES AND REGULATIONS.**

The Sanitation Department Superintendent, with the approval of the Service-Safety Director, shall have authority to make such other rules and regulations, not inconsistent herewith, pertaining to the handling, collection and disposal of refuse, waste, recyclables, and yard waste, as well as the administration thereof, as he/she deems necessary, proper or convenient to facilitate their collection and disposal.  
(Ord. 9-21. Passed 3-22-21.)

#### **937.99 PENALTY.**

Whoever violates this chapter shall be deemed guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00). Each day's violation shall constitute a separate offense.  
(Ord. 9-21. Passed 3-22-21.)

TEMPORARY ORDINANCE NO. 10-25

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

AN ORDINANCE TO ACCEPT THE ANNEXATION OF 22.080 +/- ACRES IN GREENFIELD TOWNSHIP AND TO DECLARE AN EMERGENCY

WHEREAS, on October 16, 2024, the City of Lancaster was served with Petitioner's Petition for Annexation of 22.080 +/- acres in Pleasant Township to the City; and

WHEREAS, City Council subsequently passed all necessary legislation to consent to and serve the annexed territory; and

WHEREAS, on November 12, 2024, the Fairfield County Board of County Commissioners unanimously passed Resolution 2024-11.12.g which granted the Petition to annex 22.080 +/- acres from Greenfield Township to the City of Lancaster; and

WHEREAS, the City wishes to finally accept this annexation; now, therefore,

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

SECTION 1. That the City of Lancaster hereby accepts the annexation of 22.080 +/- acres herein described in Exhibit A.

SECTION 2. That the City Engineer is hereby authorized to change the municipal corporation limits of the City accordingly.

SECTION 3. That Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 4. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and its inhabitants and for the further reason that this ordinance is necessary to further economic development and remediate the City's acute housing shortage; wherefore, 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 Economic Development Committee

I, Anitra Scott, Clerk of Council do hereby certify that on \_\_\_\_\_, 2025 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

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



## LEGAL DESCRIPTION

22.080 +/- Acres

Situated in the State of Ohio, County of Fairfield, Township of Greenfield, Township 15, Range 19, Section 27, Congress Lands, being all of a 1.006 acre tract as conveyed to Precision Pain Care Properties LLC, of record in Instrument Number 202400013456, a 3.851 acre tract (Tract A) and a 3.851 acre tract (Tract A-1) as conveyed to MRJJ, LLC, of record in Official Record 1453, Page 2237, part of a 2.135 acre tract as conveyed to West 33 Properties, LLC, of record in Official Record 1504, Page 937, all of a 0.433 acre tract as conveyed to David O. Jones, Trustee, of record in Official Record 1502, Page 1379, all of a 1.492 acre tract as conveyed to David O. Jones, Trustee, of record in Official Record 1467, Page 1970, part of a 1.065 acre tract as conveyed to David O. Jones, of record in Official Record 1619, Page 448, all of a 10.00 acre original tract as conveyed to New Life Christian Center Church, of record in Deed Volume 476, Page 682, and Deed Volume 606, Page 655, part of a 1.527 acre tract as conveyed to The Board of Fairfield County Commissioners, of record in Official Record 1822, Page 3172, all deed references refer to the records of the Recorder's Office, Fairfield County, Ohio and being more particularly described as follows:

**BEGINNING** at the northwesterly corner of said 1.527 acre tract and being in the centerline of Election House Road (County Road 40) (Variable R/W) and the northwest corner of that plat entitled "General Sherman Junior High School Subdivision", of record in Plat Cabinet 3, Slide 46;

Thence South  $87^{\circ}00'25''$  East, with the northerly line of said 1.527 acre tract, a distance of 22.50 feet to a point in the Existing City of Lancaster Corporation Line of record in Official Record 1463, Pg 34;

Thence South  $3^{\circ}01'22''$  West, through said 1.527 acre tract and with said Corporation Line, a distance of 1432.99 feet to a point in the southerly line of said 1.527 acre tract and said General Sherman Junior High School Subdivision;

Thence North  $86^{\circ}30'20''$  West, with said southerly line, a distance of 22.50 feet to a point in said centerline, being the easterly line of said 10.00 acre tract ;

Thence South  $3^{\circ}23'54''$  West, with said centerline and said easterly line, a distance of 78.39 feet, to the northeasterly corner of a 2.201 acre original tract as conveyed to Precision Pain Care Properties, LLC of record in Official Record 1601, Page 3081 and the southeasterly corner of said 10.00 acre tract;

Thence North  $86^{\circ}37'39''$  West, with the northerly line of said 2.201 acre tract, a distance of 346.37 feet to the northeasterly corner of said 1.006 acre tract;

Thence South  $3^{\circ}35'42''$  West, with the easterly line of said 1.006 acre tract, a distance of 149.94 feet to the southeast corner being thereof in the northerly line of said Tract A-1;

Thence South  $86^{\circ}36'47''$  East, with said northerly line, a distance of 346.88 feet to the northeasterly corner thereof and in the centerline of Election House Road;

Thence South  $3^{\circ}23'54''$  West, with said centerline and with the easterly lines of said Tract A-1, Tract A, and 1.492 acre tract, a distance of 749.89 feet to the southeasterly corner of said 1.492 acre tract;

Thence North  $86^{\circ}35'50''$  West, with the southerly line of said 1.492 acre tract, a distance of 160.99 feet to the northeasterly corner of said 1.065 acre tract;

Thence South  $3^{\circ}24'09''$  West, with the easterly line of said 1.065 acre tract, a distance of 186.97 feet to a point in the northerly right of way line of Columbus-Lancaster Road;

Thence with said northerly right of way line and through said 1.065 acre tract and 2.135 acre tract, with a curve to the left with a radius of 8345.02 feet, a delta angle  $03^{\circ}31'16''$ , an arc length of 512.86 feet, a chord distance and bearing of North  $65^{\circ}23'48''$  West, 512.78 feet, to a point in the westerly line of said 2.135 acre tract;

Thence North  $3^{\circ}24'32''$  East, with the westerly lines of said 2.135 acre tract, said Tract A, said Tract A-1 and said 1.006 acre tract, a distance of 901.11 feet, to the northwesterly corner of said 1.006 acre tract, being in the southerly line of said 10.00 acre tract;

Thence North  $86^{\circ}37'39''$  West, with said southerly line, a distance of 489.35 feet, to the southwesterly corner thereof;

Thence North  $4^{\circ}04'12''$  East, with the westerly line of said 10.00 acre tract, a distance of 322.50 feet, to the southerly right of way line of Kull Road (65'), as dedicated in the Kull Subdivision, of record in Plat Cabinet 2, Slot 12;

Thence South 86°37'04" East, with said southerly right of way line, a distance of 1122.86 feet, to the southeasterly corner thereof, being in the centerline and the westerly line of said 1.527 acre tract;

Thence North 3°01'22" East, with said centerline and said westerly line, a distance of 1188.89 feet to the **POINT OF BEGINNING** containing **22.080** acres, more or less.

The total perimeter of annexation area is 8034.99 feet, of which 1432.99 feet are contiguous with the City of Lancaster, giving 17.8% contiguity.

Subject to all covenants, restrictions, reservations and easements contained in any instrument of record pertaining to the above described tract of land.

This description was prepared from existing record information and is for annexation purposes only.

The bearings shown above are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011).



CESO Inc.

A handwritten signature in black ink, appearing to read "M. Ackroyd", with the date "9/17/24" written to the right of the signature.

Matthew J. Ackroyd, PS  
Registered Surveyor No. 8897



TEMPORARY ORDINANCE NO. 11-25

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

AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT A PERMANENT EASEMENT TO THE OHIO POWER COMPANY NECESSARY FOR THE CONSTRUCTION OF ELECTRIC FACILITIES TO SERVE THE NORTH WATER TREATMENT PLANT

WHEREAS, the City of Lancaster is currently constructing the North Water Treatment Plant within Miller Park; and

WHEREAS, the North Water Treatment Plant has power needs that necessitate the construction of new electric infrastructure by the Ohio Power Company, which is a unit of American Electric Power (AEP); and

WHEREAS, this new electric infrastructure is located within Miller Park on private property owned by the City; and

WHEREAS, the Ohio Power Company requires an easement from the City in order to construct and maintain this infrastructure into the future; now, therefore,

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

SECTION 1. That the Mayor is hereby authorized to grant a permanent easement to the Ohio Power Company, to execute all documents necessary to complete said easement, and to pay any costs associated with the acquisition thereof.

SECTION 2. The Easement and Right of Way, attached hereto as Exhibit A, is hereby approved and authorized with changes therein 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 this easement and associated ancillary documents in this matter, provided further that the approval of changes thereto by the Mayor, their character not being substantially adverse to the City, 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 changes to the final documents, which amendments are not inconsistent with this ordinance and not substantially adverse to the City.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

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

\_\_\_\_\_  
Mayor

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

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

Requested by Water/Water Pollution Control Committee

I, Anitra Scott, Clerk of Council do hereby certify that on \_\_\_\_\_, 2025 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

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



Eas. \_\_\_\_\_



### Easement & Right of Way

**CITY OF LANCASTER, OHIO**, "Grantor(s)", in consideration of \$1.00, the easement terms, and other good and valuable consideration from Ohio Power Company an Ohio corporation and a unit of American Electric Power, 700 Morrison Road, Gahanna, OH 43230, "Grantee", the receipt and sufficiency of which is acknowledged, grants and conveys with general warranty covenants to Grantee its successors, assigns, lessees, licensees and tenants, a right of way and easement, "Easement" for electric and other current/future energy or communication purposes, overhead and underground, in, on, over, through and across the following described lands situated in HOCKING Township, FAIRFIELD County, Ohio, and being part of Section No(s) 1 Township No(s) 14N, Range No(s) 19W. Being part of a 23 acre tract of land as described in Official Records Volume 147 Page 271 of the Fairfield County Recorder's Office (Parcel # 0531812500).

The easement shall be 40 feet wide, lying 20 feet on each side of the facilities as constructed. The approximate location of said easement is depicted on Exhibit A, attached hereto and incorporated herein.

This Easement conveys all necessary and convenient rights for the Easement's use, including, without limitation, the rights to: construct, operate, maintain, inspect, protect, repair, replace, enlarge, upgrade, extend and remove utility facilities and relocate within the Easement, all necessary and convenient facilities which include but are not limited to: poles, anchors, guys, supporting structures, conductors, conduits, enclosures, grounding systems, foundations, manholes, transformers, and associated equipment, adding thereto from time to time; perform grading or filling for such facilities; cut, trim, remove and/or otherwise control, with herbicides or by other means, at Grantee's option (without any liability to Grantor), any trees, limbs or branches, brush, shrubs, undergrowth, of whatever size, buildings, structures, or other obstructions that in Grantee's reasonable judgment endanger or interfere with the safety or use of its facilities, both within and adjoining the Easement. Within the Easement, Grantor shall not: place any structures, piles or debris, interfere with lateral support, change the level of the ground by excavation or mounding without Grantee's written consent, allow any construction that would be inconsistent with the National Electric Safety Code or Grantee's design standards, and, for underground lines, permit or cause any excavation, except for other utilities, provided such utilities rights do not conflict with this Easement. This Easement also conveys the right of ingress and egress in and over any reasonable routes at all times. If any governmental authority requires Grantee to relocate the facilities contemplated by this grant, this





 <p>AEP OHIO</p>	DRAWN BY: ROBERT HARDMAN	
	COUNTY: FAIRFIELD	WR# 88945438
	CITY: LANCASTER	DATE: 1-16-2025
	STATE: OHIO	SCALE: NTS
OHIO POWER COMPANY		

TEMPORARY ORDINANCE NO. 12-25

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

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN COOPERATIVE AGREEMENT AMONG THE LANCASTER PORT AUTHORITY, THE CITY OF LANCASTER, OHIO, LANCASTER DEVELOPMENT COMPANY, LLC, AND THE HUNTINGTON NATIONAL BANK; AND AUTHORIZING THE APPROPRIATION OF TAX INCREMENT FINANCING FUNDS FOR PAYMENT OF DEBT SERVICE WITH RESPECT TO A MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$6,000,000 OF PORT AUTHORITY REVENUE BONDS TO BE ISSUED TO PAY COSTS OF PUBLIC INFRASTRUCTURE IMPROVEMENTS; AUTHORIZING THE EXECUTION AND DELIVERY OF A TIF ADMINISTRATION AGREEMENT BETWEEN ARGUS GROWTH CONSULTANTS, LTD. AND THE CITY; AUTHORIZING AND APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Sections 5709.40, 5709.42, and 5709.43 of the Ohio Revised Code (“R.C.”), the City of Lancaster, Ohio (the “City”) adopted Ordinance No. 19-21 on June 24, 2021, as amended by Ordinance No. 24-21 on August 9, 2021 (as so amended and restated, the “TIF Ordinance”), which, in relevant part, declared that one hundred percent (100%) of the increase in the assessed value of each parcel comprising certain real property located within the City (the “TIF Area”) subsequent to the effective date of the TIF Ordinance (such increase, as further defined in the R.C. Section 5709.40, an “Improvement”) is a public purpose and thereby exempt from taxation for up to thirty (30) years (the “TIF Exemption”); and

WHEREAS, the City determined it to be necessary and appropriate and in the best interest of the City to require the current owners of the parcels comprising the TIF Area and any future owners of such parcels to make annual service payments in lieu of taxes with respect to any Improvement allocable thereto (Service Payments”); and

WHEREAS, pursuant to that certain Revenue Sharing Agreement, dated effective May 21, 2021, between the City and the Lancaster City School District (the “School Compensation Agreement”), the City agreed to provide compensation to the School District for a portion of the real property taxes to be exempted under the TIF Ordinance (such compensation, the “School Compensation”), which School Compensation is paid from Service Payments; and

WHEREAS, the Service Payments, less the amounts payable from the Service Payments to the School District pursuant to the School Compensation Agreement and the TIF Ordinance are referred to in this Ordinance as the “Net Service Payments”; and

WHEREAS, the Lancaster Development Company, LLC, an Ohio limited liability company (the “Company”), is the master developer of the Timbertop Mixed-Use Development Project (the “Project”) to be located at 2137 North Columbus Street in the City on approximately 78 acres (the “Project Site”); and

WHEREAS, the Project Site is situated within the TIF Area; and

WHEREAS, the Project is to contain two phases of private development generally described as follows: (i) an approximately 15-acre development including a 195-luxury apartment unit project; and (ii) an approximately 63-acre development including an 81-unit senior residential care facility and a 150-luxury apartment unit project; and

WHEREAS, pursuant to that certain Tax Increment Financing Agreement, dated effective May 9, 2023, by and between the Company and the City (the "TIF Agreement"), the City has agreed to reimburse the Company for certain Reimbursable Amounts (as defined in the TIF Agreement) incurred in connection with the Public Infrastructure Improvements (as also defined in the TIF Agreement) that the Company has incurred or will incur in the course of completing the Project (the "Original Reimbursement Obligation"); and

WHEREAS, Section 2(e) of TIF Agreement contemplated that each owner of a parcel in the TIF Area would record a TIF declaration obligating the owner and future owners to make minimum service payments ("Minimum Service Payments"), which Minimum Service Payments have been effectuated pursuant to the following: that certain Declaration of Covenants and Conditions Relative to Service Payments in Lieu of Taxes and Imposition of Continuing Priority Lien, dated November 8, 2024, and recorded against parcel no. 0532328500 on November 12, 2024, in the records of the Fairfield County Recorder's Office as document number 202400018122 (the "Parcel 0532328500 TIF Declaration"), the Declaration of Covenants and Conditions Relative to Service Payments in Lieu of Taxes and Imposition of Continuing Priority Lien, dated September 8, 2021, and recorded against parcel no. 0532327800 on September 22, 2021, in the records of the Fairfield County Recorder's Office as document number 202100025041 (the "Parcel 0532327800 TIF Declaration"), the Declaration of Covenants and Conditions Relative to Service Payments in Lieu of Taxes and Imposition of Continuing Priority Lien, dated February 9, 2024, and recorded against parcel no. 0532328300 on February 14, 2024, in the records of the Fairfield County Recorder's Office as document number 202400002152 (the "Original Parcel 0532328300 TIF Declaration"), as amended and restated by the First Amended and Restated Declaration of Covenants and Conditions Relative to Service Payments in Lieu of Taxes and Imposition of Continuing Priority Lien, dated November 22, 2024, and recorded against parcel no. 0532328300 on December 18, 2024, in the records of the Fairfield County Recorder's Office as document number 202400020326 (such amendment to the Original Parcel 0532328300 TIF Declaration, together with the Original Parcel 0532328300 TIF Declaration, the "Parcel 0532328300 TIF Declaration"), and the Declaration of Covenants and Conditions Relative to Service Payments in Lieu of Taxes and Imposition of Continuing Priority Lien, to be recorded against parcel nos. 0532328200 and 0532328400 in the records of the Fairfield County Recorder's Office (the "Parcels 0532328200 and 0532328400 TIF Declaration", collectively with the Parcel 0532328500 TIF Declaration, the Parcel 0532327800 TIF Declaration and the Parcel 0532328300 TIF Declaration, the "TIF Declarations"); and

WHEREAS, the City has requested the assistance of the Lancaster Port Authority (the "Port Authority") in financing the Project; and

WHEREAS, the Port Authority will issue revenue Bonds (the "Bonds"), the proceeds of which Bonds will be made available to the Company for the payment of costs of the Project or for reimbursement of the costs of the Project previously incurred by the Company, as further described in the Cooperative Agreement to be entered into by and among the Port Authority, the City, the Company, and The Huntington National Bank, as trustee, (the "Cooperative Agreement"); and

WHEREAS, the Cooperative Agreement will provide for, among other things: (i) the use of the proceeds of the Bonds for the payment of the Original Reimbursement Obligation, the payment of other costs of the Project, and the financing of certain other public infrastructure improvements associated with the Project; (ii) the termination and replacement of the TIF Agreement by the Cooperative Agreement, (iii) the pledge of the Net Service Payments to secure the payment of the Bonds, (iv) the assignment of all Minimum Service Payments owed under the TIF Agreement and TIF Declarations to the Port Authority for the payment of the Bonds, and (v) the administration of the allocation of the Net Service Payments and the Minimum Service Payments towards the payment of debt service on the Bonds; and

WHEREAS, City Council has determined to authorize the execution, delivery, and performance of the Cooperative Agreement by and among the Port Authority, the Company, the City, and The Huntington National Bank, as trustee all in connection with the Project; and

WHEREAS, City Council has determined to retain Argus Growth Consultants, Ltd. (the "TIF Administrator"), in order to obtain services related to the administration of the TIF Exemption, the collection and application of Service Payments, Net Service Payments, and Minimum Service Payments, the proper calculation and payment of School Compensation Payments, and other services related to the TIF Exemption; now, therefore,

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

SECTION 1. Definitions. In addition to the words and terms defined in the Cooperative Agreement, the following words and terms shall have the following meanings unless the context or use clearly indicates another or different meaning or intent:

"Administrative Expenses" includes the fees and expenses of the Port Authority as issuer of the Bonds and amounts required to enforce any provisions of the Cooperative Agreement, including but not limited to amounts necessary to fund one or more reserve funds, to pay cost of issuance, if necessary, to pay the fees and expenses of any Trustee for the Bonds, and to pay premiums on one or more surety policies, if necessary.

"TIF Administration Agreement" shall mean the agreement for TIF administration services between the City and Argus Growth Consultants, Ltd., related to the administration of the TIF Exemption.

SECTION 2. Determinations by Council. City Council finds and determines as follows:

(a) Public Purpose. The Project serves a proper public municipal purpose under Article XVIII, Section 4, of the Ohio Constitution.

(b) Cooperation with Port Authority. It is necessary, proper and in the best interest of the City to request the Port Authority to issue the Bonds and for the Port Authority to make the proceeds from the issuance of the Bonds available to the Company pursuant to the Cooperative Agreement for use in the Project or the financing or refinancing thereof. Cooperation with the Port Authority is authorized by this Ordinance and by Ohio Revised Code Sections 4582.25, 4582.43, and 4582.431.

(c) Cooperative Agreement. It is necessary, proper and in the best interest of the City to authorize the Cooperative Agreement to provide for, among other things, the issuance of the Bonds by the Port Authority.

City Council finds and determines that the issuance of the Bonds and the execution, delivery, and performance of the Cooperative Agreement in connection with such issuance for the purpose provided in this Ordinance serves a proper, public, municipal purpose and is authorized by this Ordinance and by Ohio Revised Code Sections 4582.25, 4582.43, and 4582.431.

SECTION 3. Bond Terms; Application of Proceeds.

(a) Principal Amount. The principal amount of the Bonds shall not exceed Six Million Dollars (\$6,000,000.00).

(b) Maturity. The final maturity of the Bonds shall be December 1, 2056. The Bonds shall be subject to redemption as provided in the Bond legislation approved by the Port Authority.

(c) Interest. The interest rate on the Bonds shall be fixed at 8.00%.

(d) Application of Proceeds. The proceeds from the sale of the Bonds shall be deposited and applied as provided in the Cooperative Agreement and for the purposes stated in this Ordinance.

(e) Administrative Expenses. The Administrative Expenses of the Port Authority may be paid for with the proceeds from the sale of the Bonds. The Administrative Expenses of the Port Authority may be paid with Service Payments as part of the debt service on the Bonds or otherwise.

It is determined that the terms of the Bonds as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Cooperative Agreement will be in the best interest of the City and consistent with all legal requirements.

SECTION 4. Authorization of Cooperative Agreement; Authorization of TIF Administration Agreement; Additional Documents. In connection with the issuance of the Bonds, the Mayor, the Director of Economic Development, and the City Law Director are each authorized, in the name and on behalf of the City, to sign and deliver the Cooperative Agreement and the TIF Administration Agreement in such forms as are determined by the Mayor, the Director of Economic Development, and the City Law Director as acceptable, in the best interest of the City, and consistent with this Ordinance.

The Mayor, the Director of Economic Development, and the City Law Director are each authorized to sign and deliver and accept delivery of such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Ordinance, the Cooperative Agreement, and the TIF Administration Agreement, including all agreements, contracts, and documents necessary or appropriate, in such officer's discretion, to facilitate procurement of municipal bond insurance to enhance the credit of the Bonds if determined to be advisable in connection with the pricing and sale of the Bonds.

The Mayor, the City Auditor, the Director of Economic Development, and the City Law Director are each further authorized to provide certain information related to the City (the "City Information") for inclusion in an official statement or other offering document of the Port Authority, in preliminary and final form, in connection with the original issuance of the Bonds. If the Mayor, City Auditor, Director of Economic Development, or City Law Director so determines, then the Mayor, City Auditor, Director of Economic Development, or the City Law Director are hereby authorized and directed to prepare, on behalf of the City and in their official capacities, the City Information and any supplements thereto, and such certificates related to the accuracy of the City Information as may, in their judgment, be necessary or appropriate.

The Mayor, the Director of Economic Development, and the City Law Director are each authorized to make the necessary arrangements on behalf of the City and cooperate with the Port Authority to establish the date, location, procedure and conditions for the delivery of the Bonds to the original purchaser of the Bonds identified by the Port Authority and to take all actions necessary to effect due signing, authentication and delivery of the Bonds by the Port Authority consistent with the terms of this Ordinance, the Cooperative Agreement, and the TIF Administration Agreement. The Clerk of Council or other appropriate official of the City shall, upon request, furnish the original purchaser of the Bonds identified by the Port Authority with a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the authorization of the Cooperative Agreement.

SECTION 5. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Bonds or matters authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, certificates of indebtedness, other obligations, indentures, or other agreements or contracts made or entered into by the City.

SECTION 6. Validity. It is found and determined, and is hereby represented and recited, that all applicable rules of this Council have been fully complied with, and this Ordinance was passed in conformity therewith.

SECTION 7. Severability. Each section of this Ordinance and each subdivision or paragraph of any section is hereby declared to be independent, and the finding or holding of any section or any subdivision or paragraph of any section to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision or paragraph of this Ordinance.

SECTION 8. Compliance with Open Meeting Law. This Council finds and determines that all formal actions of this Council were taken in an open meeting of this Council, and that all deliberations of this Council were in meetings open to the public, all in compliance with the law, including Ohio Revised Code Section 121.22.

SECTION 9. Emergency Measure. This ordinance is declared to be an emergency measure necessary for the immediate preservation of public health, safety and general welfare, to wit: to allow the agreement to be effective immediately to facilitate the development of the Project and shall take effect and be in force from and after its adoption.

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

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

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

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

\_\_\_\_\_  
Mayor

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

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

Requested by Economic Development Committee

I, Anitra Scott, Clerk of Council do hereby certify that on \_\_\_\_\_, 2025 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

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