

LANCASTER CITY COUNCIL  
LANCASTER, OHIO

December 1, 2025

PRAYER  
PLEDGE OF ALLEGIANCE  
REGULAR MEETING CONVENES  
CALL TO ORDER  
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 #90-25</b> | A RESOLUTION TO AUTHORIZE THEN AND NOW CERTIFICATES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND (2073), CHIP HOME PROGRAM FUND (2083) AND FOR THE HEALTHY HOMES GRANT (2026) YEAR END 2025 PROJECT EXPENDITURES<br><b>Economic Development Committee (Hoop/Wing) (3 Readings)</b>   |
| <b>Temp Res #91-25</b> | A RESOLUTION TO AUTHORIZE THE CITY OF LANCASTER AUDITOR TO REQUEST AN ADVANCE OF FUNDS FROM THE FAIRFIELD COUNTY AUDITOR FOR THE CITY'S APPORTIONMENT OF TAX SETTLEMENTS FOR 2026<br><b>Finance Committee (Schoonover/Ailes) (3 Readings)</b>  |
| <b>Temp Res #92-25</b> | A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO DISPENSE WITH COMPETITIVE BIDDING DUE TO A SOLE SOURCE PROVIDER AND TO ENTER INTO A CONTRACT FOR THE CITY'S ENTERPRISE ASSET AND WORK MANAGEMENT SOFTWARE AND TO DECLARE AN EMERGENCY<br><b>Administrative Services Committee (Luchtenberg/Bizjak) (3 Readings)</b> |
| <b>Temp Res #93-25</b> | A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE AND AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR IN THE INCOME TAX FUND (2016)<br><b>Finance Committee (Schoonover/Sollie) (3 Readings)</b>   |
| <b>Temp Res #94-25</b> | 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 HOTEL MOTEL FUND (8055)<br><b>Finance Committee (Schoonover/Ailes) (3 Readings)</b>  |

**Temp Res #95-25** A RESOLUTION TO AMEND APPROPRIATION BUDGETS THEN AMEND THE CERTIFICATE OF OTHER SOURCES AND APPROPRIATIONS WITH THE COUNTY AUDITOR AND TO DECLARE AN EMERGENCY

**Finance Committee (Schoonover/Sollie) (3 Readings)**

**SECOND READING**

**Temp Res #96-25** A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CONTRACT WITH VERDANTAS FOR GENERAL ENGINEERING SERVICES

**Water/Water Pollution Control Committee (Wing/Tener) (2 Readings)**

**Temp Res #98-25** A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ENTER INTO A CONTRACT WITH RENAISSANCE COUNSELING & CONSULTATION TO PROVIDE PROFESSIONAL MENTAL HEALTH COUNSELING SERVICES TO CITY OF LANCASTER EMPLOYEES AND THEIR DEPENDENTS AND TO DECLARE AN EMERGENCY

**Administrative Services Committee (Luchtenberg/Bizjak) (2 Readings)**

**FIRST READING**

**Temp Res #101-25** A RESOLUTION APPROVING THE PETITION, PLAN, AND ARTICLES OF INCORPORATION OF THE LANCASTER REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, INC. AND DECLARING THE NECESSITY OF ACQUIRING, CONSTRUCTING, IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF LANCASTER, OHIO IN COOPERATION WITH THE LANCASTER REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, INC., AND DECLARING AN EMERGENCY

**Economic Development Committee (Hoop/Wing) (1 Reading)**

**Temp Res #102-25** A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR CONSTRUCTION OF THE PROJECT KNOWN AS THE ARBOR VALLEY DRIVE IMPROVEMENT PROGRAM AND TO HIRE A CONSULTANT TO PROVIDE CONSTRUCTION INSPECTION SERVICES

**Public Works Committee (Tener/Luchtenberg) (1 Reading)**

**Temp Res #103-25** A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CONSTRUCTION AND INSPECTION OF THE 2026 STREET IMPROVEMENT PROGRAM - PAVING PROJECT

**Public Works Committee (Tener/Luchtenberg) (1 Reading)**

**Temp Res #104-25** A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR CONSTRUCTION OF THE EAST SIXTH AVENUE BRIDGE OVER FETTERS RUN REPLACEMENT PROJECT AND TO HIRE A CONSULTANT TO PROVIDE CONSTRUCTION INSPECTION SERVICES

**Public Works Committee (Tener/Crites) (1 Reading)**

- Temp Res #105-25** A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AGREEMENTS WITH THE FAIRFIELD COUNTY BOARD OF COMMISSIONERS, WITH VARIOUS CONSULTANTS AS NEEDED, AND TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR CONSTRUCTION OF THE PROJECT KNOWN AS THE WHILEY ROAD RECONSTRUCTION PROJECT  
**Public Works Committee (Tener/Crites) (3 Readings)**
- Temp Res #106-25** A RESOLUTION OF CONSENT FOR PRELIMINARY LEGISLATION AND TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AGREEMENTS AS NECESSARY TO COMPLETE THE PROJECTS KNOWN AS FAI US 22/SR 37/158 VAR, PID 98022 AND D05 FY2027 BRIDGE REHAB WEST, PID 124808  
**Public Works Committee (Tener/Crites) (3 Readings)**
- Temp Res #107-25** A RESOLUTION TO INCREASE AND DECREASE APPROPRIATIONS IN THE LDOT FUND (2008) FOR OVERTIME OR COMP TIME PAYOUTS AND TO DECLARE AN EMERGENCY  
**Public Works Committee (Tener/Crites) (1 Reading)**
- Temp Res #108-25** A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO APPLY FOR THE 2026 RECYCLE OHIO GRANT PROGRAM AND TO DECLARE AN EMERGENCY  
**Service Committee (Ailes/Hoop) (1 Reading)**
- Temp Res #109-25** A RESOLUTION TO INCREASE AND DECREASE APPROPRIATIONS IN THE POLICE AND FIRE LEVY FUND (2047) FOR LANCASTER POLICE DEPARTMENT YEAR-END CASHOUTS AND TO DECLARE AN EMERGENCY  
**Safety Committee (Bizjak/Sollie) (1 Reading)**
- Temp Res #110-25** A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF THE FREDERICK STREET SEWER SEPARATION PROJECT  
**Water/Water Pollution Control Committee (Wing/Ailes) (1 Reading)**
- Temp Res #111-25** A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF THE 2026 SEWER REHABILITATION PROJECT, PREVIOUSLY KNOWN AS THE 2025 SEWER REHABILITATION PROJECT  
**Water/Water Pollution Control Committee (Wing/Tener) (1 Reading)**
- Temp Res #112-25** A RESOLUTION TO AUTHORIZE THE MAYOR AND/OR HIS DESIGNEE TO APPLY FOR THE OHIO DEPARTMENT OF DEVELOPMENT'S RESIDENTIAL ECONOMIC DEVELOPMENT DISTRICT GRANTS PROGRAM AND TO DECLARE AN EMERGENCY  
**Economic Development Committee (Hoop/Wing) (1 Reading)**

## READING OF ORDINANCES

### THIRD READING

Temp Ord #69-25

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, LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC POWER AND ENERGY TO THE CITY AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER, AND OTHER PURPOSES, AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH, OR ACROSS SAID CITY AND TO DECLARE AN EMERGENCY

**Law Committee (Bizjak/Schoonover) (3 Readings)**

### SECOND READING

Temp Ord #70-25

AN EMERGENCY ORDINANCE CREATING AN INCENTIVE DISTRICT AND DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE, AND EXEMPT FROM REAL PROPERTY TAXATION, IDENTIFYING CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT, ONCE MADE, WILL BENEFIT OR SERVE THE PARCELS IN THE INCENTIVE DISTRICT, REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, AUTHORIZING THE CITY TO REQUIRE MINIMUM SERVICE PAYMENTS IF SUCH PAYMENTS ARE AGREED UPON BY DEVELOPER, ESTABLISHING AN INCENTIVE DISTRICT PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND, AS APPLICABLE, MINIMUM SERVICE PAYMENTS, AUTHORIZING PAYMENTS TO THE LANCASTER CITY SCHOOL DISTRICT, AND APPROVING RELATED MATTERS

**Economic Development Committee (Hoop/Wing) (2Readings)**

### FIRST READING

Temp Ord #71-25

AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED AT THE TAYLOR PROPERTY SITE IN THE CITY OF LANCASTER, FAIRFIELD COUNTY, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING SPECIFIC PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT, ONCE MADE, WILL DIRECTLY BENEFIT THE PARCELS FOR WHICH IMPROVEMENT IS DECLARED TO BE A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT; AND PROVIDING RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40(B), 5709.42, 5709.43, 5709.832 AND 5709.85

**Economic Development Committee (Hoop/Schoonover) (1 Reading)**

- Temp Ord #72-25** AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF LANCASTER, OHIO IN COOPERATION WITH THE LANCASTER REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT AND DECLARING AN EMERGENCY  
**Economic Development Committee (Hoop/Crites) (2 Readings)**
- Temp Ord #73-25** AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF LANCASTER OHIO IN COOPERATION WITH THE LANCASTER ENERGY SPECIAL IMPROVEMENT DISTRICT, APPROVING THE C-PACE ASSIGNMENT AGREEMENT, AND DECLARING AN EMERGENCY  
**Economic Development Committee (Hoop/Wing) (2 Readings)**
- Temp Ord #74-25** AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART ONE – ADMINISTRATIVE CODE, TITLE THREE – LEGISLATIVE, CHAPTER 111 – RULES OF COUNCIL AND TO DECLARE AN EMERGENCY  
**Law Committee (Crites/Bizjak) (2 Readings)**

#### TABLED LEGISLATION

- Temp Ord #49-25** AN ORDINANCE TO ESTABLISH BENEFITS, TITLES, AND COMPENSATION FOR PARKS AND RECREATION PERSONNEL EMPLOYED BY THE CITY OF LANCASTER, OHIO FOR THE YEAR 2026, AND TO DECLARE AN EMERGENCY  
**Administrative Services Committee (Luchtenberg/Bizjak) (3 Readings)**
- Temp Res #83-25** A RESOLUTION TO MAKE APPROPRIATIONS FOR PLANNED 2026 BUDGET EXPENSES AND OTHER EXPENDITURES OF THE CITY OF LANCASTER FOR FISCAL YEAR 2026, AND TO ESTABLISH LINE-ITEM TRANSFER AUTHORITY FOR ALL CITY DEPARTMENTS  
**Finance Committee (Schoonover/Ailes) (3 Readings)**  
*Motion to replace with 83-25\**
- Temp Ord #57-25** AN ORDINANCE TO ESTABLISH THE COMPENSATION FOR THE CITY TREASURER FOR THE TERM COMMENCING PAYROLL 1 2026, AND TO DECLARE AN EMERGENCY  
**Finance Committee (Schoonover/Ailes) (3 Readings)**
- Temp Ord #61-25** AN ORDINANCE TO ESTABLISH THE BENEFITS, TITLES, AND COMPENSATION FOR MANAGEMENT AND PROFESSIONAL PERSONNEL EMPLOYED BY THE CITY OF LANCASTER, OHIO FOR THE YEAR 2026, AND TO DECLARE AN EMERGENCY  
**Finance Committee (Schoonover/Ailes) (3 Readings)**
- Temp Ord #62-25\*** AN ORDINANCE TO ESTABLISH BENEFITS, TITLES, AND COMPENSATION FOR THOSE EMPLOYEES WHO ARE NOT MEMBERS OF THE RECOGNIZED BARGAINING UNITS EMPLOYED BY THE CITY OF LANCASTER, OHIO FOR THE YEAR 2026, AND TO DECLARE AN EMERGENCY  
**Finance Committee (Schoonover/Ailes) (3 Readings)**

- Temp Ord #63-25** AN ORDINANCE TO ESTABLISH THE BENEFITS, TITLES, AND COMPENSATION FOR SEASONAL INTERNS, TO BE EMPLOYED BY THE CITY OF LANCASTER DURING THE SUMMER OF 2026 AND TO DECLARE AN EMERGENCY  
**Finance Committee (Schoonover/Sollie) (3 Readings)**
- Temp Ord #64-25** AN ORDINANCE TO ESTABLISH THE BENEFITS, TITLES, AND COMPENSATION FOR THE INFORMATION TECHNOLOGY ADMINISTRATOR, OFFICE OF THE CLERK OF COURT, EMPLOYED BY THE CITY OF LANCASTER, OHIO, COMMENCING THE FIRST PAY PERIOD OF 2026, AND TO DECLARE AN EMERGENCY  
**Finance Committee (Schoonover/Sollie) (3 Readings)**
- Temp Ord #65-25** AN ORDINANCE TO ESTABLISH THE BENEFITS, TITLES, AND COMPENSATION FOR FAIRFIELD COUNTY MUNICIPAL COURT MANAGEMENT AND PROFESSIONAL PERSONNEL EMPLOYED BY THE CITY OF LANCASTER, OHIO FOR THE YEAR 2026, AND TO DECLARE AN EMERGENCY  
**Finance Committee (Schoonover/Sollie) (3 Readings)**
- Temp Ord #66-25** AN ORDINANCE TO ESTABLISH BENEFITS, TITLES, AND COMPENSATION FOR FAIRFIELD COUNTY MUNICIPAL COURT JUDICIAL AND PROBATION PERSONNEL EMPLOYED BY THE CITY OF LANCASTER, OHIO FOR THE YEAR 2026, AND TO DECLARE AN EMERGENCY  
**Finance Committee (Schoonover/Sollie) (3 Readings)**

## UNFINISHED BUSINESS

## NEW BUSINESS

## ANNOUNCEMENT OF SCHEDULED MEETINGS

### REGULARLY SCHEDULED CITY COUNCIL MEETINGS

1. December 15<sup>th</sup>, 2025, at 6:30 p.m. – Council Chambers

### SPECIAL SCHEDULED MEETINGS

None

### REGULARLY SCHEDULED COMMITTEE MEETINGS

1. Service Committee – December 12<sup>th</sup> at 8:00 a.m. – City Hall 1897 Conference Room
2. Water/Water Pollution Committee – December 15<sup>th</sup> at 7:30 a.m. – City Hall 1897 Conference Room.

## READING OF BILLS

MNCO - \$303.23 - for publication of ordinances PO 59-25, PO 60-25  
 MNCO - \$94.86 – for publication of ordinances PO 56-25, PO 57-25, PO 58-25  
 MNCO - \$167.55 – for 2 publications of PR 91-25

## EXECUTIVE SESSION (if needed)

## ADJOURNMENT

TEMPORARY RESOLUTION NO. 101-25

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

A RESOLUTION APPROVING THE PETITION, PLAN, AND ARTICLES OF INCORPORATION OF THE LANCASTER REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, INC. AND DECLARING THE NECESSITY OF ACQUIRING, CONSTRUCTING, IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF LANCASTER, OHIO IN COOPERATION WITH THE LANCASTER REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, INC., AND DECLARING AN EMERGENCY

WHEREAS, as set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to include their properties within Energy Special Improvement Districts (“ESIDs”) upon a petition to a municipal corporation or township, which ESIDs are voluntary organizations of property owners who undertake special energy improvement projects for their properties and finance such special energy improvement projects by way of voluntary special assessments; and

WHEREAS, pursuant to the Petition for Creation of Energy Special Improvement District and for Special Assessments for Special Energy Improvement Projects (the “Petition”), including an initial plan entitled Lancaster Regional Energy Special Improvement District Program Plan (the “Program Plan”) and Articles of Incorporation, as validly amended from time to time (the “Articles”), Equity Trust Company Custodian FBO Leung Chee Kwan IRA (the “Owner”), as the owner of 100% of the real property subject to the Petition, has requested the formation of the Lancaster Regional Energy Special Improvement District, Inc., an energy special improvement district and nonprofit corporation organized under the laws of the State of Ohio, (the “District”), and its Board of Directors (the “Board”) in accordance with Ohio Revised Code Chapters 1702 and 1710; and

WHEREAS, the Owner, has identified certain real property having Fairfield County Auditor Permanent Parcel Identification Number 0535038700 (the “Property”), as an appropriate property for a Special Energy Improvement Project pursuant to Ohio Revised Code Chapter 1710; and

WHEREAS, on or before November \_\_\_\_\_, 2025 pursuant to Ohio Revised Code Chapter 1710, the Owner submitted the Petition to this City Council (the “Council”), and the Petition is on file with the Council and the Clerk of Council; and

WHEREAS, the Petition is for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 2o of Article VIII of the Ohio Constitution, including, without limitation, a special energy improvement project to be provided on the Property, as described more particularly in the Petition (the “Project”); and

WHEREAS, following the approval of the Petition by this Council, the Owner intends to submit to the District, and the Board, as the governing body of the District in accordance with Ohio Revised Code Chapter 1710, intends to approve the Petition, which Petition requests the formation of the District, that the Property be added to the District, and that the City levy special assessments on the Property (the “Special Assessments”) in an amount and for a length sufficient to pay the costs of the Project, which is estimated to be Eight Hundred Ninety-One Thousand Seven Hundred Fifty-Five Dollars (\$891,755.00), including other related costs of financing the Project, which may include, without limitation, the payment of principal of and interest on

obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and District administrative fees and expenses, and requests that the Project be undertaken cooperatively by the City, the District, and such other parties as the City may deem necessary or appropriate to pay the costs of the Project; and

WHEREAS, this Council, as mandated by Ohio Revised Code Section 1710.06, must approve or disapprove the Petition within sixty (60) days of the submission of the Petition; now, therefore,

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

SECTION 1. This Council hereby approves the Petition, the Program Plan, and the Articles, in substantially the form now on file with the Council and the Clerk of Council. Pursuant to the Petition, the Program Plan, and the Articles, the District is hereby created.

SECTION 2. This Council hereby approves and consents to (i) any addition of real property to the territory of the District within the boundaries of any municipal corporation or any township which is contiguous to the municipal corporations or townships in which a portion of the territory of the District is located; (ii) the addition of the municipal corporation or township in which such real property is located as a "participating political subdivision," as defined in Ohio Revised Code Section 1710.01(E), of the District; and (iii) any amendment to the Articles of Incorporation necessary to recognize or effect such addition.

SECTION 3. Pursuant to Ohio Revised Code Section 1710.02(G)(4), this Council determines that the Project is not required to be owned exclusively by the City for its purposes, for uses determined by this Council, as the legislative authority of the City, as those that will promote the welfare of the people of such participating political subdivision; to improve the quality of life and the general and economic well-being of the people of the City; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources. This Council accordingly authorizes the Board to act as its agent to sell, transfer, lease, or convey the Project. The consideration the Board must obtain from any sale, transfer, lease, or conveyance of the special energy improvement project on the Property is any consideration greater than or equal to One Dollar and Zero Cents (\$1.00).

SECTION 4. This Council determines and declares that the Project is an essential and vital public, governmental purpose of the City as a Special Energy Improvement Project, as defined in Ohio Revised Code Section 1710.01(I); and that in order to fulfill that essential and vital public purpose of the City, it is necessary and proper to provide, in cooperation with the District, for (i) the acquisition, construction, and improvement of the Project by Equity Trust Company Custodian FBO Leung Chee Kwan IRA, as set forth in the Petition and the Plan, and (ii) the payment of the costs of the Project, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Project and the interest on such damages; the reasonable costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; reasonable expenses of legal services; costs of labor and material; trustee fees and other financing costs incurred in

connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued or incurred to provide a loan or to secure an advance of funds to Equity Trust Company Custodian FBO Leung Chee Kwan IRA or otherwise to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other reasonable obligations so issued or incurred, including any credit enhancement fees, trustee fees, program administration fees, financing servicing fees, and reasonable District administrative fees and expenses; an amount to reflect interest on unpaid Special Assessments which shall be treated as part of the cost of the Project for which the Special Assessments are made at an interest rate which shall be determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds if notes or bonds had been issued by the District or another issuer of notes or bonds to pay the costs of the Project; together with all other necessary expenditures, all as more fully described in the Petition, the Plan, and profiles, specifications, and estimates of cost of the Project, all of which are on file with the Clerk of Council and open to the inspection of all persons interested. This Council further determines and declares that the Project is conducive to the public peace, health, safety and welfare of the City and the inhabitants of the City.

SECTION 5. This Council determines that the Project's elements are so situated in relation to each other that in order to complete the acquisition, construction, and improvement of the Project's elements in the most practical and economical manner, they should be acquired and improved at the same time, with the same kind of materials, and in the same manner; and that the Project's elements shall be treated as a single improvement, pursuant to Ohio Revised Code Section 727.09, and the Project's elements shall be treated as a joint improvement to be undertaken cooperatively by the City and the District pursuant to Ohio Revised Code Section 9.482 and Ohio Revised Code Chapter 1710.

SECTION 6. Pursuant to and subject to the provisions of a valid Petition signed by the Owner, which is the owner of one hundred percent (100%) of the Property, the entire cost of the Project shall be paid by the Special Assessments levied against the Property, which is the benefited property. The City does not intend to issue securities in anticipation of either the levy of the Special Assessments or the collection of the Special Assessments.

SECTION 7. The method of levying the Special Assessments shall be in proportion to the benefits received from the financing of the Project, allocated among the parcels constituting the Property as set forth in the Petition.

SECTION 8. The lots or parcels of land to be assessed for the Project shall be the Property, described in Exhibit A to the Petition, all of which lots and lands are determined to be specially benefited by the Project.

SECTION 9. The Special Assessments shall be levied and paid in sixty (60) semi-annual installments pursuant to the list of estimated Special Assessments set forth in the Petition, and the Owner has waived its option to pay the Special Assessment in cash within thirty (30) days after the first publication of the notice of the assessing Resolution. The aggregate maximum amount of Special Assessments estimated to be necessary to pay the costs of the Project is Two Million Four Hundred Eighty-Five Thousand Four Hundred Six Dollars and Fourteen Cents (\$2,485,406.14). Each semi-annual Special Assessment payment represents payment of a portion of any principal repayment, interest, and administrative fees payable with respect to the Project. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities

issued in anticipation of the collection of the Special Assessments if such securities had been issued by the City. In addition to the Special Assessments, the County Auditor of Fairfield County, Ohio may impose a special assessment collection fee with respect to each semi-annual payment, which amount will be added to the Special Assessments by the County Auditor of Fairfield County, Ohio.

SECTION 10. The Council and the Clerk of Council, or their designee, are authorized and directed to prepare and file in the office of the Council and the Clerk of Council the estimated Special Assessments for the costs of the Project in accordance with the method of assessment set forth in the Petition and this Resolution, showing the amount of the assessment against each lot or parcel of land to be assessed.

SECTION 11. Upon the filing of the estimated Special Assessments with the Council and the Clerk of Council, notice of the adoption of this Resolution and the filing of the estimated Special Assessments shall be served upon the Owner of the Property, as provided in Ohio Revised Code Section 727.13. The appropriate officials of the City shall also comply with the applicable procedural requirements of Ohio Revised Code Chapter 727.

SECTION 12. The Council and the Clerk of Council, or their designee, is authorized, pursuant to Ohio Revised Code Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Project.

SECTION 13. The Special Assessments will be used by the City to provide the Project in cooperation with the District in any manner, including assigning the Special Assessments actually received by the City to the District or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes.

SECTION 14. This Council accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Ohio Revised Code Chapter 727, Ohio Revised Code Chapter 1710, and consents to the immediate imposition of the Special Assessments upon the Property. This waiver encompasses, but is not limited to, waivers by the Owner of the following rights:

- (i) The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- (ii) The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06, including the right to consider the Special Assessments authorized by the Petition within the limitations contained in Ohio Revised Code Section;
- (iii) The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- (iv) The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- (v) The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- (vi) The right to notice that bids or quotations for the Project may exceed estimates by 15%;
- (vii) The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251;

(viii) The right to notice of the passage of the assessing Resolution under Ohio Revised Code Section 727.26; and

(ix) Any and all procedural defects, errors, or omissions in the Special Assessment process.

SECTION 15. The Council is authorized to enter into agreements by and among the City, the District, and such other parties as the City may deem necessary or appropriate in order to provide the Project, and that the Mayor and the Council, the President of the Council, or any of them, is authorized to execute, on the City's behalf, such agreements.

SECTION 16. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this legislative 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, including Ohio Revised Code Section 121.22.

SECTION 17. That this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Resolution is necessary for the timely completion of the Project described above; wherefore this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

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

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

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

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

\_\_\_\_\_  
Mayor

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

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

Requested by Economic Development Committee

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Resolution No. \_\_\_\_\_ duly adopted by the City Council of the City of Lancaster Ohio on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Clerk of Council  
City of Lancaster, Ohio

TEMPORARY RESOLUTION NO. 102-25

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

A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR CONSTRUCTION OF THE PROJECT KNOWN AS THE ARBOR VALLEY DRIVE IMPROVEMENT PROGRAM AND TO HIRE A CONSULTANT TO PROVIDE CONSTRUCTION INSPECTION SERVICES

WHEREAS, the Lancaster Department of Transportation and City Engineer are currently in the planning stages of a project known as the Arbor Valley Drive Improvement Program which will include road improvements, repaving, replacing curbs, drainage improvements and walkway improvements on the segment of Arbor Valley Drive from Fair Avenue to State Route 37; and

WHEREAS, this construction project is expected to cost approximately Three Million Four Hundred Thousand Dollars (\$3,400,000.00) and will be funded with Ohio Public Works Commission ("OPWC") grant funds, funds encumbered in the 2009, 3014, 3016, and 6019 Fund Accounts, as well as funds contributed by Lancaster City Schools; and

WHEREAS, inspection services are also required to ensure that this paving project is delivered to the City Engineer's standards which will require contracting with a consultant for these services; 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 construction on the project known as the Arbor Valley Drive Improvement Program in an amount not to exceed Three Million Four Hundred Thousand Dollars (\$3,400,000.00).

SECTION 2. That the Service-Safety Director is also hereby authorized to enter into a contract with a consultant for construction inspection services.

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

\_\_\_\_\_  
Mayor

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

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

Requested by Public Works Committee

TEMPORARY RESOLUTION NO. 103-25

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

A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CONSTRUCTION AND INSPECTION OF THE 2026 STREET IMPROVEMENT PROGRAM - PAVING PROJECT

WHEREAS, the Lancaster Department of Transportation and City Engineer are currently planning for paving during the 2026 Street Improvement Program - Paving Project; and

WHEREAS, inspection services are required to ensure that this paving project is delivered to the City Engineer's standards; and

WHEREAS, these services are expected to cost approximately One Million Five Hundred Thousand Dollars (\$1,500,000.00) and will be funded by 3 Mil Levy Funds from the 2009 Account; 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 and inspection of the 2026 Street Improvement Program - Paving Project in an amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00).

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 Public Works Committee

TEMPORARY RESOLUTION NO. 104-25

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

A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR CONSTRUCTION OF THE EAST SIXTH AVENUE BRIDGE OVER FETTERS RUN REPLACEMENT PROJECT AND TO HIRE A CONSULTANT TO PROVIDE CONSTRUCTION INSPECTION SERVICES

WHEREAS, the Lancaster Department of Transportation and City Engineer are currently in the planning stages of a construction project known as the East Sixth Avenue Bridge over Feters Run Replacement Project which will replace the existing bridge with a new bridge structure and will include needed bridge approach work; and

WHEREAS, this construction project is expected to cost approximately Two Million Four Hundred Thousand Dollars (\$2,400,000.00) and will be funded with Federal grant funds as well as funds from the 3014.7500.52047 account; and

WHEREAS, inspection services are also required to ensure that this project is delivered to the City Engineer's standards which will require contracting with a consultant for these services; 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 construction on the project known as the East Sixth Avenue Bridge over Feters Run Replacement Project in an amount not to exceed Two Million Four Hundred Thousand Dollars (\$2,400,000.00).

SECTION 2. That the Service-Safety Director is also hereby authorized to enter into a contract with a consultant for construction inspection services.

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 Public Works Committee

TEMPORARY RESOLUTION NO. 105-25

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

A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AGREEMENTS WITH THE FAIRFIELD COUNTY BOARD OF COMMISSIONERS, WITH VARIOUS CONSULTANTS AS NEEDED, AND TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR CONSTRUCTION OF THE PROJECT KNOWN AS THE WHILEY ROAD RECONSTRUCTION PROJECT

WHEREAS, the Whiley Road Reconstruction Project will be a joint City of Lancaster and Fairfield County project which will involve reconstructing Whiley Road from State Route 188 north to the northern City Limit on Whiley Road; and

WHEREAS, the first Two Million One Hundred Thousand Dollars (\$2,100,000.00) of the project will be funded by unencumbered funds in the 3014 Fund, which are contractual proceeds intended to be used to rebuild the road due to Table Mountain Industries construction traffic thereon; and

WHEREAS, if additional funding is required, the project will be completed with funds from both the County and City with the County providing Sixty-Nine Percent (69%) of the needed funds and the City providing Thirty-One Percent (31%) of the needed funds; 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 enter into an agreement with the Fairfield County Board of Commissioners relating to the design, right of way acquisition, bidding and construction of the project known as the Whiley Road Reconstruction Project.

SECTION 2. That the Service-Safety Director is also hereby authorized to enter into agreements with various consultants as needed for the design, right of way acquisition, and construction of the project.

SECTION 3. That the Service-Safety Director is also hereby authorized to advertise for bids and to enter into a contract for construction of the project known as the Whiley Road Reconstruction Project in an amount not to exceed Two Million One Hundred Thousand Dollars (\$2,100,000.00).

SECTION 4. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

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

\_\_\_\_\_  
Mayor

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

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

Requested by Public Works Committee

TEMPORARY RESOLUTION NO. 106-25

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

A RESOLUTION OF CONSENT FOR PRELIMINARY LEGISLATION AND TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AGREEMENTS AS NECESSARY TO COMPLETE THE PROJECTS KNOWN AS FAI US 22/SR 37/158 VAR, PID 98022 AND D05 FY2027 BRIDGE REHAB WEST, PID 124808

WHEREAS, the project known as FAI US 22/SR 37/158 VAR, PID 98022 includes resurfacing and related roadwork which will be designed and constructed by the Ohio Department of Transportation ("ODOT") and is being funded with ODOT urban paving funds, Surface Transportation Program ("STP") funds, and local funds out of the 3 Mil Street Improv Levy Fund (2009); and

WHEREAS, the project known as D05 FY2027 Bridge Rehab West, PID 1240808 includes bridge repairs and work on various structures within the City of Lancaster and is being funded with ODOT funds; now, therefore,

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

SECTION 1. That based on the need for the above-described project, Lancaster City Council, the Local Public Agency (LPA), hereby gives consent to the Preliminary Legislation for PID 98022, FAI US 22/SR 37/158 VAR, as set forth in Exhibit A, attached hereto or in similar form and agreement.

SECTION 2. That based on the need for the above-described project, Lancaster City Council, the LPA, hereby gives consent to the Preliminary Legislation for PID 124808, D05 FY2027 Bridge Rehab West, as set forth in Exhibit B, attached hereto or in similar form and agreement.

SECTION 3. That the Service-Safety Director is hereby authorized to enter into any necessary agreements for completion of the above projects.

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 Public Works Committee

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

\_\_\_\_\_  
Mayor



OHIO DEPARTMENT OF TRANSPORTATION  
Mike DeWine, Governor Jack Marchbanks, Ph.D., Director



District 5  
9600 Jacksontown Rd., Jacksontown, OH 43030  
740-323-4400  
transportation.ohio.gov

September 22, 2025

City Engineer  
City of Lancaster  
121 East Chestnut Street, Suite 100  
Lancaster, Ohio 43130

Re: Preliminary Legislation for FAI US 22/SR 37/158 VAR, PID 98022

Dear City Engineer:

The Ohio Department of Transportation has determined that Consent Legislation is required for the following proposed actions:

**Resurfacing with related roadway work. Scope of work within city will include resurfacing and replacement of curb ramps as needed.**

Since the proposed action will be associated with the City of Lancaster, attached is one (1) Consent Legislation document. Please review this document, and if it meets your approval, please submit to the City of Lancaster for execution.

After the Participatory Legislation has been executed, please return one original signed document to this office by 11/6/2025 for completion. If further information is required, please contact me at (740) 323-5113 or by email at [Heather.Gilbert@dot.ohio.gov](mailto:Heather.Gilbert@dot.ohio.gov).

Respectfully,

Heather Gilbert, P.E.  
District 5 Planning Engineer

Attachment (1)

cc: File

## PRELIMINARY LEGISLATION

Participatory

Rev. 6/26/00

Resolution #: \_\_\_\_\_

County/Route/Section: FAI US 22/SR 37/158 VAR

The following is a/an Resolution enacted by the City of Lancaster of Fairfield County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

### SECTION I – Project Description

WHEREAS, the STATE has determined the need for the described project:

**Resurfacing with related roadway work. Scope of work within city will include resurfacing and replacement of curb ramps as needed.**

NOW THEREFORE, be it ordained by the City of Lancaster of Fairfield County, Ohio.

### SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

### SECTION III – Cooperation Statement

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

### SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way includes eligible utility costs.

The LPA agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

### SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C.,

Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**SECTION VI Authority to Sign**

The LPA hereby authorizes, City Engineer of the City of Lancaster is hereby empowered on behalf of the City of Lancaster to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project..

Upon request of ODOT, City Engineer to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Lancaster to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**SECTION VII-Emergency measure**

**If required, Resolution** is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, **as an emergency measure**, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 20\_\_\_\_.  
(Date)

Attested: \_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Contractual Agent of LPA – title)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATE OF COPY  
STATE OF OHIO**

City of Lancaster of Fairfield County, Ohio

I, \_\_\_\_\_, as Clerk of the City of Lancaster of Fairfield County, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution \_\_\_\_\_ adopted by the legislative Authority of the said City of Lancaster on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

That the publication of such Resolution has been made and certified of record according to Law; that no proceedings looking to a referendum upon such Resolution have been taken; and that such Resolution and certificate of publication thereof are of record in \_\_\_\_\_, Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this \_\_\_\_\_ day of \_\_\_\_\_ 2 \_\_\_\_\_.

\_\_\_\_\_  
(Clerk)

(SEAL)

City of Lancaster of Fairfield County, Ohio

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")

The foregoing is accepted as a basis for proceeding with the project herein described.  
For the City of Lancaster of Fairfield County, Ohio.

Attested: \_\_\_\_\_ Date \_\_\_\_\_

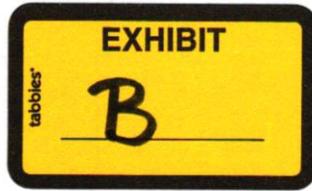


For the State of Ohio

Attested: \_\_\_\_\_ Date \_\_\_\_\_  
(Director, Ohio Department of Transportation)



OHIO DEPARTMENT OF TRANSPORTATION  
Mike DeWine, Governor Jack Marchbanks, Ph.D., Director



District 5  
9600 Jacksontown Rd., Jacksontown, OH 43030  
740-323-4400  
transportation.ohio.gov

September 23, 2025

City Engineer  
City of Lancaster  
121 East Chestnut Street, Suite 100  
Lancaster, Ohio 43130

Re: Consent Legislation for D05 FY2027 Bridge Rehab West, PID 124808

Dear City Engineer:

The Ohio Department of Transportation has determined that Consent Legislation is required for the following proposed actions:

**Bridge work on various structures in District 5.**

Since the proposed action will be associated with the City of Lancaster, attached is one (1) Consent Legislation document. Please review this document, and if it meets your approval, please submit to the City of Lancaster for execution.

After the Consent Legislation has been executed, please return one original signed document to this office by **11/7/2025** for completion. If further information is required, please contact me at (740) 323-5113 or by email at [Heather.Gilbert@dot.ohio.gov](mailto:Heather.Gilbert@dot.ohio.gov)

Respectfully,

Heather Gilbert, P.E.  
District 5 Planning Engineer

Attachment (1)

cc: File

## PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Resolution#: \_\_\_\_\_

County/Route/Section: D05 FY2027 Bridge Rehab West

The following is a/an Resolution enacted by the City of Lancaster of Fairfield County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

### SECTION I – Project Description

WHEREAS, the Ohio Department of Transportation (ODOT) has determined the need for the described project:

**Bridge work on various structures in District 5.**

NOW THEREFORE, be it ordained by the City of Lancaster of Fairfield County, Ohio.

### SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

### SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project as follows:

1. The LPA gives consent for the above improvement, and
2. The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

### SECTION IV – Utilities and Right-of-Way Statement

If village owned utilities, within a corporation limit or in a private easement outside corporation limits, need to be relocated due to this ODOT project, the village will be reimbursed for any relocation work; ODOT will perform the coordination, relocation, and reimbursement which shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation; with exceptions due to an easement, etc.

### SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain

the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**SECTION VI Authority to Sign**

The LPA hereby authorizes, \_\_\_\_\_ of the City of Lancaster is hereby empowered on behalf of the City of Lancaster to enter into agreements with the Director of Transportation which are necessary to complete the above described project.

**CERTIFICATE OF COPY  
STATE OF OHIO**

City of Lancaster of Fairfield County, Ohio

I, \_\_\_\_\_, as Clerk of the City of Lancaster of Fairfield County, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution \_\_\_\_\_ adopted by the legislative Authority of the said City of Lancaster on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

That the publication of such Resolution has been made and certified of record according to Law; that no proceedings looking to a referendum upon such Resolution have been taken; and that such Resolution and certificate of publication thereof are of record in \_\_\_\_\_, Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this \_\_\_\_\_ day of \_\_\_\_\_ 2 \_\_\_\_\_.

\_\_\_\_\_  
(Clerk)

(SEAL)

City of Lancaster of Fairfield County, Ohio

The foregoing is accepted as a basis for proceeding with the project herein described.  
For the City of Lancaster of Fairfield County, Ohio.

Attested: \_\_\_\_\_ Date \_\_\_\_\_



For the State of Ohio

Attested: \_\_\_\_\_ Date \_\_\_\_\_  
(Director, Ohio Department of Transportation)

**SECTION VII-Emergency measure**

**If required, Resolution** is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, **as an emergency measure**, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 20\_\_\_\_.  
(Date)

Attested: \_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Contractual Agent of LPA – title)

\_\_\_\_\_  
\_\_\_\_\_

TEMPORARY RESOLUTION NO. 107-25

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

A RESOLUTION TO INCREASE AND DECREASE APPROPRIATIONS IN THE LDOT FUND (2008) FOR OVERTIME OR COMP TIME PAYOUTS AND TO DECLARE AN EMERGENCY

WHEREAS, Lancaster Department of Transportation ("LDOT") has a surplus in the department's retirement line item now that all planned retirements for the year have been processed; and

WHEREAS, LDOT is asking to transfer these funds to its overtime line item in order to cover potential overtime or comp time payouts in the event that overtime is needed for snow and ice removal operations through the end of the year; now, therefore,

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

SECTION 1. That the City of Lancaster Auditor is hereby authorized to complete an appropriation decrease and increase for the following accounts:

**DECREASE:**

2008.7500.51004, Retire -Streets \$7,000.00

**INCREASE:**

2008.7500.51003, Overtime - Streets \$7,000.00

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 a transfer must occur immediately to ensure funds are available for payments out of the overtime account; 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: \_\_\_\_\_

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

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

\_\_\_\_\_  
Mayor

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

Requested by Public Works Committee

TEMPORARY RESOLUTION NO. 108-25

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

A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO APPLY FOR THE 2026 RECYCLE OHIO GRANT PROGRAM AND TO DECLARE AN EMERGENCY

WHEREAS, the Ohio Environmental Protection Agency's Recycle Ohio Grant Program supports communities, businesses and academic institutions that initiate or expand recycling programs; and

WHEREAS, the City was recently notified that it may be eligible for a Two Hundred Thousand Dollar (\$200,000.00) grant through the Recycle Ohio Grant Program; and

WHEREAS, if awarded, the City would use these funds to purchase recycling totes as the first step in a plan to re-introduce a recycling program within the City; and

WHEREAS, the deadline for filing the grant application is December 5, 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 apply for the 2026 Recycle Ohio Grant Program.

SECTION 2. That the Mayor is hereby authorized to act on behalf of the City of Lancaster and execute any and all grant agreements as required.

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 for the further reason that this resolution is necessary in order to meet the application deadline for the grant; 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: \_\_\_\_\_

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

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

\_\_\_\_\_  
Mayor

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

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

Requested by Service Committee

TEMPORARY RESOLUTION NO. 109-25

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

A RESOLUTION TO INCREASE AND DECREASE APPROPRIATIONS IN THE POLICE AND FIRE LEVY FUND (2047) FOR LANCASTER POLICE DEPARTMENT YEAR-END CASHOUTS AND TO DECLARE AN EMERGENCY

WHEREAS, Lancaster Police Department needs to transfer additional money to the 2047 overtime account in order to cover anticipated year-end cashouts; and

WHEREAS, a transfer of Forty-Five Thousand Dollars (\$45,000.00) from Expense Fund, 2047.3250.51056 (Police/fire Pension - Police), will augment the overtime line item, 2047.3250.51003 (Overtime - Police), and provide sufficient funding through the end of the year; now, therefore,

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

SECTION 1. That the City of Lancaster Auditor is hereby authorized to complete an appropriation decrease and increase for the following accounts:

**DECREASE:**

2047.3250.51056, Police/fire Pension - Police \$45,000.00

**INCREASE:**

2047.3250.51003, Overtime - Police \$45,000.00

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 a transfer must occur immediately to ensure funds are available for payments out of the overtime account; 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: \_\_\_\_\_

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

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

\_\_\_\_\_  
Mayor

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

Requested by Safety Committee

TEMPORARY RESOLUTION NO. 110-25

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

A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF THE FREDERICK STREET SEWER SEPARATION PROJECT

WHEREAS, the Frederick Street Sewer Separation Project is a mandated project per the Schedule of Compliance on the City's National Pollutant Discharge Elimination System ("NPDES") Permit with the Ohio Environmental Protection Agency ("OEPA"); and

WHEREAS, the project involves the construction of new storm sewers in Frederick Street, between Mt. Pleasant Avenue and Oakwood Avenue, to separate out existing catch basins which currently flow into a combined sewer and contribute to combined sewer overflows into Feters Run during rain events; and

WHEREAS, the current tentative schedule is to publicly advertise the project in late January 2026 and complete construction by the fall of 2026; 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 for the construction of the Frederick Street Sewer Separation Project to satisfy the City's NPDES Permit with OEPA.

SECTION 2. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

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

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

Requested by Water/Water Pollution Control Committee

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

\_\_\_\_\_  
Mayor

TEMPORARY RESOLUTION NO. 111-25

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

A RESOLUTION TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF THE 2026 SEWER REHABILITATION PROJECT, PREVIOUSLY KNOWN AS THE 2025 SEWER REHABILITATION PROJECT

WHEREAS, annually, the City conducts video evaluations of old sanitary, storm, and combined sewers to determine if any of these sewers require rehabilitation; and

WHEREAS, in recent years various sewers have been found to be in poor condition and in need of rehabilitation to mitigate the possibility of a critical failure; and

WHEREAS, the City has also experienced high flows at the Fogg Drive sanitary sewer pump station that are caused by ground water infiltration into the sanitary sewer system that serves the Stonegate Meadows Subdivision; and

WHEREAS, as a result of these findings, the City has contracted with the engineering consulting firm EMH&T to prepare plans for a project to be known as the 2026 Sewer Rehabilitation Project – previously known as the 2025 Sewer Rehabilitation Project – that will feature the following improvements: the CIPP lining and open trench replacement of the Eighth Avenue storm sewer between Harrison Avenue and the Hocking River; the CIPP lining of the Madison Avenue combined sewer between Sixth Avenue and Mulberry Street; the CIPP lining of the Sixth Avenue storm sewer west from the intersection with Maple Street; the CIPP lining of the Main Street combined sewer between Chestnut Street and Starrit Street; the CIPP lining of the Starrit Street combined sewer between Main Street and Wheeling Street; and the grouting of the joints within the sanitary sewer system in the Stonegate Meadows Subdivision; 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 for the construction of the 2026 Sewer Rehabilitation Project.

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 Water/Water Pollution Control Committee

TEMPORARY RESOLUTION NO. 112-25

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

A RESOLUTION TO AUTHORIZE THE MAYOR AND/OR HIS DESIGNEE TO APPLY FOR THE OHIO DEPARTMENT OF DEVELOPMENT'S RESIDENTIAL ECONOMIC DEVELOPMENT DISTRICT GRANTS PROGRAM AND TO DECLARE AN EMERGENCY

WHEREAS, the Ohio Department of Development ("ODOD") has announced the implementation of a new Ten Million Dollar (\$10,000,000.00) Residential Economic Development District ("REDD") Grants Program to incentivize major workforce housing construction and pro-housing development policies within twenty (20) miles of mega economic development projects; and

WHEREAS, the minimum award amount is Two Hundred Fifty Thousand Dollars (\$250,000.00) and the maximum award amount is Two Million Five Hundred Thousand Dollars (\$2,500,000.00) and there is no match required to receive these funds; and

WHEREAS, much of the City qualifies for this program due to its proximity to several mega economic development projects which received at least Seven Hundred Million Dollars (\$700,000,000.00) in private investments as a part of a single project at a designated project site; and

WHEREAS, ODOD will open the grant application cycle for REDD on December 16, 2025 and qualifying applications will be processed until funds are depleted; now therefore,

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

SECTION 1. That the Mayor or his designee is hereby authorized to apply for the REDD Grants Program from ODOD.

SECTION 2. That the Mayor or his designee is also hereby authorized to act on behalf of the City and execute any and all grant agreements as required.

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 for the further reason that this resolution is necessary in order to apply for the REDD Grant Program as soon as funds become available; 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: \_\_\_\_\_

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

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

\_\_\_\_\_  
Mayor

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

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

Requested by Economic Development Committee

TEMPORARY ORDINANCE NO. 71-25

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

AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED AT THE TAYLOR PROPERTY SITE IN THE CITY OF LANCASTER, FAIRFIELD COUNTY, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING SPECIFIC PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT, ONCE MADE, WILL DIRECTLY BENEFIT THE PARCELS FOR WHICH IMPROVEMENT IS DECLARED TO BE A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT; AND PROVIDING RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40(B), 5709.42, 5709.43, 5709.832 AND 5709.85

WHEREAS, Ohio Revised Code (“ORC”) 5709.40, 5709.42, and 5709.43 (collectively, the “TIF Act”) provide that this Council may, under certain circumstances, (i) declare improvement to parcels of real property located in the City of Lancaster (the “City”) to be a public purpose, thereby granting to that improvement an exemption from real property taxation, and (ii) designate specific public infrastructure improvements made, to be made, or in the process of being made that directly benefit, or that once made will directly benefit, the parcels for which improvement is declared to be a public purpose; and

WHEREAS, pursuant to R.C. Section 5709.40(D)(1), said exemption may be for up to one hundred percent (100%) of such improvement for up to thirty (30) years without approval of the board of education of the city, local or exempted village school district within the territory of which the improvement is or will be located if payments in lieu of taxes, as provided for in R.C. Section 5709.42, shall be paid to such school district in the amount of the taxes that would have been payable if the improvement had not been exempted from taxation; and

WHEREAS, the real property described in Exhibit A attached hereto and incorporated herein by reference (the “Property”) is located in the State of Ohio (the “State”), County of Fairfield (the “County”), and the City, with each parcel of the Property referred to herein as a “Parcel” (whether as presently appearing on County tax duplicates or as subdivided or combined and appearing on future tax duplicates); and

WHEREAS, the current owner, Taylor Real Estate, Ltd. (the “Developer”) and future owners of the Property (each an “Owner” and collectively the “Owners”) wish to develop the Property by constructing a development, including but not limited to food, retail or service facilities together with related site improvements (the “Project”), provided that the appropriate development incentives are available to support this development; and

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of real property taxes (“Service Payments,” as further defined below) with respect to the Property pursuant to R.C. Section 5709.42; and

WHEREAS, the City desires to facilitate the construction of the public infrastructure improvements described in Exhibit B attached hereto and incorporated herein by this reference (the “Public Infrastructure Improvements”); and

WHEREAS, this Council has determined to provide for the execution and delivery of a tax increment financing agreement between the City and the Developer (the “TIF Agreement”); and

WHEREAS, notice of this proposed Ordinance has been delivered to the Board of Education of the Lancaster City School District (the “School District”) in accordance with and within the time period prescribed in R.C. Section 5709.83; and

WHEREAS, this Council has determined that payments in lieu of taxes shall be paid to the School District pursuant to R.C. Section 5709.42 in the amount of the real property taxes that the School District would have received if such increase in the assessed value of the Property had not been exempted from real property taxes pursuant to this Ordinance; and

WHEREAS, an emergency exists in the usual daily operations of the City in that it is immediately necessary to approve this Ordinance for the preservation of the public peace, property, health, safety and welfare, that preservation being related to the need to proceed with the Public Infrastructure Improvements that directly benefit the Property immediately; now, therefore,

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

SECTION 1. The Public Infrastructure Improvements described in Exhibit B attached hereto intended to be made or caused to be made by the City are hereby designated as public infrastructure improvements that, once made, will directly benefit the Property.

SECTION 2. Pursuant to and in accordance with the provisions of R.C. Section 5709.40(B), this Council hereby finds and determines that one hundred percent (100%) of the increase in the assessed value of each Parcel within the Property after the effective date of this Ordinance (each of which increase in assessed value is an “Improvement” as defined in R.C. Section 5709.40) shall be a public purpose and shall be exempt from real property taxation commencing for each Parcel the earlier of the first day of (i) the tax year in which there is an Improvement with respect to the Parcel (as it may be subdivided or combined in connection with the acquisition of the Parcel by the Developer or its affiliates or otherwise) resulting in an increase of at least \$250,000 to the Parcel’s fair market value, for each Parcel, or (ii) tax year 2029, and ending for each Parcel on the earlier of (a) thirty (30) years after such commencement, or (b) the date on which the City can no longer require service payments in

lieu of taxes, all in accordance with the requirements of R.C. Sections 5709.40, 5709.42 and 5709.43 (the "TIF Exemptions").

SECTION 3. As provided in R.C. Section 5709.42, the Owner of any Parcel with an Improvement is required hereby to make annual payments in lieu of taxes to the Fairfield County Treasurer (the "County Treasurer") on or before the final dates for payment of real property taxes. Each such payment (including interest and penalties) shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvements if it were not exempt from taxation. Such service payments in lieu of tax, penalties and interest, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by R.C. 319.302, 321.24, 323.152, and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments," and together with the annual service payments in lieu of taxes and penalties and interest described above, the "Service Payments") shall be allocated and distributed in accordance with Sections 4 and 5 of this Ordinance. This Council hereby authorizes the Mayor or other appropriate officers of the City to provide such information and certifications and execute and deliver or accept delivery of such instruments as are necessary and incidental to collect those Service Payments and to make such arrangements as are necessary and proper for payment of the Service Payments. Any late payments shall be subject to penalty and bear interest at the then current rate established under R.C. Sections 323.121 and 5703.47, as may be amended from time to time, or any successor provisions thereto, as the same may be amended from time to time. No Owner shall, under any circumstances, be required for any tax year while the TIF Exemptions are in effect to (i) pay any real property taxes with respect to an Improvement and (ii) reimburse local taxing authorities for the amount of real property taxes that would have been payable to local taxing authorities had the Improvement not been exempted from taxation pursuant to this Ordinance.

SECTION 4. This Council hereby establishes, pursuant to and in accordance with the provisions of R.C. Section 5709.43, the Fund, into which shall be deposited all of the Service Payments distributed to the City with respect to the Improvements to Parcels of the Property by or on behalf of the County Treasurer, as provided in R.C. Section 5709.42, except for amounts paid directly to the School District as provided in Section 5 hereof, and hereby appropriates all of the moneys deposited in the Fund from time to time to pay any costs associated with the Public Infrastructure Improvements approved by the City, including, but not limited to, the "costs of permanent improvements" described in R.C. Section 133.15(B).

The Fund shall remain in existence so long as Service Payments are collected and used for the aforesaid purposes, subject to the limits set forth in Section 2 hereof, after which said Fund shall be dissolved in accordance with R.C. Section 5709.43(D). Upon dissolution, any incidental surplus money remaining in the Fund shall be transferred to the City general fund as provided in R.C. Section 5709.43(D).

SECTION 5. The County Treasurer shall make semi-annual payments to the School District, solely from the Service Payments, collectively in the amount equal to the property tax payments that the School District would otherwise have received from the Improvements had the Improvements not been exempted pursuant to this Ordinance. The County Treasurer shall

remit all remaining Service Payments to the City for deposit in the Fund established in Section 4 hereof. The City shall then distribute the Service Payments on deposit in the Fund after each semiannual settlement of real property taxes and in the following order of priority:

- (a) *first*, to the City to pay, or reimburse, the City for the legal fees and administrative costs associated with its ongoing obligations under the TIF Agreement, as further described in the TIF Agreement;
- (b) *second*, to the Developer to pay, or reimburse, the Developer for the costs of Public Infrastructure Improvements constructed by or on behalf of the Developer (including payment of interest and payment of any bonds, notes, or any other obligations issued to pay such costs), as further described in the TIF Agreement;
- (c) *third*, after the Developer has been fully reimbursed as provided in the TIF Agreement, to the City for any other public infrastructure constructed by or on behalf of the City or for any lawful purpose under R.C. 5709.40, 5709.42, 5709.43, and this Ordinance.

SECTION 6. This Council hereby designates the Public Infrastructure Improvements described in Exhibit B as “public infrastructure improvements” (as such term is defined in R.C. 5709.40(A)(8)), made, to be made, or in the process of being made, and that, once made, will directly benefit the Parcels comprising the Property.

SECTION 7. This Council hereby approves the "TIF Agreement currently on file with this Council and authorizes the City to execute, deliver, and perform the TIF Agreement. The Mayor is hereby authorized and directed, for and on behalf of the City, to execute and deliver the TIF Agreement, substantially in the form now on file with this Council, with such modifications to the form of the TIF Agreement as shall be approved by the Mayor, shall not be materially adverse to the City, and shall be consistent with this Ordinance, all of which shall be conclusively evidenced by the Mayor's signature on the TIF Agreement. The Mayor is further hereby authorized to execute and deliver any additional agreements or instruments as the Mayor shall deem necessary to carry out the purposes of this Ordinance and the TIF Agreement, and the City is hereby authorized to perform its obligations under any of those agreements or instruments.

SECTION 8. This Council hereby authorizes the Mayor or other appropriate officers of the City to take such actions as are necessary or appropriate to implement the transactions contemplated by this Ordinance, including the filing of one or more applications for exemption and any related forms in accordance with R.C. Section 5709.911.

SECTION 9. This Council hereby finds and determines that notice of this proposed Ordinance has been delivered to the School District in accordance with R.C. 5709.40 and 5709.83 and hereby ratifies the giving of such notice.

SECTION 10. This Council acknowledges that it has created, or has joined, an applicable Tax Incentive Review Council (the "TIRC") with the membership of the TIRC constituted in accordance with R.C. Section 5709.85. The TIRC shall, in accordance with R.C. Section 5709.85, annually review all TIF Exemptions resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before the TIRC, all in accordance with R.C. Section 5709.85.

SECTION 11. In accordance with R.C. Section 5709.832, this Council hereby determines that no entity doing business upon any Parcel shall deny any individual employment based on considerations of race, religion, sex, disability, color, national origin, or ancestry.

SECTION 12. The Mayor, or any other official, as appropriate, are each authorized and directed to sign any other documents, instruments or certificates and to take such actions as are necessary or appropriate to consummate or implement the actions described herein or contemplated by this Ordinance.

SECTION 13. Pursuant to R.C. Section 5709.40(I), the Mayor is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Department of Development ("ODOD") within fifteen (15) days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Mayor or other authorized officer of this City shall prepare and submit to the Director of ODOD the status report required under R.C. Section 5709.40(I).

SECTION 14. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any decision making bodies of the City that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements.

SECTION 15. This Ordinance 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 for the other reasons set forth in the preamble to this Ordinance is required to be immediately effective to allow for the construction of the Public Infrastructure Improvements, which are necessary to provide the developed redevelopment in the City; wherefore, this Ordinance shall be in full force and effect from and immediately after the 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 \_\_\_\_\_, 202\_ the Lancaster Eagle Gazette will publish the summary of this ordinance in accordance with Ohio Revised Code 731.24.

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

## EXHIBIT A to TIF Ordinance

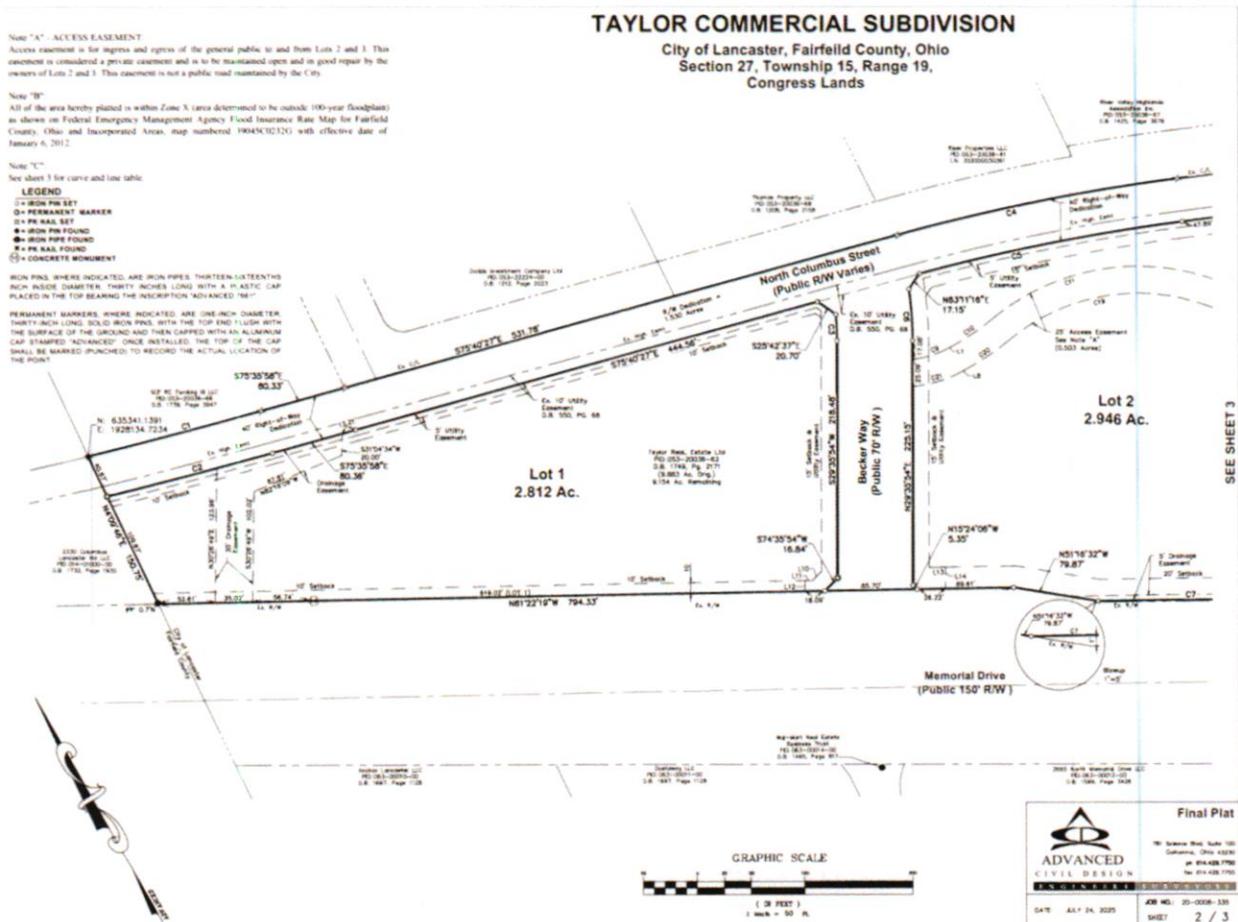
### DESCRIPTION OF PARCELS AFFECTED BY THE IMPROVEMENT

The Property is the real estate situated in the City of Lancaster, County of Fairfield, State of Ohio that is identified by the County Auditor of Fairfield County, Ohio as having the following tax parcel identification numbers, as that real property may be subdivided, combined and be designated with different parcel numbers from time to time:

0532003662

0532821000

The Property is depicted generally in the following Sheet 3 from the Final Plat:



The Property is more particularly described in the legal description that commences on the following page: (See attached.)

## LEGAL DESCRIPTION OF DEVELOPMENT

### TRACT 1:

The Land referred to herein below is situated in the County of Fairfield, State of Ohio, and is described as follows:

Situated in the County of Fairfield, in the State of Ohio and in the City of Lancaster;

Being a part of the Southeast Quarter of Section Twenty-seven (27), Township Fifteen (15), Range Nineteen (19), bounded and described as follows:

Beginning at a point 762.81 feet North 1°21' East of the Southeast corner of Section 27 and in Township Road No. 201;

Thence North 74°38' West 226.81 feet to a point;

Thence South 28°31' West 148.15 feet to a point in the Northerly right-of-way line of U.S. Route No. 33;

Thence along said Northerly right-of-way line in a Northwesterly direction 1232.70 feet to a point on the West property line;

Thence North 150.40 feet to a point in County Road No. 49;

Thence with said County Road No. 49 in a Southeasterly direction 1434.50 feet to the East section line;

Thence South 1°21' West 275.80 feet to the place of beginning, containing 9.51 acres of land, more or less.

EXCEPTING THEREFROM THE FOLLOWING PARCEL:

Situated in the City of Lancaster, County of Fairfield, Greenfield Township (15), Range 19 and State of Ohio, and being part of a 9.510 acre tract conveyed to Taylor Real Estate, LTD., an Ohio Limited Liability Company in Official Record 1749 Page 2171 as recorded in the Fairfield County Recorder's Office. The below described parcel laying on the left side of existing centerline of right of way for Ety Road T.R. 201 in project FAI-TR201-1.10, and being more particularly described as follows:

Commencing at a point at the Southeast corner of Section 27 and also being on the centerline of existing right of way for Ety Road, T.R. 201,

Thence, along the centerline of right of way for Ety Rd, North 03 degrees 44 minutes 20 seconds East, 763.33 feet to a point on the grantor's East line and the centerline of existing right of way for Ety Road, T.R. 201, said point being 0.00 feet left of the centerline of existing right of way for Ety Road, T.R. 201 at station 117+25.50 and being the True Point of Beginning for the parcel herein described:

1) Thence, along the grantor's East line, North 71 degrees 59 minutes 43 seconds West, 61.91 feet to an iron pin set, said pin being 60.00 feet left of the centerline of existing right of way for Ety Road, T.R. 201 at station 117+40.75;

2) Thence, across the grantor's tract, North 03 degrees 44 minutes 20 seconds East, 242.44 feet to an iron pin set, said pin being 60.00 feet left of the centerline of existing right of way for Ety Road, T.R. 201 at station 119+83.19 and 35.00 feet right of the centerline of North Columbus Street at station 39+48.45;

3) Thence, across the grantor's tract, North 67 degrees 44 minutes 10 seconds West, 233.45 feet to an iron pin set, said pin being 35.00 feet right of the centerline of North Columbus Street at station 37+15.00;

4) Thence, across the grantor's tract, North 22 degrees 15 minutes 50 seconds East, 35.00 feet to a point on the centerline of North Columbus Street and the grantor's North line, said point being 0.00 feet right of the centerline of North Columbus Street at station 37+15.00;

5) Thence, along the centerline of North Columbus Street and the grantor's North Line, South 67 degrees 44 minutes 10 seconds East, 289.00 feet to a point at the intersection of said Ety Road and North Columbus Street also being the grantor's Northeast corner, said point being 0.00 feet right of the centerline of North Columbus Street at station 40+00.00 and being 0.00 feet left of the centerline of existing right of way for Ety Road, T.R. 201 at station 120+00.00;

6) Thence, along the centerline of existing right of way for Ety Road, T.R. 201 and the grantor's East line, South 03 degrees 44 minutes 20 seconds West, 274.50 feet to the True Point of Beginning, containing 0.564 acres.

It is understood that the parcel of land described contains, 0.564 acres, more or less, including the present road occupies 0.292 acres, more or less and is located in Fairfield County Auditor's Parcel Number 0532003662.

All iron pins set are 3/4 inch x 30 inch rebar with a 2 inch aluminum cap stamped "ODOT R/W P.S. 7798 Richard F. Mathias".

Description prepared from an actual field survey prepared by 2LMN, Inc. under the supervision of Richard F. Mathias, P.S. # 7798, May, 2019.

All bearings shown are for project use only and are from the Ohio State Plane Coordinate System, North Zone, NAD 83 (2011). As established by GPS measurements in 2019.

Parcel Number: 053-20036-62

## TRACT 2:

Being a part of Section 27, Township 15, Range 19, Greenfield Township, Fairfield County, Ohio, and now in the City of Lancaster, and being more particularly described as follows:

Commencing at a point in the east line of Section 27 and in the centerline of U.S. Route 33 at Station 139 plus 53.38, (1941 Survey) as shown by plans on file with the Department of Highways, said point being N 1 deg. 21' E, 452.70 feet from the southeast corner of said Section 27;

Thence, along said Section line, N 1 deg. 21 min. E, 85.21 feet, to a point in the centerline of Township Road No. 201 and to an easement for electric power line of the Ohio Power Company, Deed Record Volume 166, Page 375, Recorder's Office, Fairfield County, Ohio, said point being the place of beginning of the tract herein described;

Thence, along said Section line and along the centerline of said Township Road, N 1 deg. 21' E, 224.90 feet to a point;

Thence, leaving said road, N 74 deg. 38' 30" W, 226.61 feet, to a point;

Thence, S 28 deg. 31' 30" W, 148.15 feet, to a point in the northerly right of way line of said U.S. Route 33;

Thence, along said northerly right of way line of said U.S. 33, S 62 deg. 01' E, 122.04 feet to a point;

Thence, continuing along said right of way line, S 61 deg. 19' E, 94.12 feet, to a point;

Thence, continuing along said right of way line, S 60 deg. 52' E 107.24 feet, to a point, the place of beginning containing 1.11 acres, more or less.

**LESS AND EXCEPT TRACT 3, COMPRISED OF PARCELS 5-WD1 & 5-WD2 DESCRIBED AS FOLLOWS:**

**TRACT 3:**

Ver. Date 05-24-2019

PID 108470

**PARCEL 5-WD1  
FAI-TR201-1.10**

Situated in the City of Lancaster, County of Fairfield, Greenfield Township (15), Range 19 and State of Ohio, and being part of a 1.110 acre tract conveyed to Taylor Real Estate, LTD., an Ohio Limited Liability Company in Official Record 1664 page 4302 as recorded in the Fairfield County Recorder's Office. The below described parcel laying on the left side of existing centerline of right of way for Ety Road T.R. 201 in project FAI-TR201-1.10, and being more particularly described as follows:

COMMENCING at a point at the Southeast corner of Section 27 and also being on the centerline of existing right of way for Ety Road, T.R. 201, Thence, along the centerline of right of way for Ety Rd, North 03 degrees 44 minutes 20 seconds East, 539.69 feet to a point at the grantor's southeast corner and the north existing limited access easement for North Memorial Drive, said point being 0.00 feet left of the centerline of existing right of way for Ety Road, T.R. 201 at station 115+01.86 and being the **TRUE POINT OF BEGINNING** for the parcel herein described:

- 1) **Thence, along the grantor's south line and the north existing limited access easement for North Memorial Drive with a curve to the left having a radius of 11534.16 feet, a central angle of 00 degrees 20 minutes 16 seconds, an arc length of 67.99, and a chord that bears North 58 degrees 12 minutes 44 seconds West, 67.99 feet to an iron pin set, said pin being 60.00 feet left of the centerline of existing right of way for Ety Road, T.R. 201 at station 115+33.83;**
- 2) **Thence, across the grantor's tract, North 03 degrees 44 minutes 20 seconds East, 206.92 feet to an iron pin set on the grantor's north line, said pin being 60.00 feet right of the centerline of existing right of way for Ety Road, T.R. 201 at station 117+40.75;**
- 3) **Thence, along the grantor's north line, South 71 degrees 59 minutes 43 seconds East, 61.91 feet to a point in the centerline of existing right of way for Ety Road, T.R. 201 and being the grantor's northeast corner, said point being 0.00 feet right of the centerline of existing right of way for Ety Road, T.R. 201 at station 117+25.50;**
- 4) **Thence, along the centerline of existing right of way for Ety Road, T.R. 201 and the grantor's east line, South 03 degrees 44 minutes 20 seconds West, 223.64 feet to the TRUE POINT OF BEGINNING, containing 0.296 acres.**

It is understood that the parcel of land described contains, 0.296 acres, more or less, including the present road occupies 0.111 acres, more or less and is located in Fairfield County Auditor's Parcel Number 0532821000.

All iron pins set are ¼ inch x 30 inch rebar with a 2 inch aluminum cap stamped "ODOT R/W P.S. 7798 Richard F. Mathias".

Description prepared from an actual field survey prepared by 2LMN, Inc. under the supervision of Richard F. Mathias, P.S. # 7798, May, 2019.

All bearings shown are for project use only and are from the Ohio State Plane Coordinate System, North Zone, NAD 83 (2011). As established by GPS measurements in 2019.

**PARCEL 5-WD2  
FAI-TR201-1.10**

Situated in the City of Lancaster, County of Fairfield, Greenfield Township (15), Range 19 and State of Ohio, and being part of a 9.510 acre tract conveyed to Taylor Real Estate, LTD., an Ohio Limited Liability Company in Official Record 1749 page 2171 as recorded in the Fairfield County Recorder's Office. The below described parcel laying on the left side of existing centerline of right of way for Ety Road T.R. 201 in project FAI-TR201-1.10, and being more particularly described as follows:

COMMENCING at a point at the Southeast corner of Section 27 and also being on the centerline of existing right of way for Ety Road, T.R. 201, Thence, along the centerline of right of way for Ety Rd, North 03 degrees 44 minutes 20 seconds East, 763.33 feet to a point on the grantor's east line and the centerline of existing right of way for Ety Road, T.R. 201, said point being 0.00 feet left of the centerline of existing right of way for Ety Road, T.R. 201 at station 117+25.50 and being the **TRUE POINT OF BEGINNING** for the parcel herein described:

- 1) **Thence, along the grantor's east line, North 71 degrees 59 minutes 43 seconds West, 61.91 feet to an iron pin set, said pin being 60.00 feet left of the centerline of existing right of way for Ety Road, T.R. 201 at station 117+40.75;**
- 2) **Thence, across the grantor's tract, North 03 degrees 44 minutes 20 seconds East, 242.44 feet to an iron pin set, said pin being 60.00 feet left of the centerline of existing right of way for Ety Road, T.R. 201 at station 119+83.19 and 35.00 feet right of the centerline of North Columbus Street at station 39+48.45;**
- 3) **Thence, across the grantor's tract, North 67 degrees 44 minutes 10 seconds West, 233.45 feet to an iron pin set, said pin being 35.00 feet right of the centerline of North Columbus Street at station 37+15.00;**
- 4) **Thence, across the grantor's tract, North 22 degrees 15 minutes 50 seconds East, 35.00 feet to a point on the centerline of North Columbus Street and the grantor's north line, said point being 0.00 feet right of the centerline of North Columbus Street at station 37+15.00;**
- 5) **Thence, along the centerline of North Columbus Street and the grantor's North Line, South 67 degrees 44 minutes 10 seconds East, 285.00 feet to a point at the intersection of said Ety Road and North Columbus Street also being the grantor's northeast corner, said point being 0.00 feet right of the centerline of North Columbus Street at station 40+00.00 and being 0.00 feet left of the centerline of existing right of way for Ety Road, T.R. 201 at station 120+00.00;**
- 6) **Thence, along the centerline of existing right of way for Ety Road, T.R. 201 and the grantor's east line, South 03 degrees 44 minutes 20 seconds West, 274.50 feet to the TRUE POINT OF BEGINNING, containing 0.564 acres.**

It is understood that the parcel of land described contains, 0.564 acres, more or less, including the present road occupies 0.292 acres, more or less and is located in Fairfield County Auditor's Parcel Number 0532003662.

All iron pins set are ¼ inch x 30 inch rebar with a 2 inch aluminum cap stamped "ODOT R/W P.S. 7798 Richard F. Mathias".

Description prepared from an actual field survey prepared by 2LMN, Inc. under the supervision of Richard F. Mathias, P.S. # 7798, May, 2019.

All bearings shown are for project use only and are from the Ohio State Plane Coordinate System, North Zone, NAD 83 (2011). As established by GPS measurements in 2019.

## **EXHIBIT B to TIF Ordinance**

### **PUBLIC INFRASTRUCTURE IMPROVEMENTS**

The Public Infrastructure Improvements consist generally of acquiring and constructing the Public Infrastructure Improvements described below, as selected in the sole discretion of the City in accordance with the Ordinance to which this **EXHIBIT B** is attached, the TIF Act, its related rules and laws, and other generally applicable Ohio law, including but not limited to, the following:

- Any costs of the Public Infrastructure Improvements identified in the TIF Agreement or in another agreement identifying such costs, each as may be authorized by City Council; and
- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing, or changing of, as well as the continued maintenance of, the lines and traffic patterns of roads, highways, streets, bridges (both roadway and pedestrian), traffic calming devices, sidewalks, bikeways, medians, and viaducts accessible to and serving the public, and providing lighting systems, signalization, and traffic controls, and all other appurtenances thereto; and
- Construction, reconstruction, or installation of, as well as the continued maintenance of, public utility improvements (including any underground publicly owned utilities), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, and all other appurtenances thereto; and
- Construction, reconstruction, or installation of publicly owned gas, electric, and communication service facilities, and all other appurtenances thereto; and
- Construction or reconstruction of one or more public parks, including grading, trees and other park plantings, park accessories and related improvements, and all other appurtenances thereto; and
- Construction or installation of streetscape and landscape improvements including trees and shrubs, landscaping mounds and fencing, tree grates, planting beds, signage, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, and all other appurtenances thereto; and
- Construction of one or more public parking facilities, including public surface parking and public parking structures and related improvements, and all other appurtenances thereto; and
- Demolition and excavation, including demolition and excavation on private property when determined to be necessary for economic development purposes; and
- Acquisition of real estate or interests in real estate (including easements) necessary to accomplish the foregoing improvements; and

- Any on-going administrative expenses relating to the Public Infrastructure Improvements as well as maintaining the Service Payments and Property Tax Rollback Payments in the TIF Accounts, including but not limited to, engineering, architectural, legal, and other consulting and professional services; and
- All inspection fees and other governmental fees related to the foregoing; and
- Any and all other costs of the Public Infrastructure Improvements, as determined by the City in its sole discretion and in accordance with the Ordinance to which this **EXHIBIT B** is attached, the TIF Act, its related rules and laws, and other generally applicable Ohio law.

The Public Infrastructure Improvements specifically include the costs of financing the Public Infrastructure Improvements, including the items of “costs of permanent improvements” set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements. “Costs” specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and the debt service on any bonds or other obligations issued to finance the Public Infrastructure Improvements (including fees and administrative expenses of, and fund reserve funds necessary to pay or service any bonds or other obligations) (the “*Debt Service*”), all as determined by the City in its sole discretion and in accordance with the Ordinance to which this **EXHIBIT B** is attached, the TIF Agreement, the TIF Act, its related rules and laws, and other generally applicable Ohio law.

TEMPORARY ORDINANCE NO. 72-25

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

AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF LANCASTER, OHIO IN COOPERATION WITH THE LANCASTER REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT AND DECLARING AN EMERGENCY

WHEREAS, the City Council (“Council”) of the City of Lancaster, Ohio (“City”) duly adopted Temporary Resolution No. 101-25 which became Permanent Resolution No. \_\_\_\_\_ on December 1, 2025 (the “Resolution Approving Petition and Declaring Necessity”), (i) declaring the necessity of acquiring, constructing, and improving energy efficiency improvements, including, without limitation, renovation and upgrades to electrical and mechanical systems, improvements to building envelope efficiency, installation of solar, and related improvements (the “Project”, as more fully described in the Petition referenced in this Ordinance) located on real property owned by Equity Trust Company Custodian FBO Leung Chee Kwan IRA (the “Owner”) and identified by Fairfield County Auditor Permanent Parcel Identification Number 0535038700 (the “Property”, as more fully described in Exhibit A to the Petition); (ii) providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Owner’s *Petition for Creation of Energy Special Improvement District and for Special Assessments for Special Energy Improvement Projects* (the “Petition”), including by levying and collecting special assessments to be assessed upon the Property (the “Special Assessments”) in an amount sufficient to pay the costs of the Project, which is estimated to be Eight Hundred Ninety-One Thousand Seven Hundred Fifty-Five Dollars (\$891,755.00) including other related costs of financing the Project, which may include, without limitation, the payment of principal of and interest on nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and administrative fees and expenses of the Lancaster Regional Energy Special Improvement District, Inc., an energy special improvement district and nonprofit corporation under the laws of the State of Ohio, (the “District”); and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the City and the District; and

WHEREAS, the claims for damages alleged to result from and objections to the Project have been waived by one hundred percent (100%) of the affected property owners; now, therefore,

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

SECTION 1. Each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Petition.

SECTION 2. This Council declares that its intention is to proceed with the acquisition, construction, and improvement of the Project described in the Petition and the Resolution Approving Petition and Declaring Necessity. The Project shall be made in

accordance with the provisions of the Resolution Approving Petition and Declaring Necessity and with the plans, specifications, profiles, and estimates of cost previously approved and now on file with the Council and the Clerk of Council.

SECTION 3. The aggregate maximum amount of Special Assessments to pay costs of the Project, which are estimated to be Two Million Four Hundred Eighty Five Thousand Four Hundred Six Dollars and Fourteen Cents (\$2,485,406.14), including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses, shall be assessed against the Property in the manner and in the number of semi-annual installments provided in the Petition and the Resolution Approving Petition and Declaring Necessity. Each semi-annual Special Assessment payment represents the payment of a portion of any principal repayment and interest and administrative fees payable with respect to the Project. The Special Assessments shall be assessed against the Property commencing in tax year 2026 for collection in 2027 and shall continue through tax year 2055 for collection in 2056. In addition to the Special Assessments, the County Auditor of Fairfield County, Ohio may impose a special assessment collection fee with respect to each semi-annual payment, which amount, if imposed, will be added to the Special Assessments by the County Auditor of Fairfield County, Ohio.

SECTION 4. The estimated Special Assessments for costs of the Project prepared and filed in the offices of the Council and the Clerk of Council, in accordance with the Resolution Approving Petition and Declaring Necessity, are adopted.

SECTION 5. In compliance with Ohio Revised Code Section 319.61, the Council and the Clerk of Council are directed to deliver a certified copy of this Ordinance to the County Auditor of Fairfield County, Ohio within fifteen (15) days after the date of its passage.

SECTION 6. All contracts for the construction of the Project will be let in the manner provided by law, subject to the provisions of the Ohio Revised Code and the Petition, and the costs of the Project shall be financed as provided in the Resolution Approving Petition and Declaring Necessity.

SECTION 7. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Ohio Revised Code Section 121.22.

SECTION 8. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is necessary to the timely completion of the Project described above; 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: \_\_\_\_\_

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

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

\_\_\_\_\_  
Mayor

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

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

Requested by Economic Development Committee

I, Anitra Scott, Clerk of Council do hereby certify that on \_\_\_\_\_, 202\_ the Lancaster Eagle Gazette will publish the summary of this ordinance in accordance with Ohio Revised Code 731.24.

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

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Permanent Ordinance No. [ ] duly adopted by the City Council of the City of Lancaster, Ohio on December 15, 2025 and that a true copy thereof was certified to the County Auditor of Fairfield County, Ohio within fifteen (15) days of its passage.

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

TEMPORARY ORDINANCE NO. 73-25

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

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF LANCASTER OHIO IN COOPERATION WITH THE LANCASTER ENERGY SPECIAL IMPROVEMENT DISTRICT, APPROVING THE C-PACE ASSIGNMENT AGREEMENT, AND DECLARING AN EMERGENCY

WHEREAS, Equity Trust Company Custodian FBO Leung Chee Kwan IRA (the "Owner") has submitted its *Petition for Creation of Energy Special Improvement District and for Special Assessments for Special Energy Improvement Projects* (the "Petition") in order to provide for the completion of a special energy improvement project on real property owned by the Owner in the City of Lancaster, Ohio (the "City"); and

WHEREAS, this Council ("Council") of the City duly adopted Temporary Resolution No. 101-25 which became Permanent Resolution No. \_\_\_\_\_ on December 1, 2025 (the "Resolution Approving Petition and Declaring Necessity") and declared the necessity of acquiring, constructing, improving and installing energy efficiency improvements on its real property, including, without limitation, renovation and upgrades to electrical and mechanical systems, improvements to building envelope efficiency, installation of solar, and related improvements (the "Project"), as described in the Resolution Approving Petition and Declaring Necessity and as set forth in the Petition requesting those improvements; and

WHEREAS, this Council duly passed Temporary Ordinance No. 72-25 which became Permanent Ordinance No. \_\_\_\_\_ on December 15, 2025, and determined to proceed with the Project and adopted the maximum estimated Special Assessments (as defined in the Resolution Approving Petition and Declaring Necessity) filed with the Council and the Clerk of Council pursuant to the Resolution Approving Petition and Declaring Necessity; and

WHEREAS, the City intends to enter into a C-PACE Assignment Agreement with Amalgamated Bank (together with its successors and assigns, the "Investor") (the "C-PACE Assignment Agreement"), which C-PACE Assignment Agreement is to provide for, among other things, a collection process to collect the Special Assessments and to a foreclosure process to enforce the lien of the Special Assessments as a covenant running with the property binding on the Owner and all future owners of the property; and

WHEREAS, the actual costs of the Project have been ascertained and have been certified to the City in the Petition and the Plan for the Project; now, therefore,

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

SECTION 1. That each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Resolution Approving Petition and Declaring Necessity.

SECTION 2. That the list of maximum Special Assessments to be levied and assessed on the Property in an amount sufficient to pay the costs of the Project, which is Eight Hundred Ninety-One Thousand Seven Hundred Fifty-Five Dollars (\$891,755.00), including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses, which costs were set forth in the Petition and previously reported to this Council and are now on file with the Council and the Clerk of Council, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Property. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the Council.

As requested in the Petition, the final aggregate amount of the Special Assessments may be in an amount less than the aggregate maximum amount of Two Million Four Hundred Eighty Five Thousand Four Hundred Six Dollars and Fourteen Cents (\$2,485,406.14) if the final rate of interest for the financing for the Project is less than the assumed maximum rate of interest such that the aggregate amount of Special Assessments necessary to repay the financing for the Project is less than the aggregate amount of Two Million Four Hundred Eighty Five Thousand Four Hundred Six Dollars and Fourteen Cents (\$2,485,406.14), the Owner and the provider of the financing shall certify a final schedule of Special Assessments to the City, which final schedule shall be certified to the County Auditor for collection.

The Special Assessments are assessed against the Property commencing in tax year 2026 for collection in 2027 and shall continue through tax year 2055 for collection in 2056. The semi-annual installments of the Special Assessments shall be collected in each calendar year equal to a total maximum annual amount of Special Assessments as shown in Exhibit A, attached to and incorporated into this Ordinance.

All Special Assessments shall be certified by the Council or the Clerk of Council to the County Auditor of Fairfield County, Ohio pursuant to the Petition and Ohio Revised Code Chapter 727.33 to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Petition and the List of Special Assessments attached to and incorporated into this Ordinance as Exhibit A.

SECTION 3. That this Council finds and determines that the Special Assessments are in proportion to the special benefits received by the Property through the financing of the Project, as set forth in the Petition, and are not in excess of any applicable statutory limitation.

SECTION 4. That Owner has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified

by the Council or the Clerk of Council to the County Auditor of Fairfield County, Ohio as provided by the Petition and Ohio Revised Code Section 727.33 to be placed by him or her on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

SECTION 5. That the Special Assessments will be used by the City to provide for the Project in cooperation with the District in any manner, including assigning the Special Assessments actually received by the City to the District or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes.

SECTION 6. That the Council and the Clerk of Council shall keep the Special Assessments on file in their respective offices.

SECTION 7. That this Council hereby approves the Financing Agreement, a copy of which is on file with the Clerk of Council. The Mayor and the Law Director, or their designee, shall sign and deliver, in the name and on behalf of the City, the Financing Agreement, in substantially the form as is now on file with the Clerk of Council. The Financing Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the Law Director, or their designee, in the name and on behalf of the City, all of which shall be conclusively evidenced by the signing of the Financing Agreement or amendments to the Financing Agreement.

SECTION 8. That this Council hereby approves the Special Assessment Agreement, a copy of which is on file in the office of the Clerk of Council. The Mayor and the Law Director, or their designee, shall sign and deliver, in the name and on behalf of the City, the Special Assessment Agreement, in substantially the form that is now on file with the Clerk of Council. The Special Assessment Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the Law Director, or their designee, on behalf of the City, all of which shall be conclusively evidenced by the signing of the Special Assessment Agreement or amendments to the Special Assessment Agreement.

SECTION 9. That the Safety Service Director is hereby authorized to enter into such other agreements that are not inconsistent with the Resolution Approving Petition and Declaring Necessity and this Ordinance and that are approved by the Mayor and the Law Director, or their designee, on behalf of the City, all of which shall be conclusively evidenced by the signing of such agreements or any amendments to such agreements.

SECTION 10. That in compliance with Ohio Revised Code Section 319.61, the Council and the Clerk of Council are directed to deliver a certified copy of this Ordinance to the County Auditor of Fairfield County, Ohio within fifteen (15) days after its passage.

SECTION 11. That this Council finds and determines that all formal actions of Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Ohio Revised Code Section 121.22.

SECTION 12. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is necessary to the timely completion of the Project described above; 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 \_\_\_\_\_, 202\_ the Lancaster Eagle Gazette will publish the summary of this ordinance in accordance with Ohio Revised Code 731.24.

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

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Permanent Ordinance No. [ ] duly adopted by the City Council of the City of Lancaster, Ohio on December 15, 2025 and that a true copy thereof was certified to the County Auditor of Fairfield County, Ohio within fifteen (15) days of its passage.

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

**EXHIBIT A**

**LIST OF SPECIAL ASSESSMENTS AND  
SCHEDULE OF SPECIAL ASSESSMENTS**

**LIST OF SPECIAL ASSESSMENTS**

Name	Assessed Properties Description	Portion of Benefit and Special Assessment	Maximum Amount of Special Assessments
Equity Trust Company Custodian FBO Leung Chee Kwan IRA	0535038700	100%	\$2,485,406.14

\*As identified in the records of the Auditor of Fairfield County, Ohio as of December 15, 2025.

**SCHEDULE OF SPECIAL ASSESSMENTS**

The following schedule of Special Assessment charges shall be levied in fifty-eight (58) semi-annual installments with respect to first-half and second-half real property taxes levied in tax years 2026 through 2054 and collected in calendar years 2027 through 2055:

<b>Installment No.</b>	<b>Special Assessment Payment Date*</b>	<b>Total Special Assessment Payment Amount**</b>
1	6/1/2027	\$42,851.83
2	12/1/2027	42,851.83
3	6/1/2028	42,851.83
4	12/1/2028	42,851.83
5	6/1/2029	42,851.83
6	12/1/2029	42,851.83
7	6/1/2030	42,851.83
8	12/1/2030	42,851.83
9	6/1/2031	42,851.83
10	12/1/2031	42,851.83
11	6/1/2032	42,851.83
12	12/1/2032	42,851.83
13	6/1/2033	42,851.83
14	12/1/2033	42,851.83
15	6/1/2034	42,851.83
16	12/1/2034	42,851.83
17	6/1/2035	42,851.83
18	12/1/2035	42,851.83
19	6/1/2036	42,851.83
20	12/1/2036	42,851.83
21	6/1/2037	42,851.83
22	12/1/2037	42,851.83
23	6/1/2038	42,851.83
24	12/1/2038	42,851.83
25	6/1/2039	42,851.83
26	12/1/2039	42,851.83
27	6/1/2040	42,851.83
28	12/1/2040	42,851.83
29	6/1/2041	42,851.83
30	12/1/2041	42,851.83
31	6/1/2042	42,851.83
32	12/1/2042	42,851.83
33	6/1/2043	42,851.83
34	12/1/2043	42,851.83
35	6/1/2044	42,851.83
36	12/1/2044	42,851.83
37	6/1/2045	42,851.83
38	12/1/2045	42,851.83
39	6/1/2046	42,851.83
40	12/1/2046	42,851.83
41	6/1/2047	42,851.83
42	12/1/2047	42,851.83
43	6/1/2048	42,851.83
44	12/1/2048	42,851.83
45	6/1/2049	42,851.83
46	12/1/2049	42,851.83
47	6/1/2050	42,851.83
48	12/1/2050	42,851.83
49	6/1/2051	42,851.83
50	12/1/2051	42,851.83
51	6/1/2052	42,851.83
52	12/1/2052	42,851.83

53	6/1/2053	42,851.83
54	12/1/2053	42,851.83
55	6/1/2054	42,851.83
56	12/1/2054	42,851.83
57	6/1/2055	42,851.83
58	12/1/2055	42,851.83

\*\* Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Schedule of Special Assessments are subject to adjustment by the Fairfield County Auditor under certain conditions.

\*\*\* The Auditor of Fairfield County, Ohio may impose a special assessment collection fee with respect to each semi-annual Special Assessment payment. If imposed, this special assessment collection fee will be added by the Auditor of Fairfield County, Ohio to each semi-annual Special Assessment payment.

RECEIPT OF FAIRFIELD COUNTY AUDITOR FOR  
LEGISLATION LEVYING SPECIAL ASSESSMENTS  
FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING,  
AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS  
IN THE CITY OF LANCASTER IN COOPERATION WITH  
THE LANCASTER REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT

I, Dr. Carri Brown, the duly elected, qualified, and acting Auditor in and for Fairfield County, Ohio hereby certify that a certified copy of Ordinance No. \_\_\_\_\_, duly adopted by the Council of the City of Lancaster, Ohio on December 15, 2025 and made effective on December 15, 2025, levying special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City of Lancaster, Ohio in cooperation with the Lancaster Regional Energy Special Improvement District, including the List of Special Assessments and Schedule of Special Assessments, which Special Assessment charges are levied in fifty-eight (58) semi-annual installments with respect to real property taxes due in calendar years 2027 through 2055, was filed in this office on \_\_\_\_\_, 2025.

WITNESS my hand and official seal at Lancaster, Ohio on \_\_\_\_\_, 2025.

[SEAL]

\_\_\_\_\_  
Auditor  
Fairfield County, Ohio

TEMPORARY ORDINANCE NO. 74-25

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

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART ONE – ADMINISTRATIVE CODE, TITLE THREE – LEGISLATIVE, CHAPTER 111 – RULES OF COUNCIL AND TO DECLARE AN EMERGENCY

WHEREAS, the Lancaster City Council President referred proposed changes to the Rules of Council to the Law Committee for review its November 7<sup>th</sup> meeting; and

WHEREAS, the Law Committee met and determined that certain Rules of Council should be amended as agreed upon by its members; and

WHEREAS, certain aspects of those changes were also discussed by Council as a whole during the New Business portion of its November 17, 2025, meeting and afterwards the Law Committee Chair requested that the Law Director make the recommended changes to the Rules of Council; and

WHEREAS, the Law Director drafted Exhibit A, attached hereto, to reflect those changes as well as fix some inconsistencies in Chapter 111; now, therefore,

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

SECTION 1. That Part One – Administrative Code, Title Three – Legislative, Chapter 111 – Rules of Council of the Codified Ordinances of the City of Lancaster, shall hereby be repealed and replaced pursuant to Exhibit A which is attached hereto and incorporated herein by reference.

SECTION 2. That City Council hereby finds that this Ordinance was deliberated upon and passed in open meetings 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

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

**TITLE THREE - Legislative**

Chap. 111. Rules of Council.

Chap. 113. Clerk of Council.

Chap; 115. Ordinances and Resolutions.

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**CHAPTER 111  
Rules of Council**

111.01	Time of regular meetings.	111.20	Voting.
111.02	Special meetings.	111.21	Introduction of ordinances.
111.03	Calling to order; preliminaries; presiding officer.	111.22	Limitations on reference.
111.04	Quorum.	111.23	Action of Council; procedure.
111.05	Permission to leave chamber.	111.24	Resolutions and expenditure of money.
111.06	President Pro Tempore and Clerk of Council.	111.25	Appeal from decision of the chair.
111.06.1	Standing committees.	111.26	Undebatable motions.
111.07	Order of business.	111.26.1	Debatable motions.
111.08	Exception to order of business.	111.27	Calling member to order.
111.09	Committee or official's reports.	111.28	Change in rules.
111.10	Speaking.	111.29	Action upon failure of committee to report.
111.10.1	Voters and taxpayers addressing Council.	111.30	Suspension of rules.
111.11	Motions.	111.31	Chief of Police to preserve order and compel attendance.
111.12	Division of the question.	111.32	Power to compel attendance.
111.13	Writing out motion.	111.33	Refusal to attend special meetings.
111.14	Reference of motion to committee.	111.34	Use of Robert's Rules of Order.
111.15	Motion to adjourn.	111.35	Changing rules.
111.16	Motions considered during debate.	111.36	Tobacco Products prohibited at all meetings.
111.17	Motion to take from the table.	111.37	Providing Council members with ordinance books. (Repealed)
111.18	Motion to reconsider.	111.38	Schedule of Council.
111.19	Previous question.		

CROSS REFERENCES

Adoption of ordinances and resolutions - see Ohio R.C. 715.03, 731.17  
General powers - see Ohio R.C. 715.03, 731.01, 731.05, 731.47  
To establish sewerage rates - see Ohio R. C. 729.49  
Composition - see Ohio R. C. 731.01, 731.06  
Qualifications - see Ohio R. C. 731.02, 731.44  
Election and term - see Ohio R. C. 731.03, 733.09  
Election of officers - see Ohio R. C. 731.04  
President pro tempore - see Ohio R. C. 731.04, 733.08  
Powers as to salaries and bonds - see Ohio R. C. 731.07 et seq., 731.49 et seq.  
Vacancy - see Ohio R. C. 731.43  
Quorum - see Ohio R.C. 731.44  
Regular and special meetings - see Ohio R.C. 731.44, 731.46  
Rules; journal; expulsion of members - see Ohio R. C. 731.45  
Contract restriction - see Ohio R. C. 731.48  
Failure to take oath or give bond - see Ohio R. C. 731.49  
Mayor and directors to attend meetings - see Ohio R. C. 733.06  
President of Council - see Ohio R. C. 733.07 et seq.  
President to preside with no vote except for a tie - see Ohio R. C. 733.09  
Mayor's reports - see Ohio R. C. 733.32, 733.41  
Misconduct - see Ohio R. C. 733.72 et seq.  
Contract interest - see Ohio R. C. 733.78

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#### **111.01 TIME OF REGULAR MEETINGS.**

Regular meetings of Council shall be held at the designated Council Chambers per the adopted schedule for the calendar year, or at such time as maybe ordered by Council.  
(~~Ord. 14-16. Passed 4-4-16.~~)

#### **111.02 SPECIAL MEETINGS.**

Special meetings of Council may be called by the Mayor, President of Council, or any three members of Council upon written request delivered to the Clerk of Council. No business shall be transacted at any special meeting of Council, except the particular business for the transaction of which such special meeting may be called and the notice to be served on each member requiring his/her attendance at such special meeting shall contain a statement of the business for the transaction of which such special meeting may be called.  
(~~Ord. 14-16. Passed 4-4-16.~~)

#### **111.03 CALLING TO ORDER; PRELIMINARIES; PRESIDING OFFICER.**

The President or, in his/her absence, the President pro tempore shall take the chair at the prescribed meeting start time, shall immediately call the members to order, and shall proceed with the meeting agenda. In the absence of the President and President pro tempore, if a quorum shall be present, Council shall appoint one of its members President pro tempore for that meeting, or until the appearance of the President or President pro tempore. If a quorum is not present, the

members may by a majority vote take a recess for a period not exceeding one hour. The President pro tempore retains his/her right to vote and enter into discussion and debate, even when **presiding over** ~~chairing~~ a session.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.04 QUORUM.**

A majority of the members of Council shall constitute a quorum.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.05 PERMISSION TO LEAVE CHAMBER.**

No member shall leave the Council chamber while Council is in session, without permission being granted by the presiding officer.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.06 PRESIDENT PRO TEMPORE AND CLERK OF COUNCIL.**

Not later than January 7th of each year in a new term of Council, Council shall hold an Organizational Meeting for the purposes of appointing a President pro tempore and a Clerk of Council. Any Council member may make a motion in this meeting to appoint individuals to these positions. Any such motion must be seconded and passed by a majority vote of Council.

~~(Ord. 14-16. Passed 4-4-16.)~~

##### **111.06.1 STANDING COMMITTEES.**

The President pro tempore in the first regular meeting of the new term of Council shall submit proposed committee assignments, proposed committee ~~chairman~~ **and vice chair**, and proposed appointments to boards and commissions to Council for consideration and approval. Confirmation of these appointments is required by a majority of Council. Any Council member can move to strike out one or more names and offer alternate nominations. Any such motion must be seconded and passed by a majority vote of Council. Upon motion, second, and majority confirmation, Council may change such appointments during the term.

It shall be the duty of Council not later than the first regular meeting of the new term to appoint standing committees on each of the following subjects:

- ~~\_\_\_\_\_ (a) Code Enforcement & Zoning Committee  
(Certified Building Department, & Code Enforcement, & Engineering)~~
- ~~\_\_\_\_\_ (b) Economic Development Committee  
(Annexations, CDBG Program & Economic Development) [Chamber of Commerce, CIC, etc.]~~
- ~~\_\_\_\_\_ (c) Finance Committee  
(Auditor, Treasure, Income & City Budget)~~
- ~~\_\_\_\_\_ (d) Law Committee  
(General Legal Issues, Law Director's Office, Municipal Court, Clerk of Court, Council, Council Rules, Council Clerk, Mayor's Office & Service Safety Director)~~
- ~~\_\_\_\_\_ (e) IT/Telecom  
(Information technology and communications)~~
- ~~\_\_\_\_\_ (f) Public Works Committee  
(Engineering, LDOT, Transit, & Cemetery)~~

- ~~(g) Safety Committee  
(Police & Fire)~~
- ~~(h) Service Committee  
(Gas, IT/Telecom, Utilities Collection, Parks and Recreation, Olivedale &  
Sanitation)~~
- ~~(i) Water/Water Pollution Control Committee  
(Water, Wastewater, & Storm Water & Environmental Engineering)  
(Ord. 40-17. Passed 12-11-17.)~~
- (a) Administrative Services (Mayor/ Service-Safety Director/ Human Resources/  
IT/ Telecom/ GIS)**
- (b) Community Development (Community Development/ Building/ Planning/  
Zoning/ Parks & Recreation)**
- (c) Public Finance (Auditor/ Treasurer/ City Budget/ Economic Development/  
Port Authority/ Income Tax)**
- (d) Law & Public Safety (Police/ Fire/ Code Enforcement/ Council Rules/ Law  
Director & City Prosecutor/ Municipal Court Clerk/ Municipal Court Judges)**
- (e) Utilities & Public Works (Gas/ Utilities Collection/ Sanitation/ Water/ Water  
Pollution Control/ Engineering/ Stormwater/ Environmental Engineering/  
Transportation/ Cemetery)**

#### **111.07 ORDER OF BUSINESS.**

The business of all regular meetings of Council shall be transacted in the following order:

- (a) Prayer
  - (b) Call to Order
  - (c) Pledge of Allegiance
  - (d) Roll Call
  - (e) Reading and disposing of the Journal
  - (f) Reports of City Officials
  - (g) Reading of Communications
  - (h) Reading of Petitions and Memorials
  - (i) Special Presentations and Awards
  - (j) Permission of voters and taxpayers to address Council
  - (k) Report of Standing Committees
  - (l) Reports of Special Committees
  - (m) Scheduled Public Hearings
  - (n) Resolutions
  - (o) Ordinances
  - (p) Unfinished Business
  - (q) New Business
  - (r) Announcement of Scheduled Meetings
  - (s) Reading of Bills
  - (t) Executive Session (if needed)
  - (u) Adjournment
- ~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.08 EXCEPTION TO ORDER OF BUSINESS.**

It shall be the duty of the President to proceed with the order of business adopted in Section 111.07. The President may, however, at any time permit a member to introduce an ordinance, resolution, motion or order out of the regular order for the same, if there is no objection on the part of a majority vote of Council.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.09 COMMITTEE OR OFFICIAL'S REPORTS.**

Any subject matter having been referred to any committee of Council or City officer shall be reported upon, in writing, by such committee or officer, and at least a majority of each and any committee to which a subject has been referred shall report thereon. Such report shall, in every instance be accompanied by the original papers upon which such report is based and be signed by such members thereof as concur therein, and the same shall be read by the Clerk, or at the Clerk's desk by the member making the report, without motion.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.10 SPEAKING.**

In all cases the member who shall first address the President and attempt to gain the floor shall speak first. However, when two or more members shall address the chair at once, the President shall name the member who is first to speak. No member shall be allowed to speak except from his/her own desk. No member shall speak more than twice on the same subject, nor longer than five (5) minutes without leave, and no member shall speak more than once on the same motion until every member desiring to speak on that motion shall have had an opportunity to do so. Any member, while discussing a question, may read from books, papers or documents, any **information** matter pertinent to the subject under consideration without asking leave.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.10.1 VOTERS AND TAXPAYERS ADDRESSING COUNCIL.**

In order to ensure that the amount of time allowed for voters and taxpayers to address Council is fair to all in attendance, it shall be the duty of the President of Council to enforce a three (3) minute rule. No person speaking during the voter and taxpayer time shall be permitted to speak for longer than three (3) minutes and no person shall receive permission under this agenda item to speak more than once per Council meeting.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.11 MOTIONS.**

When a motion is made and seconded, it shall be stated by the President before any debate shall be in order. Every such motion and all amendments thereto, if any, may be withdrawn by the movers thereof at any time before decision, if a majority of the members then present shall agree thereto.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.12 DIVISION OF THE QUESTION.**

Any member may call for a division of the question, or the President may direct the same; and the same in either case shall be divided if it comprehends questions so distinct that one being taken away, the other will stand an entire question for decision.

~~(Ord. 14-16. Passed 4-4-16.)~~

**111.13 WRITING OUT MOTION. (REPEALED)**

~~When required by any member, every motion or proposition shall be reduced to writing before action is taken thereon. (Ord. 14-16. Passed 4-4-16.)~~

**111.14 REFERENCE OF MOTION TO COMMITTEE.**

When a motion is made for reference of any subject to a standing committee, and it is moved to substitute therefor a select committee, the question of reference to a standing committee shall be first put.

~~(Ord. 14-16. Passed 4-4-16.)~~

**111.15 MOTION TO ADJOURN.**

A motion to adjourn shall always be in order, unless Council is engaged in voting; but it being decided in the negative, shall not again be entertained until some motion, call or order takes place.

~~(Ord. 14-16. Passed 4-4-16.)~~

**111.16 MOTIONS CONSIDERED DURING DEBATE .**

When a question or proposition is before Council, or under debate, no motion shall be received except the following:

- (a) To adjourn.
- (b) To lay on the table.
- (c) For the previous question.
- (d) To postpone to a day certain.
- (e) To amend.
- (f) To commit.
- (g) To postpone indefinitely.

~~(Ord. 14-16. Passed 4-4-16.)~~

**111.17 MOTION TO TAKE FROM THE TABLE.**

A motion to take from the table shall be in order when that order of business is being transacted in which such matter to be taken up was laid upon the table, and such motion shall be decided without debate; provided that the mover may be permitted to briefly state his/her reason for the motion.

~~(Ord. 14-16. Passed 4-4-16.)~~

**111.18 MOTION TO RECONSIDER.**

Any member who voted on the prevailing side may move a reconsideration of any such action of Council, provided, that the motion be made not later than the next regular meeting after such action was taken. A motion to reconsider shall be in order any time, except when a motion on some other subject is pending. A motion to reconsider being laid upon the table, may be taken up and acted upon at any time when Council is engaged in transacting miscellaneous business. No motion to reconsider shall be made more than once on any matter or subject, and the same number of votes shall be required to reconsider any action of Council as is required to pass or adopt the same.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.19 PREVIOUS QUESTION.**

When the previous question shall be moved and seconded by another, it shall be put in these words: "Shall the main question now be put?" Until decided, this shall preclude all further debate, and all amendments and motions, except one motion to adjourn and one motion to lay on the table, but shall not preclude pending amendments from being put in their order before the main question. If a call for previous question is not sustained, the subject under consideration shall not thereby be postponed, but the business shall proceed as if no such call had been made.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.20 VOTING.**

When demanded by any member and seconded by another, the yeas and nays shall be taken on the adoption of any ordinance, resolution, or any question or proposition submitted to Council. In taking the yeas and nays the Clerk shall call the names of the members in alphabetical order, and the President shall announce the result of such vote. The Clerk may be required to read the vote taken upon the demand of any member.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.21 INTRODUCTION OF ORDINANCES.**

Ordinances shall be introduced by members of Council with their names endorsed thereon.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.22 LIMITATIONS ON REFERENCE.**

After an ordinance or resolution has been once referred to a standing or special committee and report made thereof to Council, the same may be again referred, but after ordinances have been read the third time and put on their passage, it shall not again be referred, except under instructions from Council, which instructions shall embody substantially the amendment or amendments proposed.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.23 ACTION OF COUNCIL; PROCEDURE.**

The action of Council shall be by ordinance or resolution and on the passage of every ordinance or resolution the vote shall be taken by yeas and nays and entered on the Journal. However, this shall not apply to the ordering of an election, or direction by Council to any board or officer to furnish Council with information as to the affairs of any department or office. No ordinance or resolution granting a franchise, or creating a right, or involving the expenditure of money, or the levying of a tax, or for the purchase, lease, sale or transfer of property, shall be passed, unless the same shall have been read on three **(3)** different days, and with respect to any such ordinance or resolution, there shall be no authority to dispense with this rule, except by three-fourths **(3/4)** vote of all the members elected thereto. No ordinance shall be passed by Council without the concurrence of a majority of all members elected thereto. Ordinances for third reading shall not be considered or acted on in connection with other matters, and a separate roll call and vote shall be had on the passage of each and every ordinance.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.24 RESOLUTIONS AND EXPENDITURE OF MONEY.**

Resolutions shall be offered by any member of Council present, with his/her name endorsed thereon, and may be referred to the proper committee. No contract, agreement or other subject involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the appropriation or expenditure of money be passed by Council unless the City Auditor shall have first certified that the money required for the contract, agreement or other obligation, or to pay the appropriation or expenditure is in the Treasury to the credit of the fund in which it is to be drawn, and not appropriated for any other purpose.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.25 APPEAL FROM DECISION OF THE PRESIDING OFFICER CHAIR.**

An appeal to Council from the decision of the **presiding officer chair** may be taken by any member, if duly seconded, and the question shall be: "Shall the decision of the **presiding officer chair** be sustained?"

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.26 UNDEBATABLE MOTIONS.**

The following motions are not debatable:

- (a) To adjourn.
- (b) To lay on the table.
- (c) To take from the table.
- (d) For the previous question.
- (e) Question of order.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.26.1 DEBATABLE MOTIONS.**

The following motion(s) are debatable:

- (a) Motion to suspend rules

This section does not prohibit any other motions from being debated which are otherwise permitted by ordinance or Roberts Rules of Order.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.27 CALLING MEMBER TO ORDER.**

If any member, in speaking or otherwise shall violate any rule of Council, the President shall, or any member may, call the member to order. If such member shall be called to order while speaking, the member shall immediately take his/her seat. The question of order shall be decided without debate, and if the decision shall be in favor of the member called to order while speaking, he/she shall be at liberty to proceed with his/her speech without leave of Council.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.28 CHANGE IN RULES.**

Any proposed amendment or addition to the rules of Council may ~~shall be first~~ **be** referred to the standing committee on ~~Council Law~~ Rules, which ~~committee~~ shall report ~~the~~ **out regarding the proposed change** at the next regular meeting of Council **after the conclusion of its review**.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.29 ACTION UPON FAILURE OF COMMITTEE TO REPORT.**

If any matter is referred to any standing or special committee of Council, and the same is not reported upon by the committee at the next regular meeting of Council, Council may by a majority vote thereof take each matter so referred from such committee and act upon such matter without report, at the meeting following the failure to report, unless upon proper excuse an extension of time is granted such committee.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.30 SUSPENSION OF RULES.**

These rules, or any one of them, may be temporarily suspended at any meeting of Council by a three-fourths (3/4) vote of all members, and vote on such suspension, in such cases, shall be taken by yeas and nays and entered on the Journal.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.31 CHIEF OF POLICE TO PRESERVE ORDER AND COMPEL ATTENDANCE.**

Under the direction of the presiding officer of Council, the Chief of Police shall preserve order and decorum, and, by order of Council, shall compel the attendance of absent members as may be prescribed by ordinance.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.32 POWER TO COMPEL ATTENDANCE.**

At any special meeting of Council, the hour of meeting having arrived and ~~three~~ **four (4)** members being present, they shall have power to compel the attendance of absent members by summons, and it shall be the duty of the Chief of Police or other proper officer to punctually execute such summons.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.33 REFUSAL TO ATTEND SPECIAL MEETINGS.**

Any member of Council who shall refuse to appear forthwith when summoned, unless he/she is sick or has sufficient excuse to be accepted by Council, shall be ~~liable~~ **subject** to expulsion or such other penalty as Council may prescribe.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.34 USE OF ROBERT'S RULES OF ORDER.**

In the absence of any rule upon any matter of business, Council shall be governed by Robert's Rules of Order.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.35 CHANGING RULES.**

These rules shall not be altered, amended, or repealed except by a majority vote of all members of Council.

~~(Ord. 14-16. Passed 4-4-16.)~~

#### **111.36 TOBACCO PRODUCTS PROHIBITED AT ALL MEETINGS.**

Smoking of cigarettes, E-cigarettes, pipes, or cigars and the use of all tobacco products shall be prohibited at all meetings of the Lancaster City Council including ~~caucus~~**standing or special committee meetings.**  
(~~Ord. 14-16. Passed 4-4-16.~~)

**111.37 PROVIDING COUNCIL MEMBERS WITH ORDINANCE BOOKS.  
(REPEALED)**

EDITOR'S NOTE: Former Section 111.37 was repealed by Ordinance 6-11.

**111.38 SCHEDULE OF COUNCIL.**

An announcement shall be made at each regularly scheduled meeting of Council notifying those in attendance of meetings currently scheduled for the next thirty **(30)** days. These shall include but are not limited to Regular Council Sessions, Special Council Sessions, Public Hearings, and Committee Meetings. The Clerk shall be responsible for posting these advance notifications for the public. The postings shall include the meeting date, meeting time, meeting place, and a brief description of the purpose of the meeting.  
(~~Ord. 14-16. Passed 4-4-16.~~)