

**LANCASTER CITY COUNCIL
LANCASTER, OHIO**

April 22, 2019

**REGULAR MEETING CONVENES
PRAYER
CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
READING AND DISPOSING OF THE JOURNAL
REPORTS OF CITY OFFICIALS
COMMUNICATIONS
SPECIAL PRESENTATION (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

- | | |
|-----------------|---|
| Temp Res #47-19 | A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE LDOT FUND (208), AND AMEND THE CERTIFICATE WITH THE COUNTY AUDITOR
Public Works (Schoonover/Bobbitt) (3 Readings) |
| Temp Res #48-19 | A RESOLUTION AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO EXECUTE THE MEMBERSHIP AGREEMENT AND BYLAWS TO BECOME A MEMBER OF NEORIDE AN OHIO COUNCIL OF GOVERNMENTS
Public Works (Schoonover/Tener) (3 Readings) |

SECOND READING

- | | |
|-----------------|--|
| Temp Res #53-19 | A RESOLUTION OF CONSENT FOR PRELIMINARY LEGISLATION FOR THE WIDENING OF ETY ROAD WITH THE ADDITION OF TURN LANES AT CR 33A (MEMORIAL DRIVE AND CR 37 (N. COLUMBUS STREET) WITHIN THE CITY OF LANCASTER
Public Works (Schoonover/Bobbitt) (3 Readings) |
| Temp Res #54-19 | A RESOLUTION TO APPROPRIATE FROM THE UNENCUMBERED BALANCE IN THE STOMWATER FUND (606), AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR
Water/Water Pollution (Woodgeard/McDaniel) (2 Readings) |
| Temp Res #56-19 | A RESOLUTION AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FACILITATE DEVELOPMENT OF THE MAGNA SEATING OF AMERICA PROJECT IN THE ROCK MILL INDUSTRIAL PARK
Finance Committee (Stoughton/McDaniel) (2 Readings) |

FIRST READING

Temp Res #58-19 A RESOLUTION **TO AMEND PERMANENT RESOLUTION 44-19** AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO WAIVE COMPETITIVE BIDDING FOR THE PIONEER ALLEY STORM SEWER REPLACEMENT PROJECT AND TO DECLARE AN EMERGENCY

Water/Water Pollution (Woodgeard) (1 Reading)

Temp Res #59-19 A RESOLUTION AUTHORIZING THE MAYOR AND THE FAIRFIELD COUNTY MUNICIPAL COURT TO NEGOTIATE AND ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE FAIRFIELD COUNTY COMMISSIONERS TO FUND THE SENTINEL OFFENDER SERVICES CONTRACT FOR ELECTRONIC MONITORING OF CRIMINAL OFFENDERS TO BE UTILIZED BY THE FAIRFIELD COUNTY MUNICIPAL COURT

Finance Committee (Stoughton/Downour) (2 Readings)

Temp Res #60-19 A RESOLUTION AUTHORIZING THE MAYOR TO DISPENSE WITH COMPETITIVE BIDDING AND ENTER INTO A CONTRACT FOR ELECTRONIC MONITORING SERVICES FOR CRIMINAL OFFENDERS UNDER THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM TO BE UTILIZED BY THE FAIRFIELD COUNTY MUNICIPAL COURT

Finance Committee (Stoughton/McDaniel) (2 Readings)

READING OF ORDINANCES**THIRD READING**

NONE.

SECOND READING

Temp Ord 6-19 AN ORDINANCE TO AUTHORIZE THE SERVICE-SAFETY DIRECTOR TO ACCEPT APPROXIMATELY TEN (10) ACRES, MORE OR LESS, OF PROPERTY SITUATED IN TOWNSHIP 14, RANGE 19, SECTIONS 2 & 3, CITY OF LANCASTER, FAIRFIELD COUNTY, FROM FAIRFIELD HOMES INC.

Law Committee (Groff/Baus) (3 Readings)

FIRST READING

Temp Ord 7-19 AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART THIRTEEN – BUILDING CODE, CHAPTER 1303 – TECHNICAL CODES, SECTION 1303.06 – APPEAL; MEMBERSHIP AND QUALIFICATIONS OF APPEAL BOARD MEMBERS, OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, AND TO DECLARE AN EMERGENCY

Law Committee (Groff) (1 Reading)

Temp Ord 8-19

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART NINE – STREETS, UTILITIES, AND PUBLIC SERVICES CODE, TITLE ONE – STREETS AND SIDEWALKS, CHAPTER 903 – SIDEWALKS, SECTION 903.08 – RIGHT TO APPEAL, OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, AND TO DECLARE AN EMERGENCY

Law Committee (Groff) (1 Reading)

TABLED LEGISLATION

NONE.

UNFINISHED BUSINESS

NEW BUSINESS/PRESENTATIONS

ANNOUNCEMENT OF SCHEDULED MEETINGS

REGULARLY SCHEDULED CITY COUNCIL MEETINGS

1. May 6th at 6:30 p.m.
2. May 20th at 6:30 p.m.

REGULARLY SCHEDULED COMMITTEE MEETINGS

1. Finance – May 6th at 6:00 p.m. – Council Chambers
2. Service – May 10th at 7:30 a.m. – Gas Dept. Conference Room
3. Water/WPC – May 15th at 7:00 a.m. – WPC (Conference Room)
4. Finance – May 20th at 6:00 p.m. – Council Chambers

SPECIAL SCHEDULED MEETINGS

1. None

READING OF BILLS

EXECUTIVE SESSION

ADJOURNMENT

TEMPORARY RESOLUTION NO. 58-19

PERMANENT RESOLUTION NO. _____

* A RESOLUTION TO AMEND PERMANENT RESOLUTION 44-19 AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO WAIVE COMPETITIVE BIDDING FOR THE PIONEER ALLEY STORM SEWER REPLACEMENT PROJECT AND TO DECLARE AN EMERGENCY

WHEREAS, the City of Lancaster recently made a point repair on the Pioneer Alley Storm Sewer; and

WHEREAS, upon further video inspection of the storm sewer, the condition of the pipe is likely to cause further failure; and

WHEREAS, the pipe is located between a high pressure natural gas line and a 48" storm sewer; and

WHEREAS, the Ohio Department of Transportation has already awarded a contract for the SR 188 paving project that includes the portion that this storm sewer crosses; and

WHEREAS, it is necessary for the health, safety and welfare of the citizens to replace the Pioneer Alley Storm Sewer and declare an emergency;

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

SECTION 1. That Section 1 of Permanent Resolution 44-19 be amended to read as follows:

"SECTION 1. That the Service-Safety Director is authorized to waive the competitive bidding requirements and award a contract not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) for replacement of the Pioneer Alley Storm Sewer line

SECTION 2. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants and more specifically that the work must be completed prior to the commencement of the SR 188 paving project currently awarded and scheduled. This resolution shall take effect and be in force 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 Water/Water Pollution Control Committee

TEMPORARY RESOLUTION NO. 59-19

PERMANENT RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND THE FAIRFIELD COUNTY MUNICIPAL COURT TO NEGOTIATE AND ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE FAIRFIELD COUNTY COMMISSIONERS TO FUND THE SENTINEL OFFENDER SERVICES CONTRACT FOR ELECTRONIC MONITORING OF CRIMINAL OFFENDERS TO BE UTILIZED BY THE FAIRFIELD COUNTY MUNICIPAL COURT

WHEREAS, the use of electronic monitoring technology to monitor criminal offenders by the Fairfield County Municipal Court provides alternatives to the Court for ensuring the safety of the community by means other than jail incarceration; and

WHEREAS, the Fairfield County Commissioners are statutorily required to provide funding for the operation of the Fairfield County Jail; and

WHEREAS, electronic monitoring of criminal offenders provides a significant cost savings to the County providing the opportunity to utilize funding for other public safety related projects; and

WHEREAS, the Fairfield County Commissioners appreciate these cost savings and will enter into a Memorandum of Understanding with the City and the Court to provide the financial support to fund the electronic monitoring contract in addition to any funding the County is required by statute to provide for the operation of the Court; and

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

SECTION 1. That the Mayor and the Fairfield County Municipal Court are hereby authorized to negotiate and enter into a Memorandum of Understanding with the Fairfield County Commissioners regarding the County's funding of electronic monitoring services for criminal offenders subject to the Fairfield County Municipal Court jurisdiction. This funding is in addition to any funding the County is required by statute to provide for the operation of the Court. Utilization of electronic monitoring of criminal offenders will be at the sole discretion of the Fairfield County Municipal Court.

SECTION 2. That the City Auditor is hereby authorized to create any funding accounts necessary to receive and disburse the funding provided by the Fairfield County Commissioners for these electronic monitoring 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 Finance Committee

TEMPORARY RESOLUTION NO. 60-19

PERMANENT RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO DISPENSE WITH COMPETITIVE BIDDING AND ENTER INTO A CONTRACT FOR ELECTRONIC MONITORING SERVICES FOR CRIMINAL OFFENDERS UNDER THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM TO BE UTILIZED BY THE FAIRFIELD COUNTY MUNICIPAL COURT

WHEREAS, the City can contract with Sentinel Offender Services, Inc. through the State of Ohio Cooperative Purchasing Program in lieu of the statutory competitive bidding process; and

WHEREAS, contracting for these services with Sentinel Offender Services, Inc. through their Master Agreement competitively bid and awarded through the State of Ohio Cooperative Purchasing Program will provide savings to the current cost of these services; and

WHEREAS, the Sentinel Offender Services, Inc. contract sets forth the cost for various types of electronic monitoring services with no annual contract fees or minimums and monthly contract costs based on actual services provided (see Exhibit A attached hereto); and

WHEREAS, all contract costs for electronic monitoring services utilized by the Fairfield County Municipal Court will be paid for from funding from the Fairfield County Commissioners pursuant to a Memorandum of Understanding between the County, City, and Municipal Court (see TR 59-19);

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

SECTION 1. That the Mayor is hereby authorized to dispense with competitive bidding under the State of Ohio Cooperative Purchasing Program to contract with Sentinel Offender Services, Inc. for the provision of electronic monitoring services of criminal offenders to be utilized by the Fairfield County Municipal Court at the Court's discretion. That the contract with Sentinel will be substantially similar to Exhibit A.

SECTION 2. That the costs of the Sentinel Offender Services, Inc. contract will be funded and paid by the Fairfield County Commissioners, in addition to any funding the County is required by statute to provide for the operation of the Court, pursuant to a separate Memorandum of Understanding.

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

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

Date Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Finance Committee

**PARTICIPATING ADDENDUM
NASPO ValuePoint
(formerly WSCA-NASPO COOPERATIVE PURCHASING ORGANIZATION)
Electronic Monitoring of Offenders
Administered by the State of Washington (hereinafter "Lead State")**

MASTER AGREEMENT
Sentinel Offender Services, LLC
Master Agreement No: 00212
(hereinafter "Contractor")

And

Fairfield County, Municipal Court
(hereinafter "Participating State/Entity")

Page 1 of 6

1. **Scope:** This addendum covers the Optional Use Contract for Electronic Monitoring System and State of Ohio Department of Administrative Services (DAS) Contract Number OT903916, EFFECTIVE 1/05/2016 to 12/31/2019, with options to extend through 12/31/2022. Under this Participating Addendum, DAS has agreed to participate in a multi-state contract led by the State of Washington for use by state agencies and other entities located in the Participating **State/Entity** authorized by that state's statutes to utilize **state/entity** contracts.

2. **Participation:** Use of specific NASPO ValuePoint (formerly WSCA-NASPO) cooperative contracts by agencies, political subdivisions and other entities (including cooperatives) authorized by an individual state's statutes to use **state/entity** contracts are subject to the prior approval of the respective State Chief Procurement Official.

3. **Participating State Modifications or Additions to Master Agreement:**
(These modifications or additions apply only to actions and relationships within the Participating Entity.) Please refer to the following Attachments that are incorporated into this agreement:

- 1) Attachment A – State of Ohio and/or Fairfield County Standard Terms and Conditions
- 2) Attachment B – Program Service Fees and Payments

4. [Reserved]

5. **Primary Contacts:** The primary contact individuals for this Participating Addendum are as follows (or their named successors):

Contractor

Name	Mike Dean
Address	Sentinel Offender Services, LLC 201 Technology Drive Irvine, CA 92618
Telephone	(800) 496-4882
Fax	(800) 327-1178
E-mail	Mdean@sentineladvantage.com ;

Participating Entity

Name	Jackie Long, Court Administrator Fairfield County Municipal Court
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**PARTICIPATING ADDENDUM
 NASPO ValuePoint
 (formerly WSCA-NASPO COOPERATIVE PURCHASING ORGANIZATION)
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Address	136 W. Main Street; Lancaster, OH 43130
Telephone	(740) 687-6620 Ext. 3330
Fax	
E-mail	jlong@fcmcourt.org

6. [Reserved]

7. Orders: Any Order placed by a Participating Entity or Purchasing Entity for a Product and/or Service available from this Master Agreement shall be deemed to be a sale under (and governed by the prices and other terms and conditions) of the Master Agreement unless the parties to the Order agree in writing that another contract or agreement applies to such Order.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by both parties below.

Fairfield County Municipal Court:	Sentinel:
By:	By:
Name:	Name: Dennis Fuller
Title:	Title: Chief Financial Officer
Date:	Date:

[Additional signatures as required by Participating State]

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Attachment A

State of Ohio and/or Fairfield County Standard Terms and Conditions

PARTICIPATING ADDENDUM
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Attachment B
Cost Proposal For The
Fairfield County Municipal Court

Sentinel Offender Services, LLC will provide all the equipment, monitoring services, and dedicated local staff for the Fairfield County Municipal Court Electronic Monitoring Program. Sentinels local staff will have the necessary training and skills to perform all aspects that come with the position, including equipment installation/removal and providing correctional agencies with updates on the offender population.

- + Equipment installation/removal and providing user agencies local support
- + Provide Court Testimony when needed
- + Manage inventory and consumables
- + Clean equipment when returned
- + Perform enrollments, installations, and retrievals
- + Provide trouble-shooting, maintenance, and inventory
- + Provide assistance with reports
- + Maintain fee collection efforts and data to user agencies, if the Sentinel Self-Pay option is chosen

Equipment and Monitoring Services Active Daily Rate:

- a) GPS Tracking and Location Based Monitoring - \$5.95
- b) Remote Breath Alcohol Monitoring - \$7.25
- c) SCRAM Transdermal Monitoring - \$11.75

Also included in the above daily rate:

- ✓ Spare allowance of GPS devices, at no cost
- ✓ Provision for Lost, Stolen, Damaged equipment, at no cost
- ✓ Web-based access to all participant data
- ✓ Unlimited zones
- ✓ 24x7x365 monitoring service in accordance with the notification protocol established with the Agency
- ✓ Violation notifications
- ✓ Daily summaries of participant (offender) activities
- ✓ Consumables and accessories for installing the device
- ✓ Training and support
- ✓ Offender-pay services at no additional charge

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- ✓ 24 hour, seven (7) days per week, local service and support and toll-free monitoring center assistance
- ✓ Court testimony, when requested

Optional Drug Testing:

- a) 12 Panel Redi-Test Dip - \$14.50
- b) GC/MS Confirmation - \$14.50

Guardian Phone Application

Guardian Standard – \$4.00 per day

- ✓ Active Tracking using the APP
- ✓ Zone Notifications
- ✓ Access to the software/ scheduling
- ✓ Text Messaging to the phone

Guardian Confirm –Costs us \$5.00 per day

- ✓ This includes everything in Standard Guardian
- ✓ Active Tracking using the APP
- ✓ Zone Notifications
- ✓ Access to the software/ scheduling
- ✓ Text Messaging to the phone

* Includes the "Face to Face" or "Face Time" application so the officer can actual visibly see the client or the client's residence

Guardian –Reporting – \$6.00 per call or one (1) check in per month

Includes a one time a month check in where the client answers the questions on the form and submits it to the officer.
There is no tracking or Guardian Confirm

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Offender Self-Pay Option

Sentinel Self Pay Program

Sentinel recognizes the budget concerns facing government corrections agencies nationwide, including in Fairfield County. The challenges of providing thorough supervision within budget constraints have resulted in many local and state programs charging the cost of electronic monitoring back to participants. Sentinel is experienced in the delivery of offender pay programs and has a self pay process in place that presently bills thousands of participants nationwide for the cost of their own electronic supervision.

Sentinel currently provides a full participant invoicing and accounting of all fees collected by participant on a monthly basis. Participant payments received are accounted for and reported at the end of each month as a credit against the monthly invoice to the agency. Sentinel has proven very successful in the collection of fees from participants who have demonstrated the ability to pay. Sentinel would like to offer our Self Pay Program to Fairfield County as a "Value Added" option.

Overview of the Sentinel Self Pay Program

Sentinel has developed a Self Pay program that saves agencies valuable time and money! By alleviating the administrative burden of collecting, processing, and reporting offender program fees, this program can save officers hours in research.

How the Sentinel Self Pay Program Works

When referring a participant to the Monitoring Program, officers would simply identify the participant as a Self Pay Program participant and indicates the daily rate to be collected. Then, Sentinel does the rest from collecting program fees directly from the participant and processing the fees to updating the client's Self Pay Status. Sentinel provides to the participant an easy-to-read monthly statement showing how much they have paid and the amount still owed. At the end of each month, the County would receive a comprehensive monthly report that includes a list of clients enrolled in the Self Pay Program and account status information. Funds collected directly from program participants are credited to the agency account and the County simply pays the outstanding balance. Under the Self Pay Program, the county is ultimately responsible for any uncollected or bad debt accrued by participants.

The Benefit of using Sentinel Self Pay Program

By Participating in the Sentinel Self Pay Program, agencies are able to:

- ❖ Stretch budgeted GPS Offender Monitoring dollars
- ❖ Saves time and other valuable resources
- ❖ Relieve the internal administrative burden of collecting, tracking, and reporting offender fees

TEMPORARY ORDINANCE NO. 7-19

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART THIRTEEN – BUILDING CODE, CHAPTER 1303 – TECHNICAL CODES, SECTION 1303.06 – APPEAL; MEMBERSHIP AND QUALIFICATIONS OF APPEAL BOARD MEMBERS, OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, AND TO DECLARE AN EMERGENCY

WHEREAS, Ohio Revised Code Chapter 2505 provides thirty (30) days for the filing of a notice of appeal from an administrative decision; and

WHEREAS, Lancaster Codified Ordinance Chapter 1303 – Technical Codes, provides twenty (20) days for the filing of a notice of appeal in Section 1303.06 – Appeal; Membership and Qualifications of Appeal Board Members, Subsection (a) – Right to Appeal; and

WHEREAS, the Fifth District Court of Appeals has previously held that twenty (20) days is not sufficient time for the filing of a notice of appeal; and

WHEREAS, 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 required to be immediately effective in order to comply with the requirements of the Ohio Revised Code and the prior holding of the Fifth District Court of Appeals; and

WHEREAS, the City must pass an ordinance to bring the Building Code into compliance;

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

SECTION 1. That Part Thirteen – Building Code, Chapter 1303 – Technical Codes, Section 1303.06 is hereby repealed and replaced pursuant to Exhibit “A” attached hereto.

SECTION 2. 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 required to be immediately effective in order to comply with the requirements of the Ohio Revised Code and the prior holding of the Fifth District Court of Appeals.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such 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.

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

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2019 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

1303.06 APPEAL; MEMBERSHIP AND QUALIFICATIONS OF APPEAL BOARD MEMBERS.

(a) Right to Appeal. Any person affected by a decision of a Code Official or a notice or order issued under any of the specified model codes except the Ohio Building Code shall have the right to appeal to the Structural Board of Appeals, provided that a written application for appeal is filed within **twenty thirty (30)** days after the day the decision, notice or order was served. Appeals from a decision under the Ohio Building Code shall be filed with the Industrial Compliance Commission pursuant to the requirements of the Ohio Building Code, the Ohio Revised Code, and the Ohio Administrative Code.

(Ord. 16-07. Passed 3-12-07.)

(b) Conflicts. Where any conflicts occur between the currently adopted Ohio Building Code and any of the technical codes adopted in Lancaster Codified Ordinance **1301.01** and **1303.01**, the Ohio Building Code shall control.

(c) Limitation on Authority. An application for appeal shall be based on a claim that the true intent of the applicable code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the applicable code do not apply, or the requirements of this code are adequately satisfied by other means.

(d) Board Structure. The Board of Appeals shall consist of three members appointed by the Mayor as follows: one for four years, one for three years, and one for two years. Thereafter, each new member shall serve for five years or until a successor has been appointed. The Mayor may also reappoint a board member at the expiration of the Board member's term.

(e) Vacancies. The Mayor shall fill a vacancy for an unexpired term in the manner in which the original appointment was made.

(f) Board Member Qualifications. The Board of Appeals shall consist of three individuals, each of which shall meet one of the following professions or disciplines:

(1) A firefighter or law enforcement officer retired or from a jurisdiction other than the City of Lancaster.

(2) A state licensed tradesman (plumbing, HVAC, electrical, retired or current). (Ord. 30-05. Passed 5-23-05.)

(3) An engineer or architect, retired or current with a current or former state license or four (4) year degree in engineering or architecture.

(Ord. 78-05. Passed 11-28-05.)

(g) Board Meetings. The Board shall meet within thirty days of the filing of an appeal, or at stated periodic meetings.

(h) Board Decisions. The Board shall modify or reverse the decision of the code official by a majority vote.

(i) Board Procedures. The Board shall elect a chairman. The Chairman shall be a voting member. The Board shall adopt rules and forms of procedure for conducting the business of the Board.

(j) Removal from Office. Members shall be removed from office prior to the end of their terms only for cause. Continued absence of any member from regular meetings of the board shall, at the discretion of the Mayor, render any such member liable to immediate removal from office.

(k) Quorum. Two members of the board shall constitute a quorum.

(l) Secretary of Board. The Law Director or his/her designee shall act as secretary of the board and keep a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member and any failure of a member to vote pursuant to rule procedures adopted by the board.

(m) Legal Counsel. The Law Director shall furnish legal counsel to the Board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the City's expense in all matters arising from services within the scope of their duties.

(n) Conflict of Interest. Members with a material or financial interest in a matter before a board shall declare such interest and refrain from participating in discussions, deliberations, and voting on such matter.

(o) Decisions. Every decision shall be promptly filed in writing in the office of the code official and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant.

(p) Any model code provision not **affected** by this section or any other Lancaster Codified Ordinance shall remain in full effect.
(Ord. 30-05. Passed 5-23-05.)

TEMPORARY ORDINANCE NO. 8-19

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART NINE – STREETS, UTILITIES, AND PUBLIC SERVICES CODE, TITLE ONE – STREETS AND SIDEWALKS, CHAPTER 903 – SIDEWALKS, SECTION 903.08 – RIGHT TO APPEAL, OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, AND TO DECLARE AN EMERGENCY

WHEREAS, Ohio Revised Code Chapter 2505 provides thirty (30) days for the filing of a notice of appeal from an administrative decision; and

WHEREAS, Lancaster Codified Ordinance Chapter 903 – Sidewalks, provides twenty (20) days for the filing of a notice of appeal in Section 903.08 – Right to Appeal; and

WHEREAS, the Fifth District Court of Appeals has previously held that twenty (20) days is not sufficient time for the filing of a notice of appeal; and

WHEREAS, 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 required to be immediately effective in order to comply with the requirements of the Ohio Revised Code and the prior holding of the Fifth District Court of Appeals; and

WHEREAS, the City must pass an ordinance to bring the Streets, Utilities, and Public Services Code into compliance;

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

SECTION 1. That Part Nine – Streets, Utilities, and Public Services Code, Title One – Streets and Sidewalks, Chapter 903 – Sidewalks, Section 903.08 – Right to Appeal is hereby repealed and replaced pursuant to Exhibit “A” attached hereto.

SECTION 2. 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 required to be immediately effective in order to comply with the requirements of the Ohio Revised Code and the prior holding of the Fifth District Court of Appeals.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such 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.

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

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2019 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

903.08 RIGHT TO APPEAL.

Any person effected by a decision of the Service-Safety Director or his authorized designee with respect to this Chapter shall have the right to appeal to the Structural Board of Appeals as set forth in Section 1303.06. Any appeal must be made, in writing, within ~~20~~ **thirty (30)** days following service of the decision, notice or order upon which the appeal is being made.
(Ord. 4-16. Passed 2-22-16.)