

Canal Winchester

*Town Hall
10 North High Street
Canal Winchester, OH 43110*



Meeting Agenda

November 19, 2018

7:00 PM

City Council

*Bruce Jarvis – President
Mike Walker – Vice President
Jill Amos
Will Bennett
Bob Clark
Mike Coolman
Patrick Lynch*

- A. Call To Order
- B. Pledge of Allegiance - Amos
- C. Roll Call
- D. Approval of Minutes

[MIN-18-050](#) 11-5-18 Work Session Minutes ([Work Session Minutes](#))

[MIN-18-051](#) 11-5-18 Public Hearing Minutes ([Public Hearing Minutes](#))

[MIN-18-052](#) 11-5-18 City Council Meeting Minutes ([Council Minutes](#))

- E. Communications & Petitions - NONE
- F. Public Comments - Five Minute Limit Per Person
- G. RESOLUTIONS - NONE
- H. ORDINANCES

Tabled

[ORD-18-029](#)
Development
Sponsor:

An Ordinance To Amend Part 11 Of The Codified Ordinances And The Zoning Map Of The City Of Canal Winchester, Rezoning An Approximately 11.954 Acre Tract Of Land From Exceptional Use (EU) To Planned Residential District (PRD), Owned By The Dwight A. Imler Revocable Living Trust, Located On The Southeast Corner Of The Intersection Of Hayes Road and Lithopolis Road And Consisting Of Parcel Number 184-002994, And To Adopt A Preliminary Development Plan And Development Text For A Proposed 79.5 Acre Planned Residential Development (Middletown Farms) ([Ordinance, Exhibit A, Exhibit B, P&Z Recommendation](#))

- Tabled at Second Reading

Third Reading

[ORD-18-036](#)
Finance
Sponsor: Amos

An Ordinance To Authorize The Mayor To Enter Into An Agreement With The Fairfield County Sheriff For Police Protection ([Ordinance, Agreement, Ex. A](#))

- Adoption

[ORD-18-037](#)
Finance
Sponsor: Bennett

An Ordinance Authorizing The Mayor To Enter Into A Contract With The Fairfield County Commissioners And Fairfield County Sheriff's Department For The Housing of Prisoners ([Ordinance](#))

- Adoption

Second Reading

[ORD-18-033](#)

Development
Sponsor: Amos

An Ordinance Amending Section 1193 Of The Codified Ordinances Regarding Wireless Communication Facilities ([Ordinance](#))
- Second Reading Only

[ORD-18-038](#)

Public Service
Sponsor: Coolman

An Ordinance To Authorize The Mayor To Enter Into An Amended And Restated Joint Self-Insurance Agreement With The Central Ohio Health Care Consortium For The Provision Of Healthcare Benefits For City Officers And Employees ([Ordinance](#))
- Second Reading Only

[ORD-18-039](#)

Finance
Sponsor: Bennett

An Ordinance To Authorize The Mayor To Enter Into A Health Services Contract With Franklin County Public Health ([Ordinance, 2019 Contract](#))
- Second Reading Only

[ORD-18-040](#)

Finance
Sponsor: Amos

An Ordinance To Make Final Appropriations For Current Expenses And Other Expenditures Of The City Of Canal Winchester, State Of Ohio, During Fiscal Year Ending December 31, 2019 ([Ordinance](#))
- Second Reading Only

First Reading

[ORD-18-044](#)

Development

An Ordinance To Authorize The Mayor To Enter Into A Pre-Annexation Agreement With Hsing Hua Cheng For A Tract Of Land Consisting 8.26 Acres Located In Violet Township, Fairfield County, At 7515 Hill Road Also Known As Parcel 037-0209900 ([Ordinance, Pre Annexation Agreement, Exhibit A, Exhibit B](#))
- First Reading Only

I. Reports

Mayor's Report
Fairfield County Sheriff
Law Director
Finance Director

[18-130](#)

[Finance Director's Report, Merit Raises Memo](#)

Public Service Director

[18-128](#)

[Public Service Director's Report](#)

Development Director

J. Council Reports

Work Session/Council - Monday, December 3, 2018 at 5:30 p.m.
Public Hearing - Monday, December 3, 2018 at 6:00 p.m.
- Winchester Blvd Rezoning, Landscape Code Text Amendment, and Residential Appearance Standards

Work Session/Council - Monday, December 17, 2018 at 6:00 p.m.

CW Human Services - Mr. Lynch

CWICC - Mr. Clark

CWJRD - Mr. Bennett/Mrs. Amos

Destination: Canal Winchester - Mr. Walker

K. Old/New Business

L. Adjourn to Executive Session (if necessary)

M. Adjournment

Canal Winchester

*Town Hall
10 North High Street
Canal Winchester, OH 43110*



Meeting Minutes - DRAFT

November 5, 2018

6:00 PM

Council Work Session

Mike Walker – Chair

Jill Amos

Will Bennett

Bob Clark

Mike Coolman

Bruce Jarvis

Patrick Lynch

A. Call To Order

Walker called the meeting to order at 6:00p.m.

B. Roll Call

Present 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch

C. Also In Attendance

Matt Peoples, Lucas Haire, Bill Sims

D. Request for Council Action**E. Reports**

Matt Peoples - A couple of things to highlight from my written report; I think it's on the council agenda as well, but we were notified the Department of Natural Resources that we were awarded the grant for Westchester Park in the amount of \$100,000; Jim Bohnlein is not here but he was instrumental in that; they love partnerships; and the Westchester Home Owner's Association pledged to give us \$25,000 on that; it's about a \$260,000 project which \$125,000 will be between ODNR and the home owner's association out there; that is not 100% official yet, it's still got to go through the Ohio Controlling Board; I'm not sure when that meeting is; I know they have a couple of them a month it seems like from their minutes; I don't know when it will be put on the agenda for that; from what I understand, that's more of a checkmark type of thing, where they go through, the money is already there – where the grant money comes from, it's one of the boxes they have to check for that; then also as part of that speeding document that I put together; or anti speeding document I should say we did put a speed limit sign up on Eat Waterloo as you're coming into town; it is flashing 25; it was put up last week; we've had quite a few problems with it; there ended up being two different wiring problems; I just turned it on about half an hour ago and it is on full now; so it will be flashing; from what I understand it is very bright at night; I just stood right there; but coming up on it you'll definitely be able to see it; Lynch: is that electric or solar; Peoples: it's solar; as we were putting it together we came across that; I guess they have them in a lot of different places; they have one going into Groveport on a no through trucks sign which is kind of odd; right by the school zone; Coolman: I came through there at about 2:20 this afternoon and it was on and it looked great; that was my questions is it possible to introduce that over on Columbus Street on the one sole speed limit sign; because I think they have one on the stop that's up there on Ebright Road; as you approach Ebright Road there's a stop sign right there and they have a flashing red outline on their stop sign; I just think flashing like that really draws your attention to it and it should have a pretty good impact I think; Peoples: the concern; we've got 25 mph signs all over town that people don't pay attention to; at what point are they no longer going to pay attention to flashing signs; we're trying to make those temporary situations; trying to introduce different things at different times; we have another sign that we are going to put out at some point as part of this that is our fines; so we have a bold yellow sign with black letters on it that says if you're caught speeding 5 mph is this and 10 mph is this; that type of thing; and be able to tell them what their actual fine is; and be able to move that around in different areas as well; into those populations or areas that are speed concerns; additionally on East Waterloo we did a speed study the last couple weeks; Wednesday we will put it up for another ten days then we will compare the results for the two; just to see what those impacts are; temporary as in its up a couple months type of thing; not a week; get it out there and get that notification going; people for the most part it's not just something that they don't know the area; these are people who travel through town quite often; so being able to see that and get them hopefully used to slowing down; Jarvis: just the one unit; Peoples: just one right now; Jarvis: what do those run; Peoples: that one we found it was like \$1,500; not too bad; it was fully assembled; there are some of them that have the solar unit and controller and you just put LED cords or lights around an existing sign but

that one is actually a sign that came with it; we've seen them for much more expensive than that as well; Jarvis: that's not bad; Peoples: no not for the solar; we had some problems with it obviously in the beginning; but we were able to figure it out; Clark: was the speed limit on that study averaging 33; Peoples: 33.6 I believe is what it was total; I think I reported on there it was last year about the same time it was 34.5 or something; so it dropped a mile an hour so statistically on the surface it doesn't sound like a whole lot; but statistically it gets to be rather significant; Jarvis: primarily we're talking about East Waterloo; I'd imagine it would be the same for Columbus; primarily people were coming into town or people going out; Peoples: coming into town; I can check for you I don't recall; Jarvis: was it kind of 75/35; Peoples: no I think it was inbound that was higher; that's on East Waterloo Street; Lynch: you'll do a follow up study now that the sign is up what three months from now to see what kind of effect and then further down the road to see if that effect is still holding; Peoples: I am going to do a study next week; I didn't want to do it the first day but they should be used to it in that timeframe; Lynch: we do another study following up maybe in the spring or something to see if people or the newness of that sign has or has not worn off; to see if they're actually still following; as you mentioned if they see 25 mph signs all over town but they still don't drive; so will this just be something new and they just ignore it down the road; you don't know; I'm assuming there's a follow up further down the road; Peoples: and that was our thought of not having a completely permanent sign out there; especially on the speeding; on the no through trucks and stuff they enforce that over there very much so; we've been told by Waste Management that the cops will drive or follow them through town if they go through there just to make sure that they're going to a specific destination within Groveport; they get the word out that way; Mr. Jarvis to answer your question it is 34.2 mph; 33.1 outbound on East Waterloo Street for an average of 33.6; Jarvis: as far as frequency what is the frequency that someone speeds; is it inbound or outbound or is that something that is captured; Peoples: I'm not if that is captured; they do a ten mile pace; how many cars are in or which is the prevalence of that ten miles so; most of the cars were going between 25 and 35; inbound was at 68.8 percent; outbound was at 80.3 which would tell me that inbound a higher percentage were going over that pace or outside of that pace than what outbound was going; if that makes sense; I don't know if I said that correctly; basically 31 percent of the cars coming inbound were not doing between 25 and 35; I really doubt they were doing less than 25 so I would assume the majority of those cars were going above 35; roughly 20 percent were outside of that number going outbound; Walker: we talked two or three years ago about some of the signs that were up in the Galena area/New Albany area that have these LED signs for quite a while and they're permanent; I'm in that area just about every day and it always, like Mr. Coolman was saying here a minute ago, the fact that they are flashing and LED I don't know that you're going to find that people just get used to it; all the other signs are going to be kind of still but that one is going to be flashing; and in the most crucial spots; I know we'll find with the studies; but you figure on Waterloo and Columbus and Washington with the schools where the biggest problems where people aren't slowing down soon enough it seems like that's going to be something that might end up very easily to a permanent sign; if they're only \$1,500.00 it seems like that would be a; Peoples: compared to a \$35.00 dollar metal sign if we're putting them up all over town; Walker: I thought they were \$5,000.00; when we talked a couple two or three years ago; Peoples: yeah they've come down with LED's getting more prominent; definitely the prices are coming down; Walker: well very good; Coolman: I think with the flashing light might mean when drivers go through there it's common human nature to think well that used to just be a plain metal sign now they think there might be an extra punch behind it so maybe extra policing goes with it on an assumption; so I think human nature will take over there and I think it's a great add; I like it; Peoples: time will tell; we're just going to basically collect data now that we have that through there; Jarvis: going back to the grant we were talking about, Mr. Peoples refresh my memory, that grant covers additional parking and playground equipment; Peoples: just by chance Jim Bohnlein was wanting some exhibits; but yeah we have additional parking; parking lots lights; relocated restrooms; relocated trail; new asphalt path in through

there; new ADA ramp; new 24x36 shelter house; a playground expansion of about an additional 1/3 capacity; shade structures for the playground; some trees; and upgrade the trail through the trees to a gravel path rather than, it's called mulch, but it's mud; Haire: there's not much mulch there; Peoples: no it's just a dirt path at this point;

Lucas Haire - Thank you Mr. Walker; I sent out a note last week regarding the ground breaking ceremony they're going to have at Winchester Office Park; I know a few of you had mentioned that you would be able to make that; they've got two 7,000 square foot buildings under construction out there; ground breaking is going to be Wednesday at 12:30 if anyone can make that; we would like to see you out there if possible; they also just submitted an application for the third office building; that will be on Planning & Zoning's agenda for next month; a 7,200 square foot building that will be just behind the other buildings that are there; it was originally designed to be a four building complex; three of them are planned at this point; a couple of other projects that have broken ground the Hampton Inn at 700 Waterloo Street; they've got equipment out there on the site now; hopefully we'll start moving a little more here this week; that will be 93 rooms; scheduled to be completed in January of 2020; Crossroads church has begun site work on their site; they've finally got the issues resolved with the bridge and they're now under construction; looking forward to seeing that project get going; that includes the church itself; one out parcel out along Gender Road as well as the extension of Biggerton Bend from Cherry Landing over to Gender Road; I think their goal is to have their project complete in December of 2019; we've issued grading permits for the Turning Stone project which is at High Street and 33; you'll likely see some earth work taking place there soon; some tree clearing taking place; that's what they're going to start with; they need a significant amount of fill to come into that site to bring out to the rear of that site; they have a source of soil coming from somewhere; they're going to start having a big mound basically located right of High Street; so you'll probably see some activity here in the next few weeks in regards to that; we also issues a grading permit for Miltek in Canal Pointe; a manufacturing facility; 60,000 square feet; they were supposed to start earth work today; I haven't been out to see if it actually happened or not; it's a good day for it so hopefully it did; and we have now issued permits for 49 single family homes through October; that exceeds the 44 that we did last year; we just got two more in today; we're still seeing strong activity for single family construction; likely to see more with some of the new phases that are nearing completion; specifically Westchester 12-2 which is on the west side of Gender Road, is just about complete; so we'll have lots there; last time they had a number of reservations because they are golf course lots; there are no more golf course lots available currently; I did want to mention one other item; the planning for ED411 16:27 that's underway; I know many of you have attended that in the past; that will be December 7th; it's a Friday morning from 7:30 to 1:30 at Ohio State; if anyone would like to register I will send out an email with all the details of that event; if you'd like to register just let me know and I'll get you registered to make sure you can attend that event; for those that are newer or haven't been to that event in the past it's basically a half day event that focuses on economic development; generally 400 to 500 elected officials from around the region attend that event; so everyone from city council, township trustees, county commissioners, school board members, anyone that is involved in the economic development process; I'm not sure if they're going to do tracks this years; but usually they'll have a tracks that are kind of the beginners economic development and they have some more advanced things and focus on utilities; things like that; it's a really good event and hopefully you'll be able to make it this year; then Wal-Mart has a ribbon cutting for their renovations of their store; it's Friday at 8:30 at the Wal-Mart store; they've put about a million dollars into Wal-Mart in the renovations out there including the painting on the exterior and they've completely remodeled the whole interior of the store; they reset the whole store; a significant amount of changes that have taken place there; Walker: this Friday; Haire: yes this Friday at 8:30; Lynch: the exterior remodel is that something we requested or they just came up with that on their own; Haire: they're rebranding; we've has a lot of input on how that would look with the brick location; you know Wal-Mart stores vary from jurisdictions and they have a

standard prototype; we were able to give some input on to how the paint would be applied; different variations of gray; they went to a gray theme; I think it turned out really well; Lynch: much nicer than the blue; big improvement;

F. Items for Discussion

RES-18-018

Development

A Resolution To Establish The Route 33 Community Reinvestment Area And To Authorize Real Property Tax Exemptions Established By Sections 3735.65 Through 3735.70 Of The Ohio Revised Code (**Resolution, Exhibit A, Route 33 CRA -Housing-Survey**)

- Request to move to full Council

Peoples: Thank you Mr. Walker; this is an authorization for the McGill Park grant that we discussed; we are looking to request \$500,000 of an approximately \$2,000,000 project out there; this is the first phase of McGill Park that will basically be the entrance drive going in, the four south soccer fields, associated parking with that. A shelter house, a playground area and restroom facilities; OHM consultants are working on that now; that is due on November 12th I believe; Lynch: so the \$500,000 is a grant we're applying for out of \$2,000,000; so the items on this list will the \$500,000 cover those; Peoples: no \$500,000 towards that \$2,000,000 project;

A motion was made by Jarvis to move RES-17-018 to full council, seconded by Coolman. The motion carried with the following vote:

Yes 7 – Jarvis, Coolman, Amos, Bennett, Clark, Lynch, Walker

ORD-18-038

Public Service

An Ordinance To Authorize The Mayor To Enter Into An Amended And Restated Joint Self-Insurance Agreement With The Central Ohio Health Care Consortium For The Provision Of Healthcare Benefits For City Officers And Employees (**Ordinance**)

- Request to move to full Council

Peoples: thank you Mr. Walker; the Central Ohio Healthcare Consortium is governed by the Joint Self-Funding Agreement; all of our entities have to enter into this agreement with them passed by all the councils and boards; it's a three year cycle we get into every year; we're just up on the end of that cycle; there were some minor modifications made to the language in there; the consortium has its own attorney that looks through that to make sure everything is appropriate from a healthcare standpoint; we also had Gene review the document on our behalf to make sure it was good for us;

A motion was made by Coolman to move ORD-18-038 to full council, seconded by Lynch. The motion carried with the following vote:

Yes 7 – Coolman, Lynch, Amos, Bennett, Clark, Jarvis, Walker

ORD-18-039

Finance

An Ordinance To Authorize The Mayor To Enter Into A Health Services Contract With Franklin County Public Health (**Ordinance, 2019 Contract**)

- Request to move to full Council

Peoples: this is our annual contract with them; there is some notes in the letter attached to the contract from 2018 to 19; there's a fourteen percent increase; part of that was due to a population increase, how they figure us out; and part of that was due to how much they're charging for each person on that; Coolman: Mr. Peoples does the price increase of the fourteen percent have anything to do with the additional officials that come into Canal Winchester for special events and things of that nature; because that's part of the duties that they have; they carry out their inspections; in the past we've always had like one named inspector for our area where now I think they have three; Peoples: this does not include the inspection charges; this is for them to be our health department; Coolman: Oh I thought that was part of it; Haire: we have a separate contract for that; the special events I think that's under a permit being filed; Lynch: I notice in the wording it says that for every permit that we issue we pay them 60 percent and we get 40 percent; how much does that typically net us a year to offset the cost of that \$74,000; Haire: Amanda would be able to answer that question; but we have to pay for those 60 percent out of our budget for professional services where the revenue just comes into the general fund where we're usually coming back to you at the end of the year and asking for appropriations because we issue more permits than we anticipated; it's based on the number of fixtures; so for a commercial building it's a \$200.00 permit plus it's based of you pay another \$20.00 per fixture; and for residential I believe it's \$100.00 for the first fixture then \$20.00 for additional; a single family home you might be talking about \$1,500.00 for a permit; for multifamily, we're talking like the Winchester Ridge Apartments, it's \$5,000.00 or \$6,000.00 for each one of those permits; maybe it's \$20,000.00 or \$30,000.00 for the hotel; so it's a significant amount of money that comes in; we issue the permits; they review the plans; Lynch: and we pay them 60 and we get 40 back out of that cost; Haire: yes they get 60 percent and we get 40 percent based on administrative; Lynch: based on those numbers we probably offset that \$74,000.00 cost quickly; Haire: I would say;

A motion was made by Bennett to move ORD-18-039 to full council, seconded by Amos. The motion carried with the following vote:

Yes 7 – Bennett, Amos, Clark, Coolman, Jarvis, Lynch, Walker

ORD-18-040
Finance

An Ordinance To Make Final Appropriations For Current Expenses And Other Expenditures Of The City Of Canal Winchester, State Of Ohio, During Fiscal Year Ending December 31, 2019 (**Ordinance**)

- Request to move to full Council

Peoples: this was basically the presentation that Mrs. Jackson gave at I believe the last council meeting; during the public hearing as part of that; this is just for first reading if it goes forward tonight; any detailed questions would probably be best reserved for her unless it's something I can handle in my department; Haire: I think in her report she mentioned the number of changes that were made; there were some minor changes in each department; Clark: there was a typo, and maybe she's already caught this on page 20 of the grand total enterprise fund; that appropriation; she had \$4,530,000.00 then blank; Peoples: page 20 of the document; grand total enterprise funds \$4,536,050.00; Clark: it didn't have a figure in that blank;

A motion was made by Amos to move ORD-18-040 to full council, seconded by Bennett. The motion carried with the following vote:

Yes 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker

ORD-18-041

Development

An Ordinance To Authorize The Mayor To Enter Into A Real Estate Purchase Agreement For The Purchase Of Approximately 110.77 Acres Located On Bixby Road, Canal Winchester, Ohio Owned By Willis M. Alspach, Trustee Of Willis M. Alspach Revocable Living Trust, Joan A. Alspach, Trustee Of Joan A. Alspach Revocable Living Trust, And David Benjamin Alspach And Declaring An Emergency (Ordinance, Purchase Contract)

- Request to move to full Council

Haire: thank you Mr. Walker; this would allow us to enter into a real estate purchase agreement which is attached there; a number of details in regards to that purchase; 110.77 acres basically located on the south side of Bixby Road; east of Rager Road and everything between that and US 33; so north side of 33 and east side of Rager Road; it contains five parcels; three of those parcels are in Canal Winchester currently; two of those parcels are outside the Canal Winchester in Madison Township; so as part of this contract we're proposing that we enter into a contract for \$941,000.00 for the purchase of the 110 acres which is about \$8,500.00 per acre; and there's a number of due diligence items; part of that would be annexation; getting incentives placed on the property; and there are a number of easements on the property so there's overhead electric transmission lines; there's a natural gas pipeline; there's a significant amount of flood plain; so we want to do a number of due diligence items moving forward; we'll have 180 days to complete all those due diligence items; a lot of those will take a significant amount of time to complete; and if we don't find that the property meets our criteria for purchasing then we basically stop the purchase at that point; so we've given ourselves a number of outs if we discover anything that we don't like that would affect the develop ability of this parcel; the goal of this would be to bring the property through annexation; zone it for limited manufacturing and then sell it as future industrial property; we've got to get utilities to the site; we're working on plans to do that; we've got ideas on what that will cost; we've got some estimates put together; we've got a route for how we dig utilities there; so we're moving forward with that and trying to secure easements; Lynch: have we talked to Madison Township about annexing; Haire: we have not; Lynch: or would we entertain, we do a CETA up at Canal Pointe, is that correct; so it's kind of like a split with Violet Township; Haire: correct; Lynch: would you consider that or is it one benefit one way or the other; is it kind of up to them; Haire: annexation is a property owner driven activity in Ohio; so the property owners to agreed that they would file the petition as part of this contract; Lynch: the existing property owners, the Alspach family; they've agreed that they would file the annexation petition; because it's a single property owner it's called an expedited type two annexation; and the commissioners don't have any reason to not approve that annexation; so you have to go through the process of annexing which is about a three to four month process going through all the waiting periods and passing service resolutions that need to be done; but there's no reason they wouldn't approve the annexation because it's one single property owner that has signed a petition that says they want to annex; so we haven't coordinated with Madison Township because they don't have any say in the process; Lynch: so an annexation then sounds like it is driven by property owners; Haire: single property owners; Jarvis: this ordinance is an emergency ordinance but does it require a suspension of second and third reading as well in order to escalate the transaction; Haire: we would prefer that so we can get our due diligence started but if you choose not to it will just delay that process; we have certain time periods to file annexation and get soil boring and survey work done; we would like to get that done as soon as possible; Bennett: Mr. Haire as we're looking at this for commercial development what kind of or in an ideal world how many additional jobs do you think that we can bring in through this site; Haire: it depends on what it would be used for and how we would split it up; I don't have the full answers to that because I don't know how much of the property we will be able to get out of the flood plain until we have

surveys and all that complete; right now there's about 51 to 52 acres that are outside of the flood plain on this 110 acre site; so less than half of it is not encumbered by some type of easement or flood plain or something so; ya know I'd we could get 70 or 80 acres out of that this site could support thousands of jobs it just depends on what locates there; Lynch: has there been a study done of surrounding properties or land in the area as far as a comparison; looks like we're paying about \$8,500.00 an acre for this in round numbers; how does that compare to some other land purchases in the general area; Haire: for land that has utilities; for land that doesn't have utilities; for land that's farm ground; Lynch: so that does not have utilities right; Haire: no utilities; Lynch: so a comparison piece of property without utilities; Haire: it's comparable; it's probably on the lower end for what you would pay or what people are paying for farm ground here; so the property we're discussing later tonight for rezoning that property was purchased for I think like \$9,800.00 an acre without utilities there; and that was kind of coming out of the recession; it was a distress sale; it wasn't necessarily as comparable; there's a 56 acre parcel on Basil Western Road that transferred for \$9,500.00 an acre but it has access to utilities; it has a gas line running through it and is restricted on what you can do on it; it can only be used for farm ground; I think we're paying farm ground prices for this property; Lynch: so at 85 we're getting a pretty good deal on it; the \$941,000 a chunk of change obviously for any city of any size; we're obviously taking a loan to be able to pay for that; is that going to restrict us in any way as far as having loan ability for other projects such as McGill Park or any other projects we want to do around town; Haire: what we discussed is we have a pretty healthy reserve budget; we were fortunate to sell 36 acres of industrial ground in Canal Pointe in the last year and a half; so we've taken in a significant amount of revenue over the last year and a half selling that industrial property; so this is just reutilizing that money and putting it back in to developing new; Clark: I think this is a critical purchase for our community; I think this is going to pay dividends years down the road; this is exactly what we talked about when Amanda was here; we need to create jobs; we need to create employment; we need to bring new wealth into the community so we can build McGill Park and we can do other things like infrastructure that we need; so hats off for finding this property and I'd like to see if we could not right away but down the road I think this could lead to a Bixby Road interchange; I'd like to start bringing our elected officials aware of this purchase and that we're trying to development here at this site and getting some of the congress people and state legislatures together in a meeting and try to push for the development or at least a plan for the Bixby Road interchange; so if money does become available it would be shoveled into any project that would be ready to go; because I think that you're going to see in the next two or three years congress move on an infrastructure bill or highway bill and that's where this can be insured; but it won't be insured unless it's shovel ready;

A motion was made by Clark to move ORD-18-041 to full council, seconded by Lynch. The motion was passed with the following vote:

Yes 7- Clark, Lunch, Amos, Bennett, Coolman, Jarvis, Walker

ORD-18-042

Finance

An Ordinance To Amend The 2018 Appropriations Ordinance 17-049, Amendment #5 (**Ordinance, Appropriations Amend Memo 5**)

- Request to move to full Council

Peoples: per Director Jackson's memo on this it's an appropriation of \$25,000.00 from carryover balance in the general fund for the property we just discussed the agreement that goes along with that; Haire: we have to do an escrow deposit as part of the contract; a \$25,000.00 escrow deposit; so we're just looking for funds to fund that escrow fund; Peoples: an appropriated \$25,000.00 from carry over balance in the sewer fund for the replacement of HVAC system and water heaters at the plant and administrative office; they're original with the plant; about 22 years old now; Lynch: since part of this money is going to be used towards the

purchase of that property and the purchase of that property is declared an emergency does this ordinance need to be declared an emergency also; Peoples: that money has already been there; that money is already encumbered; we had some money left of from another project; I believe it was we were going to do the Westchester shelter house this year but when we went for the grant we didn't spend that money that was right around \$25,000.00 so this was basically putting that money back into their; I don't believe it is an emergency;

A motion was made by Lynch to move ORD-18-042 to full council, seconded by Bennett. The motion carried with the following vote:

Yes 7- Lynch, Bennett, Amos, Clark, Coolman, Jarvis, Walker

ORD-18-043

Development

An Ordinance Authorizing The Mayor And Clerk To Accept And Execute The Plat Of Trillium Avenue And Declaring An Emergency (**Ordinance, Trillium Ave Plat**)

- Request to move to full Council

Haire: thank you Mr. Walker; this plat is for the COTA property so they have completed or nearly completed the roadway; all the improvements are done there; the road was actually done today; so once a private developer finishes a road that's to be dedicated to the public they have to dedicate that roadway so they're doing that by plat here; there'd be the plat and then three outparcels; the plat of the roadway would be .627 acres that would be right of way for the road; we would accept those as public improvements; we would maintain that roadway, sidewalks, things associated with it, trees, streetlights, all those things; then there's also three parcels that they'd be dedicating out of this for future outparcel development; the first is the parcel that they're using for the COTA park and ride which is lot one; lot two is a 1.567 acre parcel on Gender Road; and lot three is a .836 parcel on Gender Road; this is just to get all those easements and everything in place that are required for the roadway; we also have sanitary sewer lines that are outside of the right of way; so it's just to dedicate all of those; Clark: how is this road going to work is it right in and right out; I assume you're going to be able to get off on Gender and pull into it and then go all the way to Winchester Road; Haire: correct; Clark: then take a left and be able to go up to the traffic light; Haire: correct; that's the route the busses are going to take; it is a full access point; Clark: you can pull out and take a left on Gender Road; Haire: correct; so with any outparcel development they are required to do traffic studies and they'll look at the impact of that and whether they need to restrict the turn movements out of there; also whether there needs to be any improvement to the intersection at Winchester Pike and Gender Road; that would be up to the city of Columbus; it's their intersection there and their traffic signal; Clark: but Trillium is ours; Haire: correct; Jarvis: going back to a comment you just made Mr. Haire about the intersection at Winchester Pike and Gender is this project going to degrade that intersection to any degree; Haire: when we went through the rezoning process COTA had engaged the traffic planning department at the city of Columbus and they said there was no need for improvements based on the volume of traffic that was anticipated from the COTA park and ride; so we're talking six busses in the morning and six busses in the afternoon; and they have 40 or 50 some riders now that are using that for a park and ride service; Jarvis: this is the first time with this packet that I kind of have detail as to what is going to happen there; the property owners on the other side of this commercial/residential are they aware of what's going on; do they have an understanding of this project; Haire: I think all of them were here when we did the rezoning process; Jarvis: this goes back a few years; Haire: I think they were all engaged in that process; I want to say it was in 2014 or 2015 when that happened; so they were all engaged in that process; and some of them were very active and vocal regarding the construction that has taken place there; so they're well aware of it; the properties to

the north, all those properties are for sale; Jarvis: in protest; Haire: I don't believe it has to do anything with this; the winery, the museum, all of those properties are for sale; Jarvis: yes, I was aware of that;

A motion was made by Clark to move ORD-18-043 to full council, seconded by Lynch, The motion carried with the following vote:

Yes 7- Clark, Lynch, Amos, Bennett, Coolman, Jarvis, Walker

G. Old/New Business

None

H. Adjournment @ 6:45pm

A motion was made to adjourn by Jarvis, seconded by Bennett. The motion carried with the following vote:

Yes 7- Jarvis, Bennett, Amos, Clark, Coolman, Lynch, Walker

DRAFT

Canal Winchester

*Town Hall
10 North High Street
Canal Winchester, OH 43110*



Meeting Minutes - DRAFT

November 5, 2018

6:30 p.m.

PUBLIC HEARING

City Council

*Steve Donahue - President
Will Bennett - Vice-President*

Bob Clark

Bruce Jarvis

Bobbie Mershon

Mike Walker

Jim Wynkoop

- A. **Call To Order** *Jarvis called the meeting to order at 6:46 p.m.*
- B. **Roll Call** *Present 7 –Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker*
- C. **Purpose of Public Hearing**

[ORD-18-033](#)

An Ordinance Amending Section 1193 Of The Codified Ordinances Regarding Wireless Communication Facilities

D. Staff Report

Sims: Thank you Mr. Jarvis; so this is the ordinance for chapter 1193 wireless communication facilities we've been discussing here the last couple months; this ordinance is addressing the entire chapter 1193; 1193.01 through 1193.05 are actually updates to what was basically our private antenna power regulations through planning and zoning; there are some updates to that within this document; and 1193.06 is a new section to address specifically small cell antennas in the public right of way which was not previously addressed; kind of the synopsis here we discussed previously the changes that need to be made based on Ohio law this year; we began this process, subsequently the FCC went ahead and reviewed the same information and they made updates that made changes to the Ohio law; we've incorporated those so we have the latest up to date current requirements for small cell facilities in the right of way incorporated to our document; the first half of this chapter, the portion about private powers, antennas, satellite dishes, things of that nature, there's a number of changes in here with regards to things like updates and definitions; I think, I'm not as familiar with these sections, Luke can chime in if he wants, but it looks to me that the most significant changes are a lot of things to do with proximity of towers on private property; so amateur radio antennas, satellite dishes and so forth; there were some language in there to allow parts of the structure like guide wires to be as close as one foot to the neighboring property so those have been updated to get things moved out; so there is more of a setback for the actual tower itself as well as things like guidewires and so forth; which is probably a good move; a little less impact on neighbors in residential neighborhoods; and there's also reduction in the overall maximum height to 50 feet from 100 I believe; I don't know if there's anything else; Haire: the other major change that we've made for parcels under one acre having a communications tower on a residential structure is now conditional use where it used to be a by right and you could do that anywhere; no you have to go before planning and zoning and get approval to do that if the tower will exceed 30 feet; Walker: Mr. Sims if there's already a property with guidewires coming off of the house, front, rear, left, right, towering 20 feet up is there, or are they grandfathered in; Haire: it would be a legal nonconforming use; so if that were to ever come down they wouldn't be able to re-erect it; so if came down by a storm; because it has once; I was just curious; Haire: yes; Walker: they couldn't re-erect it even if a storm happened; Haire: yeah that's correct; Sims: in the 1193.06 the portion addressing small cell facilities in public right of way most notably the changes from the last time we discussed this; to bring us in line with the FCC regulations maximum pole height has been increased from 40 feet to 50 feet; that's a significant change; and the FCC also made some changed in the permit review time; for a new structure in the right

of way previously we would have been provided with 120 days of review time, it's been reduced to 90 days; for our co-location it's been reduced from 90 days to 60 days; I don't see either of those being very impactful to us; we tend to work a lot quicker than that anyway; those were the two major changes for us in the small cell; currently where we're at we're actually going to have two small cells in town that are currently under our previous permitting process; this one was not in place; one of them will be co-located on other utility facilities on Gender Road by the elementary schools and the other will be by the high school; that will be on its own standalone pole; so that will be our first opportunity to see kind of a generic structure; the provider did what we asked as far as getting it in a location that we both agreed on; made the pole black which is kind of our standard around here; and trying to get it in an inconspicuous space as much as possible; it's very wide open in front of the high school we wanted it kind of tucked away a little bit; you shouldn't be seeing that really any time at this point if you go up; Jarvis: thank you Bill; I know you've put a lot of time into this and thought about this and modeling from other communities and such; hopefully it's the right answer going in but if not this can always be tweaked if we learn by experience; right; Sims: yes; and I think it's important to say that the ordinance for 1193 we're hitting the basics of the requirements of the law basically; so that we can operate within what the law is but doesn't tie our hands completely; we still have opportunity to work with the providers and when they're within certain types of districts within the city; so that's handled really in our design guidelines which are an instrument that we can review and update and flexible to grow with the city and adapt without having to come back and change our codes;

E. Public Comments – Five Minute Limit Per Person

F. Council Discussion and Recommendation

Jarvis: what staff is looking for is council to take action on this ordinance to enact it; any questions or comments

A motion was made by Amos to forward ORD-18-033 to full council, seconded by Bennett. The motion carried with the following vote:

Yes 7- Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker

G. Adjournment @ 6:57 p.m.

A motion was made to adjourn by Lynch, seconded by Bennett. The motion carried with the following vote:

Yes 7 - Lynch, Bennett, Amos, Clark, Coolman, Jarvis, Walker

Canal Winchester

*Town Hall
10 North High Street
Canal Winchester, OH 43110*



Meeting Minutes - DRAFT

November 5, 2018

7:00 PM

City Council

*Bruce Jarvis – President
Mike Walker – Vice President
Jill Amos
Will Bennett
Bob Clark
Mike Coolman
Patrick Lynch*

A. Call To Order

Jarvis called the meeting to order at 6:46 p.m.

B. Pledge of Allegiance – Walker

C. Roll Call

Present 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker

D. Approval of Minutes

MIN-18-047

10-15-18 Work Session Minutes (**Work Session Minutes**)

MIN-18-048

10-15-18 City Council Meeting Minutes (**Council Minutes**)

A motion was made by Bennett to approve Minutes 18-047 and 18-048, seconded by Lynch. The motion carried with the following vote:

Yes 7- Bennett, Lynch, Amos, Clark, Coolman, Jarvis, Walker

MIN-18-049

10-22-18 Special City Council Meeting Minutes (**Special Meeting Minutes**)

A motion was made by Bennett to approve Minutes 18-049, seconded by Amos. The motion carried with the following vote:

Yes 6- Bennett, Amos, Clark, Coolman, Jarvis, Walker

Abstain 1- Lynch

E. Communications & Petitions

18-121

Ohio Division of Liquor Control Letter RE: Heavenly Treats 100 Winchester Cemetery Rd (**Liquor Control Letter**)

Jarvis: As per our convention we can hold a public hearing on that but with the absence of any known problems with the location we generally do not do that; no action required unless someone feels a strong need;

18-124

Ohio Department of Natural Resources Grant Conditional Approval Letter for Westchester Park Improvements (**ODNR Letter, Westchester Park Plan**)

F. Public Comments - Five Minute Limit Per Person

Hollins: Let me set this up a little for the applicant and Tom Hart is the attorney for the applicant; it was tabled at second reading and it was done at the purpose of the applicant being able to return to planning & zoning and revise their submittal to reflect only single family residential; they have done that and planning & zoning has returned it back to council with a recommendation that is contained in your packet this evening; it being second reading we need to take two actions this evening; one of which, once we hit the ordinance, will be to remove it from the table and get it back on your active agenda; and then as well we do have conditions in the recommendation from planning & zoning as you filter down; there is two conditions and what we'd like is a motion to amend the ordinance once it's back off the table to incorporate those two

additions and I'll tell you where at that time; at that point in time we'll have an amended ordinance and we'll put it up for third reading in two weeks at the next meeting; the applicant and the attorney are here; though I think to address some questions and they may want to have a few words even before that this evening to provide any additional information that may be helpful to council once it does hit third reading at the next meeting;

Hart, Attorney for Westport: thank you Gene for the context of setting us up; Mr. President we have a short presentation; we realize the public comment before the council meeting is five minutes so we can do that now or we can wait until the time the ordinance comes up; Jarvis: I think you may have been stepped outside Mr. Hart when I said we would relax the five minute rules this evening to allow that to happen; Hart: with Gene's context I want to set up Jack Matino from Westport with a little more context; as Gene said there were two conditions coming out of the planning commission; one was that we stay with the code and keep the lot coverage with the maximum of 30 percent; the other condition was that all front load garage doors/garages are to be a minimum of four feet behind the front line of the livable area of the home; that's your code today; Westport has no problem amending and going to the 30 percent lot coverage maximum to meet that first planning commission requirement or condition of approval; relative to the second condition, the front loaded garages must be four feet behind the front living element of the home, we are requesting relief from that requirement; we're proposing that all front loaded garages must be flush with the front porch or behind a the front porch; or the garages must be flush or behind the most forward facing architectural livable element of the home; along with that because the front facing garage is a critical architectural issue, along the way when we came to you and then went back to planning commission we agreed to the code standard that at least 20 percent of all the garages in the community would be side loaded condition; which really helps diversify the streetscape with front and side loaded, that all the setbacks be varied; the front of the homes be varied between lots so you'd have a mix of front setbacks; and then all the front garages have an upgraded architectural treatment so that with different types of garage treatment, carriage lights, raised panels; windows, different architectural things you can do with a garage door, they blend more with the rest of the architecture of the home; probably the main commitment is that every house will have a front porch; because we're real serious about making the front porch the architectural element that balances that front facing garage; no matter where you put it we are agreeing to what we think is a compromise standard; that front porch is a critical architectural piece that balance the houses; I think one of the challenges with that point is it's hard to visualize that; it's hard to talk about it unless you see it; so Jack prepared a brief presentation in the real world; in terms of renderings of what the homes will look like; and then actual photographs of homes showing that garage balancing when the garage is in the front; with that Mr. President if it's okay I'll turn it over to Jack;

Jarvis: I do have a quick question; I'm not sure who to direct it to; this information that we're just about to go over, was that discussed with planning & zoning as well as your objection to the second condition;

Hart: certainly the point was discussed; the presentation was not; we didn't know what the planning commission conditions before they voted were going to be; so we didn't have the visual presentation you're about to see; but it shows the condition;

Jarvis: did you object to it at the time even without this additional material;

Hart: what we tried to do and we did it here as well Mr. President, we turned in really the same list of elements in the code we could me and then elements of the code we asked for an adjustment; and that was

one of those elements; so there was definitely discussion on it but after they voted we didn't get back up and object, no;

Jarvis: I do think it's significant enough not to drag this out any further than we already have; but to loop back with them this additional information;

Hart: we're realistic; we thought that might be a possibility based on what you all decide tonight; it has been a long process but we're prepared for that if that's what you decide;

Jack Matino, Westport Homes: to answer that question Mr. President, much of this information that we're sharing with you this evening was derived from the outcome of planning commission; if you recall prior to this we were given a no vote or do not recommend to a recommend with two conditions; one of which we're immediately saying today that we're fine with the 30 percent lot

Coverage instead of the 35; and the other one being the architectural aspect of where the garage sits; whether it's four feet behind the body of the home or is it more important to make it a secondary element; and that's what we're trying to show to you today; Jarvis: just to clarify you're position instead of being four feet behind the main structure as the code calls for you're looking for something that would be either flush or behind the forward most feature of the house which is most likely the front porch; Matino: that is correct sir; what we wanted to do this evening, I'll start off with an architectural rendering of Middletown Farms; I guess the first slide that you could see here is; this first rendering has been prepared by EMH&T; this would show the actual styles of homes that we are proposing with the concrete driveways, the sidewalks, with the adjustments made to the front yard setbacks; staggered setbacks between 25 and 30 feet; additionally it is showing you the garage location with the architectural style to the garage location and real life homes that Westport Homes makes available today; so the plan that you're looking at there is a Barrymore plan; there is a Hollister plan; we wanted to show that along with the street trees and the concrete driveways; Jarvis: once again Mr. Matino these product models were they the ones shown to planning & zoning; Matino: what you're seeing here happened afterwards; but there were two dimensional brochures that were shown to planning commission; so not in this type of capacity with this type of professional approach; this is a similar shot just more from a street view instead of a bird's eye view; so again you're looking at the four sided architecture, the overhangs on the eaves at least a minimum of eight inches, windows on the sides, stone and brick plants; again just more along the lines you can see the massing in the architecture is staying very much focused on the front porch; third and final one just gives you a better indication of the side yard requirements; if this were to be Middletown Farms you're looking at the spacing between the homes, the side load garages intermixed with front load garages; so there's a lot of architectural diversity; again we're showing four sided architecture that we would be meeting along with the standards in the code; again this is a architect and engineers rendering; so we wanted to show some real life versions; this is a community that we're building in the Meadows of Millcreek in Ostrander; these are 80 and 90 foot home sites; these homes were built within the past twelve months; again we're trying to show that side load garage, minimum square footage of a front porch in this community is 100 square feet; again garages at the front architectural element of the home; equal to or sitting just slightly behind; so this is a community that we're building today; Clark: what are the size lots; Matino: these are 90's; Clark: how much squared; Matino: at this community they're right at about 20,000 square feet; so just under half; and again similar; just more photos; now the photo on the far right there you can see that's a big three car garage; but we do pull forward and make sure we're continuing to add the windows; the louver; gable vents; those types of things; and side loads; Bennett: would that be a floorplan that would be eligible; Matino: yes sir; Bennett: even though we're saying the garage would be flush with the front of the house; Matino: it's my understanding

with the side load garage, particularity with the three car that the garage can move forward because that is more of an architectural element of the home; the big concern was more the garage door; moving that out so far like the old snout house; Lynch: how deep are these porches that you're building on these houses that are functional; Matino: these are all minimum five feet; anywhere from five to seven feet; Lynch: five foot is not very usable for a front porch especially for as big as these are; has there been any consideration into making these porches deeper with the concession of having the garages more forward; a lot of these porches have gables over top of them; it wouldn't take much to extend that out that much further and create a functional porch; Matino: let me get a little further into some photos only because the further you bring that porch out as far as the pitch goes it's going to get into those second floor windows; and the more it gets into those second floor windows you could have egress issues there; because that's going to slope out; if we're putting that style of front porch or extending that front porch out with a 4-12 or 5-12 or 6-12 slope on the roof it may be getting up into the window locations; Lynch: I've seen a couple that have that; most of them were gabled

That I'm looking at in these pictures here; the ones in the renderings the 3d renderings are the ones I'm looking at; Matino: here's what we've found with all due respect; we've found that the front porch is the focus in many communities as far as architectural design; who uses them; very few; we still live in our backyards; though they're beautiful they can be accessorized with holiday decor, with a couple of chairs; but the reality in how we live today is we grill in our backyards; as you drive by people with beautiful front porches rarely do you see anyone out there; so I think it's more about the architectural massing and the style than the livability of the front porch; Lynch: kind of a pho porch; I'm sorry that was wrong; Matino: one more plan of one of the homes of the Meadows of Millcreek; every home that you see in here is a Westport Home; now what we decided to do is take a look at some other communities; this is Riviera; Dublin; upscale community; very high end; \$700,000.00 homes plus; builders in here would be MI Homes, Virginia Homes and Bob Webb Homes; again beautiful architecture; front porches is the primary element on the home; but as you can see garages are either equal to the front facade or set back slightly; Clark: they allow you to use the same siding next to each other like that; Matino: I'm going to say that one's darker than the other but I don't control what their duplication policy is; ours we would not allow it; we would want more diversity; Lynch: what type of siding is one those homes; Matino: the ones I am showing you here, this would probably be all hardy; all natural; Lynch: all the way around; Matino: but the ones I am going to show you down the scale they would be hardy and vinyl; this is Dublin as well; side load garage along with a front porch; and then Bob Webb home side load garage getting it no more of this is built in the Villages of Central College in Westerville; average sales price here is pushing \$500,000.00; these homes would have the hardy plank or the cementitious siding on the front and vinyl sides and rear; same thing here; so I believe and this is a good street scape, I believe what we're saying in this is it is about the architectural element and the massing of the porch and the complimenting the garage doors; versus whether a garage sits here or here;

Hart: and the big thing is how these homes are lived in today; one of the most prominent features that we continually get requests for a mud room, boot bench, bigger laundry, more space behind my garage because that's where my world comes in and out; that's where all the important people come in and out; and pushing those garages back really messes with the livability of the floor plan on the inside of the home; we're committed to this architectural control; we're committed to these streetscapes; we're very committed to making Middletown a community that Canal Winchester would be very proud of and one in which they would hold as a new standard; Bennett: Mr. Hart I appreciate this presentation; I'm a very visual person; this is very helpful; and you talk about the moving of the garages back four feet and the negative impact it would have but there's no visuals to demonstrate the negative impact that has; you've come and you said it

has a negative impact and I believe you when you say that but what would be helpful of there was a way to see on paper how that impact truly affects; Hart: to be quite honest Mr. Bennett I don't know of a builder that is in compliance with that except for Evan Farm; Evans Farm is a new 1,600 unit development in Orange Township and Berlin Township; it is predominately \$600,000.00 to \$800,000.00 home built on alleys; that is the only community and that is the only location where I know consistently these garages are built behind; I couldn't find; I could probably find one or two Bob Webb products but I couldn't find an MI product; I couldn't find other Fischer Homes product; I certainly couldn't find ours or Ryan Homes products; so to present that visual I would have had to draw something or create something or have an architect say this is how it screws it up; I think the reason that the code was put in place to begins with was to go back and avoid that 20 foot garage; that 18 foot garage sticking in front of a home that caused that snout house look; making the garage the dominant element; that's why the code was written back in 2006 and I completely understand that; this certainly isn't 2006 product; Jarvis: I think what you've shared meets the spirit if not the letter of what they're looking for; like you've said that was a reaction to the snout house and our situation is a little funny; now I realize the timing and sequence of what's been going on here is that planning & zoning has made a recommendation, they've added conditions to it; you looked at the conditions and realized you couldn't live with the second one; made some, I'm not saying you made some changes, but you sort of took a new look at it and you're sharing that with us now; they have not had the benefit of it and I can't speak for the others here; that's what we're here to discuss; but for me, I would feel more comfortable knowing that, rather than un-tabling the ordinance this evening, adding conditions that you're already telling me that you're having a problem with and knowing that planning & zoning didn't have the same information that we're enjoying right now that it would be better to loop back and speak with them in this new light and see if you are able to convince them that is the proper way to go forward; that way when we react to something we know it's gone through the, it's been properly vetted; right now this hasn't Hart: Mr. President I understood point well-made and taken; I would ask Mr. Haire is there any way that we can get on the next planning commission meeting and review the information; is there any way to accommodate us having our time back there fairly quickly; Haire: (response inaudible); Amos: I have a question on one of the designs on page five; the one with the extended garage that you said would fall under; Hart: was it a side load; Amos: this side load you have is a three car garage; I really feel like that pushes it just a little too far for me; even though architecturally I understand what you're saying that architecturally it looks better and side loads have a different but even if you shortened it to two cars it just feels like there's so much house in front; it's not appealing; maybe some people like that I don't know; but I feel like if it was just two cars it wouldn't have to push out so far and you can still accomplish your mud room and everything behind it; Hart: I wouldn't disagree; third car garages are encouraged in this community; and as I understand the way the code is written today, and I certainly respect your opinion of this home, the code is written today this would meet the code; and correct me if I'm wrong Mr. Haire; Haire: it would yes; Lynch: so on your application here where I'm looking at the Denali model, the Hampshire model, you're saying those would not fit in this Middletown Farms community because all of these have three car garages; the garages are huge; Hart: maybe I'm not seeing what was in the application; I apologize I don't know what you're looking at; the Denali with a three car should fit; was it a side load; Lynch: these are front loads and what are in our packet; so I'm looking at the Denali with the three car; Hart: the way the code is written today is the garage doors cannot exceed more than 50 percent of the width of the house; Lynch: and these do so they would not qualify; Hart: so the garage door in that example would be 16 feet and 8 feet which would be a total of 24; I believe that home is 52 feet wide so it would fall below the 50 percent; Hollins: so it sounds like procedurally you may want to leave it tabled until after the planning commission meeting; Jarvis: that's kind of how I was thinking but how do the rest of you feel; Coolman: I would agree with that because it needs to be a level

playing field I think all the way through the process; Amos: I concur; I think they need to see what we've seen tonight; I don't think it's fair for us to make a decision to something they have not been privy to; Hollins: and what I'd do as well, especially when you have a planned district in a text if there's any way staff and the applicant, Mr. Hart, can work together; the best possible thing is to get any final conditions after that planning commission meeting incorporated in to the text and come back to this body as a clean ordinance without conditions; really with a new version of text that you guys can fully look at and understand that; I'd encourage whatever we need to do to the text before third reading; Hart: If you we could have an ordinance copy that's pending; I'm assuming it has the subject matter of those additional conditions; we'll work on that tomorrow; Hollins: we can help you with anything you need; Haire: (inaudible); Hart: I assume some of the technical aspects of the development plan and of course that's part of the process that we would agree to that; that's always the case; Hollins: again I think that's where we got a little bit of time but let's try to hammer out what we need to at this stage; flipping the text; thank you council; that's very helpful going forward; Jarvis: thank you so much for your time and information; we appreciate that;

Jim Bohnlein, 6320 Rossmore Lane: the only thing I would like to comment is this the same company that built the same homes at Wagnall's; is this Westport; am I allowed to ask that; I understand from the news media there were some issues with some of the homes Westport built there; have those problems with those homeowners been completely taken care of and are the homeowners satisfied with your builds; I don't know if you can comment about that; I'm just wondering because; and if it would ever happen again; and if it does happen again the remediation may be better handled from the news reports; the only other thing I would say is all the people around here know that I am a big proponent of larger sidewalks; larger sidewalks make a community; not a development; this is a development; every picture I saw would have little skinny sidewalks and grandparents with grandkids who take them out for walks can't walk on a three foot sidewalk; joggers can't run on a three foot sidewalks when there are people walking on sidewalks; those are my two issues and if you could answer one or both that would be great; thank you; Jarvis: thank you Mr. Bohnlein; and we understand that we owe you a big thanks for your assistance on the grant application for the Westchester Park and that the home owners association that you represent its' a very big thing to do; it makes you feel good when you see that kind of a partnership on something like this; it's not all government; it's not all private sector; Bohnlein: right; we felt that it's going to be an asset to our community especially and also to the city of Canal Winchester; and we wanted to be able to have some input and if we could do that by pledging some of the money we are more than happy to do that; and we continue to watch what happens and being really excited about this; I think this is tremendous; this is going to set us apart; I really think it's going to make people look at coming to the Villages at Westchester maybe for some different reason other than maybe the homes or schools; I think it's going to be an asset and I'm tickled to death to be able to help with that; thank you; Jarvis: we are tickled too; thank you;

Matino: two things; I'll just touch on the development first that we are proposing; the sidewalks that are proposed in this community are minimum five feet wide; the perimeter of the community would have a minimum six foot; eight foot pathways and then there are six foot walking paths between the community itself; great question on the Warehouser matter that I presume you're bringing up; if you're familiar with warehouse; it is a large timber company that supplies all type so building materials throughout the world; Warehouser manufactures osb, 2x4's, trusses, all types of different wood and engineered wood products; in the state of Ohio it is required that if you're using an I-joist type material that, that I-joist for the basement construction would have to be coated with some type of fire membrane to longer or to increase the time of a burn; many people don't have it; you can use two by material, 2x10, 2x8 as floor joist or you can use oak and web joist or you can use what are called I-joist; Warehouser manufactured a product as a fire retardant

coating called flak jacket and it was one of a kind; it was a proprietary chemical that was sprayed or applied to the I-joists that were used in the basement that met the code of the state of Ohio; many states throughout the country; Warehauser hand changed the formula of their flak jacket product, I'm going to say November of 2016; and with that formula change they found that it was off gassing formaldehyde at a much higher rate than what was acceptable; at a fairly high rate; so it had a high formaldehyde content in it; this product went in about I'm going to say 2,800 homes throughout the country; we, Westport, were affected by this and we had roughly 140 homes that were constructed with the flat jacket product; immediately Warehauser came out and came up with a chemical spray on application to where you would take down all the mechanicals; you would spray a chemical that would retard the amount of off gassing that was occurring with the formaldehyde; now understand formaldehyde was not a reoccurring source; it wasn't going to continue, however it was causing an exceptionally high level in the homes; we notified along with Warehauser all of our customers; the customers were notified throughout the country and in many instances that coating was applied; the news did pick up on this; toxic homes is what they called it; she did a wonderful story; three times; people had to move out of their homes; many of the folks, 20 of the 140 homes that were affected the customer said we don't want that coated; we're not convinced that is going to fix it; in the meantime Warehauser had been working on another remediation type in which it was called product removal; and with the product removal they would sand or cryoblast or chip all of the flat jacket off of that I-joist but leave the structural integrity and then come back and put the coating on because it still had to have a fire retardant coating; we had a few customers particularly in Wagnall's that chose that method; however they were out of their homes while that method was being perfected; in addition to that Warehauser was beginning to deploy human capital that actually could do that process; finally the third and final choice of remediation was total joist removal; think about tearing a joist out and putting a new one in; instead what they did they came up with a method in which they would band or attach the I-joist and work it into the home and then cut the other one out; that was full removal and that came up much, much later; we worked closely with Warehauser; customers were compensated for the time away from their home; they were compensated; their rent was covered; their living expenses were covered; and not that this makes it right; but I do know several customers that got close to six figures in reimbursement; it doesn't make it right but Warehauser by all means a multibillion dollar company stepped up and took care of these customers; now I would be remiss if I didn't say there's two pending in which Warehauser may ultimately purchase the homes back; but that's the status; we were fortunate; it was a recall. It was a bad product; we have two outstanding; no pending litigations; the fact is it did happen; I can't promise that we won't have a product defect; I can only hope that if we do have a product defect like that we have a partner like Warehauser that did what they did; I hope that answers your question; Jarvis: thank you once again;

G. RESOLUTIONS

RES-18-018

Public Service

A Resolution To Authorize Filing Application For Financial Assistance Under The Land And Water Conservation Fund (**Resolution**)

- Adoption

Jarvis: this is the item that was discussed during the working session earlier this evening;

Bennett: Mr. Jarvis in our work session packet the resolution was titled resolution 17-018; Jarvis: that doesn't follow the pattern; Bennett: correct I think it was out of sequence; Jarvis: 2017; Bennett: I think it's a

type but I just wanted to note the fact that the resolution we forwarded had a different number than this one; Jarvis: so noted;

A motion was made by Jarvis to adopt RES-18-018, seconded by Coolman. The motion carried with the following vote:

Yes 7- Jarvis, Coolman, Amos, Bennett, Clark, Lynch, Walker

H. ORDINANCES

Tabled

ORD-18-029

*Development
Sponsor: Jarvis*

An Ordinance To Amend Part 11 Of The Codified Ordinances And The Zoning Map Of The City Of Canal Winchester, Rezoning An Approximately 11.954 Acre Tract Of Land From Exceptional Use (EU) To Planned Residential District (PRD), Owned By The Dwight A. Imler Revocable Living Trust, Located On The Southeast Corner Of The Intersection Of Hayes Road and Lithopolis Road And Consisting Of Parcel Number 184-002994, And To Adopt A Preliminary Development Plan And Development Text For A Proposed 79.5 Acre Planned Residential Development (Middletown Farms) **(Ordinance, Exhibit A, Exhibit B, P&Z Recommendation)**

- Tabled at Second Reading

Jarvis: tabled ordinance that was also discussed indirectly this evening; I will just reach out to the applicant Mr. Hart; your direction forward is everything clear; Hart: yes sir; Jarvis: that's all I wanted to know; make sure you had a clear understanding; no un-tabling of that this evening;

Third Reading - None

Second Reading

ORD-18-036

*Finance
Sponsor: Amos*

*An Ordinance To Authorize The Mayor To Enter Into An Agreement With The Fairfield County Sheriff For Police Protection **(Ordinance, Agreement, Ex. A)***

-Second reading only

ORD-18-037

*Finance
Sponsor: Bennett*

*An Ordinance Authorizing The Mayor To Enter Into A Contract With The Fairfield County Commissioners And Fairfield County Sheriff's Department For The Housing of Prisoners **(Ordinance)***

-Second reading only

First Reading

ORD-18-033

Development

*An Ordinance Amending Section 1193 Of The Codified Ordinances Regarding Wireless Communication Facilities **(Ordinance)***

- First Reading Only

ORD-18-038

Public Service

An Ordinance To Authorize The Mayor To Enter Into An Amended And Restated Joint Self-Insurance Agreement With The Central Ohio Health Care Consortium For The Provision Of Healthcare Benefits For City Officers And Employees **(Ordinance)**

- First Reading Only

ORD-18-039

Finance

An Ordinance To Authorize The Mayor To Enter Into A Health Services Contract With Franklin County Public Health **(Ordinance, 2019 Contract)**

- First Reading Only

ORD-18-040

Finance

An Ordinance To Make Final Appropriations For Current Expenses And Other Expenditures Of The City Of Canal Winchester, State Of Ohio, During Fiscal Year Ending December 31, 2019 **(Ordinance)**

- First Reading Only

ORD-18-41

Development

An Ordinance To Authorize The Mayor To Enter Into A Real Estate Purchase Agreement For The Purchase Of Approximately 110.77 Acres Located On Bixby Road, Canal Winchester, Ohio Owned By Willis M. Alspach, Trustee Of Willis M. Alspach Revocable Living Trust, Joan A. Alspach, Trustee Of Joan A. Alspach Revocable Living Trust, And David Benjamin Alspach And Declaring An Emergency **(Ordinance, Purchase Contract)**

- Request waiver of second and/or third reading and adoption

A motion was made by Clark to suspend the rules of second and third reading, seconded by Bennett. The motion carried with the following vote:

Yes 7- Clark, Bennett, Amos, Coolman, Jarvis, Lynch, Walker

A motion was made by Clark to adopt ORD-18-041, seconded by Coolman. The motion carried with the following vote:

Yes 7- Clark, Coolman, Amos, Bennett, Jarvis, Lynch, Walker

ORD-18-042

Finance

An Ordinance To Amend The 2018 Appropriations Ordinance 17-049, Amendment #5 **(Ordinance, Appropriations Amend Memo 5)**

A motion was made by Lynch to suspend the rules of second and third reading, seconded by Coolman. The motion carried with the following vote:

Yes 7- Lynch, Coolman, Amos, Bennett, Clark, Jarvis, Walker

A motion was made by Lynch to adopt ORD-18-042, seconded by Amos. The motion carried with the following vote:

Yes 7- Lynch, Amos, Bennett, Clark, Coolman, Jarvis, Walker

ORD-18-043
Development

An Ordinance Authorizing The Mayor And Clerk To Accept And Execute The Plat Of Trillium Avenue And Declaring An Emergency (**Ordinance, Trillium Ave Plat**)

- Request waiver of second and/or third reading and adoption

A motion was made by Clark to suspend the rules of second and third ready, seconded by Coolman. The motion carried with the following vote:

Yes 7- Clark, Coolman, Amos, Bennett, Jarvis, Lynch, Walker

A motion was made by Clark to adopt ORD-18-043, seconded by Coolman. The motion carried with the following vote:

Yes 7- Clark, Coolman, Amos, Bennett, Jarvis, Lynch Walker

I. Reports

Mayor's Report

18-125

2018 Mayor's Court Report

A motion was made by Coolman to approve the October 2018 Mayor's Court Report, seconded by Lynch. The motion carried with the following vote:

Yes 7- Coolman, Lynch, Amos, Bennett, Clark, Jarvis, Walker

Fairfield County Sheriff

Cassel: thank you; if you would turn to the second page I know you're going to have some questions about the first shift down time; 70.2 percent; the reason that is so high is because I wanted to make sure the deputies were in the neighborhoods patrolling; so I had them put that on their log sheet; the time they got in the certain neighborhood and they time they left; so that's going to look or add more time to their downtime on their log sheet; so that's an inflated number; I just didn't want you to worry about that; that ensures to me that they're out there in the neighborhoods where I want them to be especially because it was October and Trick or Treat time; and I wanted to make sure of that; the total stats for the month of October there were 31 days; possible down time 89,280; total downtime they had was 60,079; for a total busy time of 67.29 percent; but again the stats on first shift were a little inflated because I had them log their times when they were actually in the neighborhoods; total dispatched calls for all three shifts were 460; pick up runs 1,052; multiple unit calls 240; reports 97; addendums 21; F.I. cards 2; civil paper attempts 20; building checks 4,811; vacation checks 52; traffics stops 76; citations 42; warnings 66; felony arrests 2; misdemeanor arrests 10; warrant arrests 16; OVI arrests 1; pink slips 4; charge packets 4; summons in lieu 6; misdemeanor

charges filed 28 in addition to the arrests; felony charges file 0; we were pretty busy last month; I imagine we'll be pretty busy again in November and December; the main this I want to make sure the deputies are in the neighborhoods; this is the time of year when the people are trying to steal out of cars and things like that; main thing like we did last year I like to see on the website just putting out a message of the do's and don'ts during the holiday season; like don't leave all your packages in your car and leave your car unlocked and stuff like that; that's all I have; Walker: it seems like the pink slips are up a little bit; Cassel: I don't really have an answer for that; it's just a random thing; a pink slip is basically where we get called to a residence and they say someone wants to harm themselves or somebody in the residence so we take them for a mental evaluation; on a good note we met with the major crimes director and he was telling us that the use of heroin is down and now they're going back to meth; and the reason that the use of heroin is down is because of fentanyl in the heroin and they're afraid they're going to overdose on it; it's neither here nor there; Jarvis: I would think a fear of death would be a big motivator; I know this is outside our jurisdiction but it is pretty close to home there was a report here within the last week of a shooting in one of the neighborhoods out there off Gender Road; I was wondering if you had any insight on that; I never heard any follow up on it; what it was about; Cassel: I know about as much as you do; just that occurred in Columbus police jurisdiction; that's about all I can tell you; honestly I'm concerned with what's here in our area more than the outer areas; I understand the concern; I will look into it though; Jarvis: if you happen to know please don't go to any special trouble on that I'll just did in the news; Cassel: I think we're blessed to be in a community that it's a nice place to live and drive; and being a law enforcement officer here in Canal Winchester is totally different than Fairfield County because I can't tell you how many people come up when I'm just out walking or driving around come up and say hey we appreciate what you're doing; so it's nice; it's a proactive type of law enforcement where you're not getting mean mugged all the time; Jarvis: oh like Bexley and Grandview; they're this tranquil place but one block or two blocks over it's hell's kitchen; it works; Cassel: I don't see that at all here in Canal honestly; I love patrolling in Canal and being part of Canal Winchester; the people that live here make it really nice; it's totally different than what I was used to; put it to you that way; it's kind of like a culture shock; that's why deputies transfer out here; Bennett: that's good; Walker: very good; a big thank you to the Fairfield sheriff's department for sponsoring the 5k that benefits the St. Jude research hospital this last weekend; Cassel: yeah I believe they raised \$20,000 toward it; Walker: it's the 5th annual; thank you

Law Director

Hollins: real quick; first and foremost no reason to request an executive session this evening; unless you all know of something that council wants to go into executive session for; also I will push out to you a memo my staff prepared; there is a new distracted driving law and it will cover the basics; it's not a huge change; it increases the penalty if distracted driving contributed to the commission of another offense; speeding, running a stop sign, etc.; and it does give a better idea as to what that form of distraction means; largely using a phone; a handheld electric wireless communication device; or engaging in activities not necessary to the vehicle's operation and would reasonably be expected to impair the ability to drive safely; and they give some examples; obviously talking on the phone; sending text messages, changing the radio station or eating or drinking while driving; it does not include using a speaker phone, blue tooth or other hands free device; it also does not include wearing ear phones or ear plugs; although that may lead to other offenses; the FOP got this exception in; the eating and drinking apparently you can still eat donuts and drive at the same time; Cassel: can I add to that; it's an additional \$100.00 fine on top of whatever the citation is; the part that kind of threw me off on that was talking to the passenger in the car; I thought that was a little extreme in my opinion; Hollins: between us girls it may bring up some enforcement; I mean you've got to prove that not

only was someone doing this but also it contributed to the commission of the offense; but it's a nice message to get out here; we are concerned about distracted drivers; we'll see how it plays out in the enforcement phase; Cassel: and it's a secondary offense which means I can't pull you over for doing it; I have to have an additional reason; example what Gene was saying if you're driving recklessly and I see oh you're texting that's why you went left of center then I could stop you and write you a ticket for driving left of center and another ticket for using your phone or what not; Jarvis: that's how seatbelts started out too; we're going to put them in the car but you don't have to use them and it became if you don't use them we won't pull you over for that offense but just like you're saying of there is something else you're doing and we notice you don't have a seatbelt on then we can site you for that; that's how they get you; Cassel: and its officer discretion; Jarvis: always; Hollins: and with that unless you have any further questions or sergeant has any further input to my report I have no further comment; Jarvis: was there any response to the consensus that was arrived at on the October 22nd meeting; Hollins: I have not gotten any reply to that yet although I think they're working on it; I'm still awaiting the formal; I think they indicated cryptically that it looks like it will work from a financial standpoint; I haven't seen beyond that Jarvis: I guess that surprises me a little bit; Hollins: I will follow up and get back to you on that as well;

Public Service Director

Peoples: Thank you Mr. Jarvis; nothing to add to my written report and works session report;

Development Director

Haire: one other item we did close on 18 Waterloo Street; it's the Marathon lot; we did close on that last week; so that's complete; we are the proud owners of that lot; Jarvis: there's a lot more meaning behind that than on the surface;

J. Council Reports

Work Session/Council - Monday, November 19, 2018 at 6 p.m.

Work Session/Council - Monday, December 3rd, 2018 at 5:30 p.m.

Public Hearing – Monday, December 3rd, 2018 at 6:00 p.m.

Haire: a couple public hearings that day; one is the rezoning for 69 acres on Winchester Blvd; and the other is the zoning text amendment to amend the landscape code; and the third is to amend the residential appearance standards; Jarvis: so we're doing this at 6 just to let it run wherever it runs to naturally and we'll start the work session after that; Peoples: work session 5:30 public hearing 6:00; we're allocating an hour for those three topics;

CW Human Services - Mr. Lynch

Amos: after the community project where we raised money throughout the community there was still about a \$20,000 debt still; the Brock Strong foundation stepped in and paid the balance of that off; they are now debt free; Jarvis: I did hear that; as far as community charity goes they do a lot of neat things; a lot of it is behind the scenes; you just hear about it through the grapevine; I've got a lot of respect for them; Amos: they are 100 percent give back to the community;

CWICC - Mr. Clark

Clark: our October 31st meeting was moved to November 28th which will be at 11:30 at the interurban building;

CWJRD - Mr. Bennett/Mrs. Amos

Bennett: our next executive board meeting is Thursday November 15th at 7:00 p.m. at Town Hall;

Destination: Canal Winchester - Mr. Walker

Walker: next destination meeting is November 27th 2018 6:00 p.m. interurban;

K. Old/New Business

Jarvis: there's a Veteran's Day program that is put on by the city; this has been going on for a number of years now on November 10th 2018; I believe that is a Saturday; this Saturday coming up; there's a pancake breakfast for the veterans and their immediate families from 8:30a.m. to 10:00 a.m.; it will be served by the scouts; and then there will be a program at Stradley Place at 10:00 a.m.; they're pretty moving; they usually have some good speakers; it's just a good feeling; good American feeling to be there;

L. Adjourn to Executive Session (if necessary)

M. Adjournment @ 8:14 p.m.

A motion was made by Clark to adjourn, seconded by Amos. The motion carried with the following vote:

Yes 7- Clark, Amos, Bennett, Coolman, Jarvis, Lynch Walker

ORDINANCE NO. 18-029

AN ORDINANCE TO AMEND PART 11 OF THE CODIFIED ORDINANCES AND THE ZONING MAP OF THE CITY OF CANAL WINCHESTER, REZONING AN APPROXIMATELY 11.954 ACRE TRACT OF LAND FROM EXCEPTIONAL USE (EU) TO PLANNED RESIDENTIAL DISTRICT (PRD), OWNED BY THE DWIGHT A. IMLER REVOCABLE LIVING TRUST, LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF HAYES ROAD AND LITHOPOLIS ROAD AND CONSISTING OF PARCEL NUMBER PID 184-002994, AND TO ADOPT A PRELIMINARY DEVELOPMENT PLAN AND DEVELOPMENT TEXT FOR A PROPOSED 79.5 ACRE PLANNED RESIDENTIAL DEVELOPMENT (MIDDLETOWN FARMS)

WHEREAS, the rezoning of a 11.954 acre tract of land hereinafter described from Exceptional Use (EU) to Planned Residential District (PRD) has been proposed to the Council of the City of Canal Winchester by the owner, the Dwight A. Imler Revocable Living Trust ("Imler Trust"); and

WHEREAS, such 11.954 acre tract is contiguous to an approximately 67.55 acre tract of land also owned by the Imler Trust and currently zoned Planned Residential District ("PRD"); and

WHEREAS, an accompanying Planned Residential District preliminary development plan and development text has been submitted for the combined 79.5 acre tract for approval; and

WHEREAS, a public hearing has been held by the Planning and Zoning Commission of the City of Canal Winchester, and the Planning and Zoning Commission has recommended that the rezoning, the preliminary plan, and the development text not be approved by City Council; and

WHEREAS, notice of a public hearing has been duly advertised and the public hearing has been held before the Council of the City of Canal Winchester;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, OHIO:

Section 1. That Part 11 of the Codified Ordinances and the Zoning Map of the City of Canal Winchester, Ohio, which is a part thereof, be and hereby is amended as follows:

That approximately 11.954 acres, located at the southeast corner of the intersection of Hayes Road and Lithopolis Road and being a part of PID 184-002994, owned by The Dwight A. Imler Revocable Living Trust, as fully set forth in the description attached hereto as Exhibit A and incorporated herein by reference, is rezoned from Exceptional Use (EU) to Planned Residential District (PRD).

Section 2. That the preliminary development plan and development text of the proposed Middletown Farms as depicted in Exhibit B, attached hereto and made a part of hereof, be and hereby is accepted and approved.

Section 3. That all other provisions of Part 11 of the Codified Ordinances and accompanying zoning map shall remain in full force and effect.

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

DATE PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

MAYOR

DATE APPROVED: _____

APPROVED AS TO FORM:

LEGAL COUNCIL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Finance Director/Clerk of Council

11.954 ACRES

Situated in the State of Ohio, County of Franklin, City of Canal Winchester, in Section 1, Township 10, Range 21, Congress Lands, being part of that 70.797 acre tract of land conveyed to The Dwight A. Imler Revocable Living Trust by deed of record in Instrument Number 201607050085266, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the centerline intersection of Hayes Road and Lithopolis Road;

Thence South 53° 02' 57" East, with the centerline of said Lithopolis Road, a distance of 406.78 feet to the northwesterly corner of that 8.000 acre tract conveyed to Roger E. Sisler II by deed of record in Instrument Number 201604150045988;

Thence South 36° 43' 38" West, with the westerly line of said 8.000 acre tract, a distance of 721.31 feet to a point;

Thence North 53° 02' 48" West, crossing said 70.797 acre tract, a distance of 666.89 feet to a point in the easterly line of that 5.001 acre tract conveyed as Parcel III to The Dwight A. Imler Revocable Living Trust by deed of record in Instrument Number 201607050085266;

Thence North 00° 27' 50" East, with said easterly line, a distance of 419.95 feet to a point in the centerline of said Hayes Road;

Thence North 89° 50' 16" East, with said centerline, a distance of 635.80 feet to the POINT OF BEGINNING, containing 11.954 acres of land, more or less;

This description is to be used for zoning purposes only, not for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

ZONING EXHIBIT

SECTION 1, TOWNSHIP 10, RANGE 21

CONGRESS LANDS

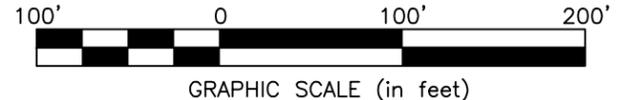
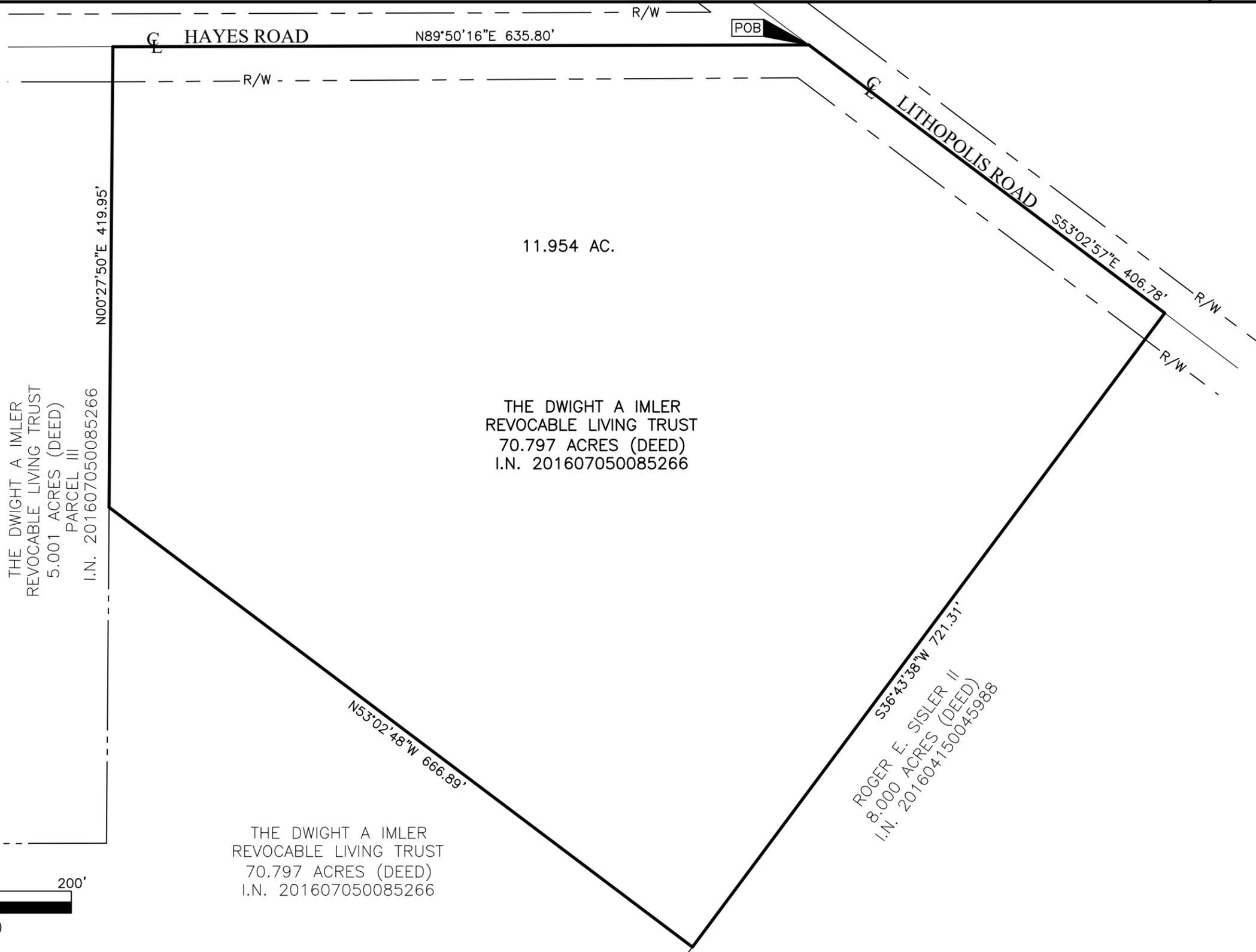
CITY OF CANAL WINCHESTER, COUNTY OF FRANKLIN, STATE OF OHIO

Date: November 16, 2017

Scale: 1" = 100'

Job No: 2017-1159

J:\20171159\DWG\04SHEETS\EXHIBITS\20171159-VS-ZONE-01.DWG plotted by KIRK, MATTHEW on 11/17/2017 10:13:21 AM last saved by MKRK on 11/17/2017 10:13:04 AM



GRAPHIC SCALE (in feet)

Middletown Farms

Preliminary Development Plan

Hayes and Oregon Roads

Canal Winchester, Ohio

January 22, 2018

Revised: April 23, 2018

Due to the size of this exhibit, only page one has been included in this packet. To view the entire exhibit, please click [here](#).





To: Amanda Jackson, CMC, Clerk of Council
From: Andrew Moore, Planning and Zoning Administrator
Date: October 9, 2018
RE: Application ZM-17-007 & PDP-17-003

RECOMMENDATION

Regular Meeting of Planning and Zoning Commission held **October 8, 2018**

Motion by Konold, seconded by Wildenthaler, to recommend to council approval of Zoning Map Amendment ZM-17-007; to consider a Zoning Map Amendment from EU to PRD; for 11.954 acres located along at PID: 184-002994 (Located along the corner of Hayes Road and Lithopolis Road). Westport Homes applicant Jack Mautino, Owner Dwight A. Imler Revocable Living Trust.

Voting yes: Mark Caulk; Mike Vasko; Bill Christensen; June Konold; Joe Donahue; Joe Wildenthaler. **Motion Carried with Conditions. 6-0**

Conditions of Approval:

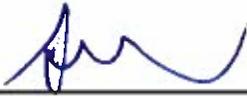
- 1. The development text is modified to comply with Chapter 1130.09 with a maximum lot coverage of 30%.**
- 2. The development text is modified to comply with Chapter 1130.07(a) for any front loaded garage to be setback a minimum four (4) feet behind the front line of the livable area of the home.**

Motion by Vasko, seconded by Wildenthaler, to recommend to council approval of Preliminary Development Plan PDP-17-003; to consider a Preliminary Development Plan for Middletown Farms Planned Residential District; for 79.488 acres located along Hayes Road and Oregon Road (PID 184-002994, 184-003001, & 184-002998). Westport Homes applicant Jack Mautino, Owner Dwight A. Imler Revocable Living Trust.

Voting yes: Mark Caulk; Mike Vasko; Bill Christensen; June Konold; Joe Donahue; Joe Wildenthaler. **Motion Carried with Conditions. 6-0**

Conditions of Approval:

- 1. The development text is modified to comply with Chapter 1130.09 with a maximum lot coverage of 30%.**
- 2. The development text is modified to comply with Chapter 1130.07(a) for any front loaded garage to be setback a minimum four (4) feet behind the front line of the livable area of the home.**



Andrew Moore
Planning and Zoning Administrator

ORDINANCE NO. 18-036

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE FAIRFIELD COUNTY SHERIFF FOR POLICE PROTECTION

WHEREAS, Council hereby finds and determines that it is in the best interest of the City of Canal Winchester to enter into a contract with the Fairfield County Sheriff to provide police protection to the city; and

WHEREAS, it is necessary to enter into such an agreement for the period from January 1, 2019 through December 31, 2021;

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

SECTION 1. That the Mayor be authorized to enter into and execute an agreement with the Fairfield County Sheriff for police protection for the period of January 1, 2019 through December 31, 2021 in a form substantially similar to the agreement attached hereto as Exhibit "A" and incorporated herein by reference.

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

DATE PASSED _____

ATTEST _____
CLERK OF COUNCIL

PRESIDENT OF COUNCIL

MAYOR

APPROVED AS TO FORM:

DATE APPROVED _____

LAW DIRECTOR

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Finance Director/Clerk of Council

AGREEMENT

This Agreement ("Agreement") is made this ____ day of _____, 2018 between the Sheriff of Fairfield County, Ohio, (the "Sheriff") and the City of Canal Winchester, Ohio (the "City").

WITNESSETH

WHEREAS, the City is a municipal corporation desirous of acquiring police protection for the property and residents of the City which is located in both Franklin and Fairfield Counties, Ohio; and,

WHEREAS, the Sheriff is authorized to enter into a contract with a municipal corporation for the performance of police functions as set forth in Ohio Revised Code Sections 311.29 and 737.04.

NOW, THEREFORE, for the adequate consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound, the parties do hereby agree as follow:

1. Personnel - The Sheriff agrees to fund eleven (11) deputies to provide three hundred seventy-six (376) hours per week of police protection to the City to keep the peace, protect property, and to perform other necessary police functions in the City. The Sheriff will assign exclusively to patrol the City two (2) Deputy Sheriffs for twenty-four (24) hours a day, seven (7) days a week, and a third Deputy Sheriff to work a shift mutually agreed upon in writing by the Mayor of the City of Canal Winchester and the Sheriff. The Sheriff further agrees to make available to the aforementioned Deputy Sheriffs who are assigned to patrol the City all training programs, special equipment, and other regular facilities of the Sheriff's Office. It is further mutually agreed between the parties hereto that the duties of the aforesaid Deputy Sheriffs will be determined from time to time by the best judgment of the Sheriff and the City, including, but not limited to, normal police duties, serving court papers, and duties in cooperation with other City functions.
2. Supervision – The Sheriff agrees to fund one (1) full-time sergeant to provide forty (40) hours per week of supervision overseeing the Deputy Sheriff's and one (1) full-time dispatcher assigned to the City.
3. Terms of Agreement – The Agreement shall commence on January 1, 2019 ("the Commencement Date") and shall terminate at 3:00 p.m. on December 31, 2021 ("the Termination Date"). The parties may renew the terms and conditions of this Agreement for a period starting after the Termination Date and shall meet and confer no less than one hundred twenty (120) days prior to the Termination Date for the purpose of discussing and negotiating a renewal of this Agreement. Notwithstanding the foregoing,

at any time during the term of this Agreement either party may terminate this Agreement upon ninety (90) days written notice to the other party.

4. Payment – For each twelve (12) month period during the term of this Agreement, the City shall pay the Sheriff an Annual Payment, as calculated pursuant to Section 5 below (hereinafter referred to as the “Annual Payment”). The Annual Payment shall be billed by the Sheriff in twelve (12) equal monthly installments payable in advance of the first day of each month unless mutually agreed up on in writing by the parties.
5. Annual Payment – The Annual Payment for the period of January 1, 2019 through December 31, 2019 shall be \$1,165,367.00 as detailed in Exhibit A, which is attached hereto and incorporated herein. Thereafter, the Annual Payment shall be annually increased in the manner set forth below. No less than ninety (90) days prior to January 1 of each year during the term of this Agreement, the Sheriff shall advise the City of the increase in the Annual Payment that the City shall pay to the Sheriff during the twelve (12) month period commencing on January 1 and concluding thereafter on the next January 1. The Annual Payment increase shall be based upon a combination of the increase, since the last calendar year, of the following:
 - i. The costs incurred by the Sheriff for the services provided herein including, the salaries of the Deputy Sheriffs and other personnel assigned to the City hereunder (collectively “Sheriff’s Personnel”);
 - ii. The costs of funding retirement pensions for the Sheriff’s Personnel assigned to the City;
 - iii. The costs of providing workers’ compensation for the Sheriff’s Personnel assigned to the City;
 - iv. The cost of training for the Sheriff’s Personnel assigned to the City;
 - v. The cost of equipment, gasoline, and other supplies used by the Sheriff’s Personnel in connection with the services provided under this agreement but only to the extent that such equipment and supplies are not directly furnished by the City.
6. Purchase of Vehicle – During each year of this Agreement, the City shall purchase (1) new vehicle selected by the Sheriff at a cost not to exceed Forty Thousand Dollars (\$40,000), including all necessary equipment for the vehicle. The vehicles shall be titled to the Fairfield County Board of County Commissioners until such which time as it is removed from the Sheriff’s Department fleet and then title shall be transferred to the City pursuant to the applicable Ohio statutory law, including, but not limited to, RC 307.12. All vehicles purchased by the City shall be used only within City limits except when deemed necessary by the City Sergeant, Deputy-in-Charge, or Mayor.
7. Attendance at City Meetings – The Sheriff shall assign supervisory personnel to attend City Council meetings twice monthly, or as may be reasonably requested by the City. The Sheriff shall also assign appropriate personnel to attend other City meetings as requested by the Mayor or his designee throughout the term of this Agreement.

8. Deployment of Personnel – The Sheriff reserves the right to use the aforesaid Deputy Sheriffs in any emergency he sees fit and to consult with the Mayor of the City as to emergencies that may exist in the City. Deputy Sheriffs not assigned to the City will be deployed to assist in the event of an emergency within City limits as requested by the City Sergeant, Deputy-in-Charge, or Mayor.
9. City Code – The Sherriff’s Deputies assigned to the City are authorized and will, as applicable and appropriate, write charges on the City’s codified ordinances and attend Mayor’s Court.
10. Additional Personnel – The Sheriff and the City both recognize that additional deputies may be necessary during the life of this agreement. When mutually agreed upon in writing by the parties, additional deputies may be added to any shift and the City will cover the costs of the additional deputies’ salaries, benefits, and personnel related taxes.
11. Governing Law and Venue – This Agreement is being executed and delivered in the State of Ohio and shall be governed by, construed and enforced in accordance with the substantive laws of the State of Ohio. Any action at law, suit in equity or judicial proceeding for the enforcement of this Agreement or any provision hereof shall be instituted only in either the Fairfield County Municipal Court or the Common Pleas Court located in Lancaster, Ohio.
12. Paragraph Headings – The paragraph headings are inserted in this Agreement only for convenience, and in no way define, limit, or describe the scope of intent of any provision of this Agreement.
13. Unenforceable Provisions – If any term, covenant, warranty, paragraph, clause, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions of this Agreement shall remain in full force and effect and shall in no way be affected, impaired, or invalidated, and this Agreement shall be construed as if the invalid, void, or unenforceable provisions were omitted.
14. Remedies Not Exclusive – All of the rights, benefits, and remedies provided herein shall be cumulative and shall not be exclusive of any rights, remedies, and benefits allowed by law or equity to either of both of the parties.
15. No Waiver of Rights – Failure by either of the party’s to insist on or enforce any of their rights shall not constitute a waiver of those rights by the parties, and nothing shall constitute a waiver of the parties’ right to insist on strict compliance with the provisions of this Agreement.
16. Binding Effect – This Agreement shall be binding upon and inure to the benefit of parities and their respective successors, assigns, heirs, and personal representatives except as otherwise provided herein.

IN WITNESS WHEREOF, the parties have hereto set their hands this _____ day of _____, 2018.

Dave Phalen
Sheriff
Fairfield County, Ohio

CITY OF CANAL WINCHESTER
COUNTY OF FRANKLIN
STATE OF OHIO

By: _____
Michael Ebert
Mayor

I hereby certify that at the time this Agreement was executed, sufficient funds were appropriated for the purpose of such contract and in the treasury or in the process of collection to the credit of the appropriation fund free of any previous encumbrances.

Amanda Jackson
Finance Director
City of Canal Winchester

Fairfield County Board of Commissioners by Resolution # _____ dated
_____.

Steve Davis

Mike Kiger

David Levacy

Attest:

Rachel Elsea, Clerk

APPROVED AS TO FORM:

By: _____
Prosecuting Attorney

By: _____
City Law Director

EXHIBIT "A"
FAIRFIELD COUNTY SHERIFF'S OFFICE
VILLAGE OF CANAL WINCHESTER POLICING CONTRACT PROPOSAL FOR 2019

Shifts per day	3	
Deputies required for policing village per shift	2	
 #of deputies needed to fulfill contract		 11
 Deputy cost for contract		 <u>\$ 967,270.00</u>
 Additional personnel needed:		
1 Full Time Sergeant		\$ 109,550.00
1 Full Time Dispatcher		\$ 61,797.00
 Total Personnel Costs		 <u>\$ 1,138,617.00</u>
 <u>Other Direct Support Costs</u>		
<u>Gasoline</u>		
Vehicles needed per contract requirements	4	
Average Miles per year	100,000	
Average miles per gallon	16	
Average gasoline cost per gallon	\$ 3.00	
Annual Gasoline Cost (Miles/Avg miles per gallon x Avg Cost per gallon)		\$ 18,750.00
 <u>Vehicle Repairs/Maintenance</u>		
Average Vehicle Maintenance @ \$2,00.00/vehicle		\$ 8,000.00
 Total Other Direct Support costs		 \$ 26,750.00
 Total Costs		 <u>\$ 1,165,367.00</u>
 MONTHLY BILLING AMOUNT		 <u>\$ 97,113.917</u>
 January through November payments		 <u>\$ 101,801.41</u>
 December payment		 <u>\$ 101,801.49</u>

ORDINANCE NO. 18-037

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE FAIRFIELD COUNTY COMMISSIONERS AND FAIRFIELD COUNTY SHERIFF'S DEPARTMENT FOR HOUSING OF PRISONERS

WHEREAS, Council hereby finds and determines that it is in the best interest of the City of Canal Winchester to enter into a contract with the Fairfield County Commissioners and Fairfield County Sheriff's Department for housing of prisoners; and

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

SECTION 1. That the Mayor be authorized to enter into a contract on behalf of the City of Canal Winchester with the Fairfield County Commissioners and the Fairfield County Sheriff's Department for the housing of prisoners, in a form acceptable to the Director of Law.

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

DATE PASSED _____

PRESIDENT OF COUNCIL

ATTEST _____
CLERK OF COUNCIL

MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

LAW DIRECTOR

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

FINANCE DIRECTOR/CLERK OF COUNCIL

ORDINANCE NO. 18-033

AN ORDINANCE AMENDING SECTION 1193 OF THE CODIFIED ORDINANCES REGARDING WIRELESS COMMUNICATION FACILITIES

WHEREAS, in order to provide regulations for the construction and use of wireless communication facilities within the City of Canal Winchester to ensure that such devices are in good operation, have minimal impact on other properties and do not create a public nuisance;

WHEREAS, the Planning and Zoning Commission initiated Application #ZA-18-004 and following a public hearing held on Sept 10, 2018 has recommended approval of this ordinance; and

WHEREAS, notice of a public hearing has been duly advertised and the public hearing has been held before the Council of the City of Canal Winchester.

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

Section 1. That Section 1193 of the Codified Ordinances of the City of Canal Winchester, shall hereby be amended to read as follows:

**CHAPTER 1193
Wireless Communication Facilities**

1193.01 Intent and Purpose

1193.02. Definitions

1193.03 Private Non-Commercial Antennas, Satellite Dish Antennas, and Antenna Support Structures

1193.04 Amateur Radio Antennas and Antenna Support Structures

1193.05 Commercial, Public, and Semi-public Antennas, Support and Equipment Structures

1193.06 Small-Cell Facilities in Municipal Rights-of-Way

CROSS REFERENCES

Definitions - see P. & Z. Chapter 1133

Accessory Uses and Structures – see P. & Z. Chapter 1195

1193.01 INTENT AND PURPOSE.

The intent of this Chapter is to balance the diverse interests in wireless communication; to improve citizen access and use of new and existing technologies; to assure the right of business the exercise of free trade; and to protect the community from uncontrolled proliferation of antennas and antenna support structures. More specifically, the purpose is to provide for the proper location of private as well as public and commercial wireless facilities, including antennas, dish antennas, antenna support structures, and accessory equipment structures; to encourage multiple use of antenna support structures (i.e., **building and structures other than towers**) and **existing towers, rather than construction of new towers**; to ensure compatibility with nearby uses; in particular to minimize negative impacts on residential areas; and otherwise to assure the public health, safety and general welfare of the community. It is also the purpose of this Chapter to conform with the federal preemption pertaining to amateur radio operations per 101 FCC 2d 952 (1985) and with exemptions for antennas utilized by amateur radio operators who are duly licensed by the FCC under Part 97 Rules Section 153(q) of Title 47 USC, **and to comply with the Federal Telecommunications Act of 1996, the 2012 Public Safety and Spectrum**

Act, and other federal or state laws governing requests for installation, collocation, or expansion of wireless telecommunications facilities and support structures.

1193.02 DEFINITIONS

(a) *General use of terms.*

(1) The terms, phrases, words, and their derivations used in this chapter shall have the meanings given in this section.

(2) When consistent with the context, words used in the present tense also include the future tense; words in the plural number include the singular number; and words in the singular number include the plural number.

(3) All terms used in the definition of any other term shall have their meaning as otherwise defined in this section.

(4) The words "shall" and "will" are mandatory and "may" is permissive.

(5) Words not defined shall be given their common and ordinary meaning.

(b) *Defined terms.*

(1) *"Abandoned"* Any small cell facilities or wireless support structures that are unused for a period of three hundred sixty-five days without the operator otherwise notifying the city and receiving the city's approval.

(2) *"Alternative Tower Structure"* Includes, but is not limited to man-made trees, clock towers, bell steeples, light poles, power poles, and similar alternative-design mounting structures or other buildings or structures that are intended to camouflage or conceal the presence of antennas, towers, and other wireless communications facilities.

(3) *"Antenna"* Any transmitting or receiving device used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communications signals, or other communication signals.

(4) *"Antenna Support Structure"* Any building or structure other than a tower which can be used for the location of wireless communications facilities.

(5) *"Applicant"* Any person that applies for administrative review, conditional use review, certificate of zoning plan approval, or other permit or approval according to the requirements of this chapter.

(6) *"Application"* The materials and process by which an applicant submits a request as authorized by the property owner and indicates a desire to be granted approval of an antenna, tower, antenna support structure, or any other wireless communications facility under the provisions of this chapter. An application includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the city concerning the request, but shall not include materials submitted as part of a request for non-binding pre-application review.

(7) *"Backhaul Network"* The infrastructure that connects a provider's wireless communications facility sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(8) **“Cable Franchise”** An initial authorization, or renewal thereof (including a renewal of an authorization which has been granted subject to 47 U.S.C. 522 Section 546), issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a cable system.

(9) **“Cable Microcell Network or CMN”** A wireless telecommunications facility characterized by small antennas and equipment cabinets, and typically located on a small diameter monopole; on an existing or replacement street light, power pole, sign, or other suitable structure; or on an existing building.

(10) **“Cable Operator”** Any person or group of persons:

A. Who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or

B. Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system;

(11) **“Cable Service”**

A. The one-way transmission to subscribers of (i) video programming, or (ii) other programming service; and

B. Subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

(12) **“CFR”** Committee of the Federal Register, established under section 1506 of title 44, United States Code.

(13) **“Clear Zone”** The unobstructed, traversable area provided beyond the edge of the through traveled way for the recovery of errant vehicles. The clear zone includes shoulders, bike lanes, and auxiliary lanes, except those auxiliary lanes that function like through lanes. As defined in the ODOT Location and Design Manual, Volume 1, Section 600—Roadside Design.

(14) **“Cellular-On-Wheels or COW”** A temporary mobile wireless communications facility that consists of a wireless antenna tower and associated equipment on a truck, trailer, or other mobile structure designed to be part of a wireless network.

(15) **“Chief Building Official”** The Chief Building Official of the city.

(16) **“City”** The City of Canal Winchester, Ohio.

(17) **“Code”** The Codified Ordinances of the City.

(18) **“Collocation”** The use of, or ability to use, a wireless communications facility or support structure by more than one wireless communications provider or more than one wireless antenna array.

(19) **“Conditional Use”** A use allowed in a zoning district after approval of the Planning and Zoning Commission according to the provisions of Chapter 1145 of the Codified Ordinances.

(20) **“Decorative Pole”** A pole, arch, or structure other than a street light pole placed in the public way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following:

- A. Electric lighting;
- B. Specially designed informational or directional signage;
- C. Temporary holiday or special event attachments.

(21) ***“Design Guidelines”*** Means those detailed design guidelines, specifications and examples promulgated by the City for the design and installation of small cell facilities and wireless support structures, which are effective insofar as they do not conflict with federal and state law, rule and regulations, or with the provisions of the Codified Ordinances.

(22) ***“District or Zoning District or Zone District”*** A portion of the city within which certain uses of land and/or buildings are permitted and under the regulations and requirements of Part Eleven of the Codified Ordinances.

(23) ***“Eligible Facilities Request”*** Means the same as defined by the FCC in 47 U.S.C. 1455 (a)(2), as may be amended.

(24) ***“Emergency”*** A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action, mitigation, or abatement.

(25) ***“Engineer”*** Any engineer currently licensed by the State of Ohio.

(26) ***“Equipment Shelter, Equipment Structure, or Equipment Cabinet”*** The structure in which the electronic receiving and relay equipment or other necessary equipment for a wireless communications facility is located.

(27) ***“FAA”*** The U.S. Federal Aviation Administration, and any legally appointed, designated, or elected agent or successor.

(28) ***“FCC”*** The U.S. Federal Communications Commission and any legally appointed, designated, or elected agent or successor.

(29) ***“Height or Above Ground Level or AGL”*** When referring to a tower or other structure, the distance measured from the finished grade at the base of the tower or structure to the highest point on the tower or structure, including the base pad and any antenna, but not including lightning arrest devices.

(30) ***“Historic District”*** A building, property, or site, or group of buildings, properties, or sites that are either of the following:

A. Listed in the national register of historic places or formally determined eligible for listing by the keeper of the national register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the national register, in accordance with section VI.D.1.a.i-v of the nationwide programmatic agreement codified at 47 C.F.R. part 1, Appendix C;

B. A registered historic district as defined in section 149.311 of the Revised Code.

(31) ***“Landmarks Commission”*** The Landmarks Commission created by Section 1139.02 of the Codified Ordinances.

(32) ***“Monopole”*** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

(33) ***“Nonconforming Tower”*** Any tower or antenna lawfully existing at the effective date of or amendment to this chapter which does not currently conform to the requirements of this chapter.

(34) ***“Occupy or Use”*** With respect to the right-of-way, to place a tangible thing in the right-of-way for any purpose, including, but not limited to, constructing, repairing, positioning, maintaining, or operating lines, poles, pipes, conduits, ducts, equipment, or other structures, appurtenances, or facilities necessary for the delivery of public utility services or any services provided by a cable operator.

(35) ***“Ohio Manual of Uniform Traffic Control Devices or OMUTCD”*** The uniform system of traffic control devices promulgated by the Ohio Department of Transportation.

(36) ***“Old Town Overlay District”*** The Old Town Overlay District established by Section 1175.01 of the Codified Ordinances.

(37) ***“Operator”*** A wireless service provider, cable operator, or a video service provider that operates a small cell facility and provides wireless service. For the purpose of §§1193.06 through 1193.065, “operator” includes a wireless service provider, cable operator, or a video service provider that provides information services as defined in the “Telecommunications Act of 1996,” 110 Stat. 59, 47 U.S.C. 153(20), and services that are fixed in nature or use unlicensed spectrum.

(38) ***“Person”*** Any individual, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for-profit. (definition given in 1133 definitions)

(39) ***“Planning And Zoning Commission”*** The Planning and Zoning Commission for the city, as created by Section 7.01 of the City Charter.

(40) ***“Public Utility or Utility”*** A facilities-based provider of wireless service to one or more end users in this state, or any company described in section 4905.03 of the Ohio Revised Code and as further defined in section 4905.02 of the Ohio Revised Code, including but not limited to the following types of companies: telephone, electric light, gas, natural gas, pipe-lines, water-works, and sewage disposal systems

(41) ***“Right-of-Way”*** The surface of and the space above and below the paved or unpaved portions of any public street, public road, public highway, public freeway, public lane, public path, public bike path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive and any other land dedicated or otherwise designated for the same now or hereafter held by the city. “Right-of-way” shall not include private easements or public property, except to the extent the use or occupation of public property is specifically granted in a right-of-way permit or by administrative regulation. (definition given in 1133 definitions)

(42) ***“Small Cell Facility”*** A wireless facility that meets both of the following requirements:

A. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.

B. All other wireless equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

(43) **“Stealth”** A wireless communications facility designed to appear as another natural or artificial object that exists in the surrounding environment or which is architecturally integrated into a building or other structure, and designed to be minimally obtrusive and to camouflage or conceal the presence of antennas or towers, at the determination of the required reviewing body.

(44) **“Substantial Change”** Has the same meaning as described in 47 C.F.R. 1.40001(b)(7).

(45) **“Temporary Wireless Communications Facilities”** A cellular-on-wheels unit; an antenna on a bucket truck, crane, crank-up tower, tower; or another wireless communications facility required to evaluate a site for a temporary placement of a wireless communications facility as permitted by this chapter or for providing communications during an emergency, special event, conference, or other situations for limited periods while the use of a permanent wireless communication facility is temporarily interrupted.

(46) **“Tolling or Toll Period”** The pausing or delaying of the running of a required time period.

(47) **“Tower”** Any structure designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, wireless communications towers, alternative tower structures, and the like. The term includes the structure and any necessary supports.

(48) **“Utility Pole”** A structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service. "Utility pole" excludes street signs and decorative poles.

(49) **“Video Service Provider”** A person granted a video service authorization under sections 1332.21 to 1332.34 of the Ohio Revised Code.

(50) **“Wireline Backhaul Facility”** A facility used for the transport of communications service or any other electronic communications by coaxial, fiber-optic cable, or any other wire.

(51) **“Wireless Communications Facilities or WCF”** Includes, but shall not be limited to, towers, poles, cables, wires, lines, wave guides, antennas, microwave dishes, small cell facilities and wireless support structures, and/or any other equipment or facilities associated with the transmission or reception of communications as regulated by the FCC (or other unregulated wireless communication facility). The term shall not include:

A. Any satellite earth station antenna 6.6 feet or less in diameter or diagonal measurement located in a non-residential district.

B. Any satellite earth station antenna one meter or less in diameter or diagonal measurement that is designed to receive direct broadband satellite service, including direct-to-home satellite services, or to receive or transmit fixed wireless signals via satellite regardless of zoning

category.

C. Any antenna that is 3.3 feet or less in diameter or diagonal measurement and is designed to receive video programming service via broadband video services (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

D. Any antenna that is designed to receive local television broadcast signals and does not use a mast higher than 15 feet above the tallest point of the roof of the tallest principal or accessory structure, excluding chimneys, cupolas, or other architectural elements.

E. Antennas used by amateur radio operators.

F. Towers, structures, antennas, or other equipment used for the purposes of operating a public safety voice or data radio network or an outdoor early warning system within the city limits. This includes directional and omnidirectional antenna equipment, as well as microwave and point-to-point equipment.

(52) **“Wireless Service”** Any services using licensed or unlicensed wireless spectrum, whether at a fixed location or mobile, provided to the public using wireless facilities.

(53) **“Wireless Service Provider”** A person who provides wireless service as defined herein.

(54) **“Wireless Support Structure”** A pole, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting small cell facilities, excluding utility poles or other facilities used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

~~1193.02~~ 1193.03 PRIVATE NON-COMMERCIAL ANTENNAS, SATELLITE DISH ANTENNAS, AND ANTENNA SUPPORT STRUCTURES.

Private non-commercial antennas, satellite dish antennas, and antenna support structures are permitted accessory uses in any zone district under the following conditions:

(a) Exclusion: This section does not apply to satellite dish antennas 3.3 feet or less in diameter in residence zones or 6.6 feet or less in commercial and industrial zones.

(b) Dish antennas greater than five (5) feet in diameter may not be placed on the roof of a principal or accessory building in any residential zone because of objectionable aesthetic impact on surrounding dwellings and views therefrom.

(c) Structures controlled under provisions of this Section, including guys, are prohibited in any front or side yard of a lot or parcel in any residential or commercial zone and shall not encroach upon any side yard setback line, nor be placed within ten (10) feet of the rear property line, ~~provided that guy wire anchors may be located within one (1) foot of property lines that define the rear yard.~~ In addition, an antenna support structure in residential and commercial zones shall be set back from the nearest property line a distance equal to structural height.

(d) Height of any antenna support structure covered under this Section shall be controlled by the height regulation of the zone in which it is located, provided that an antenna on such support structure shall be permitted up to twenty-five (25) feet of additional height in excess of the zone limit.

(e) Structures covered under this Section, for which an in-ground foundation or substructure must be constructed or which are roof mounted and extend more than fifteen (15) feet above the ridge line of the roof, shall require a building permit prior to erection, enlargement, increase in height or relocation. The application for a

permit shall include address of lot or parcel, type of structure and height, and placement on lot or parcel shown on an illustration drawn to scale. Also required is information on method of installation including, as appropriate, details on structural support, footings, foundations, guys, braces, anchors, and grounding. As part of the permitting process the applicant will affirm receipt of a Safety Advisory Bulletin concerning safety issues, grounding, anti-climb devices, guying and wire sizes, and maintenance and inspections.

(f) Climbable antenna support structures shall be completely enclosed by a fence six (6) feet in height or shall have an effective anti-climb device attached as described in the Safety Advisory Bulletin. If fenced, the fence shall restrict the passage of a two (2) inch diameter sphere.

(g) Lots or parcels in residential zones shall be limited to not more than one (1) antenna support structure per building containing one (1) or more dwelling units.

(h) An antenna support structure shall be inspected annually and maintained in a safe condition by the owner or operator. Such owner or operator shall notify the Planning and Zoning Administrator if requisite safety standards are no longer being met and what steps are being taken to remedy the situation. The owner or operator of such structure shall maintain a record of inspections on file and a log of routine maintenance as well as work undertaken in response to inspections.

(i) Upon cessation of ownership or leasehold rights in an antenna support structure, the operator or property owner shall remove such structure within ninety (90) days, or within thirty (30) days of receipt of final written notice from the Municipality to do so, provided that the new owner or leaseholder may retain said structure, after its inspection and written notice to the Planning and Zoning Administrator of the intention to retain such structure and to assume responsibility for same under this section.

1193.03-1193.04 AMATEUR RADIO ANTENNAS AND ANTENNA SUPPORT STRUCTURES.

Amateur radio antennas and antenna support structures are permitted accessory uses in any zone district under the following conditions:

(a) Exclusion: This section does not apply to satellite dish antennas 3.3 feet or less in diameter in residence zones or 6.6 feet or less in commercial and industrial zones, and wire antennas erected unobtrusively for the purpose of amateur radio communications.

(b) Dish antennas greater than five (5) feet in diameter may not be placed on the roof of a principal or accessory building in any residential zone because of objectionable aesthetic impact on surrounding dwellings and views therefrom.

(c) Structures controlled under provisions of this Section are prohibited in any front or side yard of a lot or parcel in any residential or commercial zone, provided that guy wire anchors may encroach into the side yard. Guy wire anchors and structural foundations may be located not closer than ~~one (1) foot~~ **five (5) feet** to property lines that define the rear **or side** yard, ~~and in the case of guy wire anchors, in the side yard, provided that antennas may encroach within the one (1) foot setback, and may even protrude over the lot line, where written permission to do so is provided by the current affected property owner and is on file with the Planning and Zoning Administrator.~~

(d) The overall antenna height shall be limited to one ~~hundred (100)~~ **fifty (50)** feet above grade whether freestanding or mounted on a structure. **In addition, an antenna support structure, plus the antenna(s) shall be set back from the nearest property line a distance equal to structural height.** If the Planning Commission determines it necessary to consult with an expert in considering an increase in overall antenna height, all reasonable costs and expenses associated with such consultation shall be borne by the person seeking to exceed such height limit.

(e) Structures covered under this Section, for which an in-ground foundation or substructure must be constructed, and/or which exceed thirty-five (35) feet in height above grade, or which are roof-mounted ~~and extend more than fifteen (15) feet above the ridge line of the roof,~~ shall require a building permit prior to erection, enlargement, increase in height or relocation. The application for a permit shall include address of lot or parcel,

type of structure and height, and placement on lot or parcel shown on an illustration drawn to scale. Also required is information on method of installation including, as appropriate, details on structural support, footings, foundations, guys, braces, anchors, and grounding. As part of the permitting process the applicant will affirm receipt of a Safety Advisory Bulletin concerning safety issues, grounding, anti-climb devices, guying and wire sizes, and maintenance and inspections.

(f) Climbable antenna support structures shall be completely enclosed by a fence six (6) feet in height or shall have an effective anti-climb device attached as described in the Safety Advisory Bulletin. If fenced, the fence shall restrict the passage of a two (2) inch diameter sphere. **Climbable antenna support structures shall only be permitted in non-residential zoning districts.**

(g) **Lots or parcels over one (1) acre.** Lots or parcels in residential zones ~~zoning districts over one (1) acre~~ shall be limited to not more than one antenna support structure in excess of thirty-five (35) feet in height above grade per building containing one or more dwelling units. ~~A second support structure, which is thirty-five (35) feet or less in height, shall be permitted, and may be accompanied by antenna(s) of up to twenty-five (25) feet of additional height.~~ **The maximum height of the antenna support structure, plus the antenna(s) shall not exceed fifty (50) feet in height above grade. In addition, an antenna support structure, plus the antenna(s) shall be set back from the nearest property line a distance equal to structural height.**

(h) **Lots or parcels under one (1) acre.** Lots or parcels in residential zoning districts under one (1) acre may be granted a Conditional Use Permit as described in Section 1145, which would be limited to not more than one (1) antenna support structure in excess of thirty-five (35) feet in height above grade per building containing one or more dwelling unit. **The maximum height of the antenna support structure, plus the antenna(s) shall not exceed fifty (50) feet in height above grade. In addition, an antenna support structure, plus the antenna(s) shall be set back from the nearest property line a distance equal to structural height.**

(i) An antenna support structure shall be inspected annually and maintained in a safe condition by the owner or operator. Such owner or operator shall notify the Planning and Zoning Administrator if requisite safety standards are no longer being met and what steps are being taken to remedy the situation. The owner or operator of such structure shall maintain a record of inspections on file and a log of routine maintenance as well as work undertaken in response to inspections.

(i) Upon cessation of ownership or leasehold rights in an antenna support structure, the operator or property owner shall remove such structure within ninety (90) days, or within thirty (30) days of receipt of final written notice from the Municipality to do so. Where the new owner or leaseholder is a licensed amateur radio operator, such person may retain said structure after its inspection and written notice to the Planning and Zoning Administrator of intention to do so and to assume responsibility for same under this section.

1193.04 1193.05 COMMERCIAL, PUBLIC, AND SEMI-PUBLIC ANTENNAS, SUPPORT AND EQUIPMENT STRUCTURES.

Commercial, public, and semi-public antennas, radio and television antennas, microwave and other wireless ~~communication antennas~~ **communications facilities**, dish antennas, antenna-support structures, towers, and equipment structures, are permitted as primary or accessory uses, subject to Site Plan Review of Chapter 1141 under the ~~following conditions~~ **terms and conditions set forth in this Section. Installation of small cell facilities in public rights-of-way shall be governed by §§1193.06 through 1193.065.**

(a) Antenna support structures with antenna, **and towers**, may be located as follows:

(1) On property or existing buildings in any commercial or industrial zone where located not closer than five hundred (500) feet from any residential unit in any residential zone, subject to review by the Planning and Zoning Commission. ~~Support structures. Towers shall be excluded from Municipality park, cemetery, and museum property, provided that public communication structures qualifying as essential services as defined in this chapter shall not be so excluded.~~

(2) On property or existing buildings in any residential zone where located not less than five hundred (500) feet from any residential unit in any residential zone, subject to review by the Planning and Zoning Commission. Support structures. ~~Towers shall be excluded from Municipality park, cemetery, and museum property, provided that public communication structures qualifying as essential services as defined in this chapter shall not be so excluded.~~

(3) **All towers placed or constructed within the City shall be designed to have a stealth appearance, including by use of alternative tower structures, to be aesthetically and architecturally compatible with the surrounding built or natural environment. All wireless communications facilities collocated on antenna support structures shall be designed to have a stealth appearance, which may include concealment in RF-transparent material, color, or other techniques to make the facility aesthetically and architecturally compatible with the surrounding built or natural environment.**

(b) Antennas and antenna arrays, independent of antenna support structures normally accompanying their use, may be located as follows **An antenna support structure may consist of the following:**

(1) ~~On~~ Existing buildings or structures in commercial and industrial zones.

(2) ~~In any zone on~~ Existing tall structures, excluding those provided for in Section 1493.02 **1193.03** and 1493.03 **1193.04**, such as communication towers power transmission towers and poles, stadium and athletic field lighting standards, water storage tanks, ~~street light standards along expressways and major and regional streets as defined by the Municipality's thoroughfare plan, and on or within other similar tall structures as determined by the Planning and Zoning Administrator.~~

(c) Structures for housing of equipment required to operate an antenna, not higher than twelve (12) feet above grade nor greater than three hundred (300) square feet in area, may be constructed in proximity to an antenna support structure or existing tall **structure wireless communications facility** as accessory to each antenna array or user of an antenna support structure **wireless communications facility**. A single, larger structure may be built for multiple users, provided that total floor area does not exceed six hundred (600) square feet. An equipment structure may also be treated as a mechanical appurtenance or penthouse on the roof of an existing building on which the antenna, antenna array, or antenna support structure is erected. Where the equipment structure is erected at grade, color and character of the exterior surface shall be aesthetically and architecturally compatible with buildings in the surrounding area.

(d) Except in LM and PID Zones, ~~antenna support structures towers~~ shall maintain a setback from the nearest property line a distance at least equal to the height of the structure ~~provided that a structure mounted on the roof of a building shall not be so restricted~~ **Antennas mounted on the roof of an antenna support structure shall not, in combination with the structure, exceed the maximum height permitted in the zoning district.**

(e) Overall antenna **tower** height covered under this Section shall be limited to not more than one hundred fifty (150) feet above grade.

(f) Required submittals accompanying applications:

(1) **Completed application form and application fee;**

(2) **A scaled and dimensioned site plan (not less than 1" = 50') clearly indicating the following:**

(A) **Location, type and height of the proposed wireless communications facility (height includes height of antenna and antenna support structure if the facility is being located on an existing antenna support structure; height includes total height from grade for a tower);**

(B) **The existing or proposed lease area and parcel boundaries for the site;**

(C) On-site land uses and zoning, and adjacent land uses and zoning (including adjacent land outside municipal boundaries, if applicable);

(D) Adjacent roadways and rights-of-way;

(E) Any buildings within 100 feet of the property boundary;

(F) Proposed means of pedestrian and/or vehicular access as applicable to the type of facility;

(G) The setback distance between the proposed wireless communications facility, equipment structures or cabinets, and the nearest property lines;

(H) Elevation drawings of the proposed wireless communications facilities, including material specifications for all associated site improvements; and

(I) Any other proposed improvements, including but not limited to structures, grading, tree removals and replacement, topography, parking, and other information necessary to determine compliance with the provisions of this Section.

(3) Legal description and/or property survey of the parent tract and leased parcel (if applicable);

(4) For all new towers, the separation distance from other existing and planned wireless communications facilities shall be shown on a map, and shall include latitudinal and longitudinal location coordinates of such existing and planned facilities. The applicant shall also identify the type of construction of the existing wireless communications facilities and the owner/operators of the existing facilities, if known;

(5) For all new towers, a landscape and screening plan showing proposed landscape materials, quantities, installation sizes, and/or fencing materials, to screen the base of the tower and any accessory equipment structure, compliant with Chapter 1191 of the Codified Ordinances;

(6) A written statement that the applicant complies with applicable requirements of this Section and all applicable federal, state, or local laws, including those of the FCC and FAA;

(7) For all new towers, a structural analysis sealed by an engineer affirming that the proposed tower will accommodate collocation of additional antennas as required by division (i) of this Section;

~~(1) Applicant must provide a written statement that the proposed antenna and antenna support wireless communications facility is compliant with: antenna and antenna support structure site federal registration; federal law and regulations concerning maximum exposure to non-ionizing radiation and ionizing radiation standards, singly or as co-located, recertified biannually.;~~

~~(2) Applicant must provide an analysis of the visual impact of the antenna support structure on the surrounding area. Such analysis shall include points-of-view renderings of the structure to scale in its proposed setting, with special attention to adjoining residential areas, including proposed landscaping to screen the structure base and any accessory building.~~

(g) No placement of new antenna support structures **towers** shall be permitted unless the Planning and Zoning Commission finds credible evidence establishing to a reasonable certainty one or more of the following:

(1) No existing antenna support structure, ~~tall structure or building~~ **or tower** is located in the area in which the applicant's equipment must be located, or

(2) No existing antenna support structure or ~~tall structure or building~~ **tower** in the area is of sufficient height to meet the applicant's requirements and the deficiency cannot be remedied at reasonable cost, or

(3) No existing antenna support structure or ~~tall structure or building~~ **tower** within the area has sufficient structural strength to support the applicant's equipment and the deficiency cannot be remedied at reasonable cost, or

(4) Electromagnetic interference would occur between the applicant's and existing equipment and such interference cannot be eliminated at reasonable cost, or

(5) The fees, costs or contractual provisions required by the owner to co-locate on existing antenna support structure ~~tall structure or building~~ **or tower** are unreasonable relative to industry norms, or

(6) The applicant demonstrates that there are other factors that render existing antenna support structures, ~~tall structures or buildings~~ **or towers** unsuitable or unavailable for co-location. The cost of eliminating impediments to ~~co-location~~ **collocation** shall be deemed reasonable if it does not exceed ~~by twenty-five (25) percent~~ **one hundred twenty-five percent (125%)** of the cost of constructing a new antenna support structure **tower** on which to mount the applicant's equipment.

(h) If the Planning and Zoning Commission determines it necessary to consult with an expert in considering the factors listed in subsection (g) above, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. Failure to pay such costs and expenses or provide information requested by the Planning & Zoning Commission shall be grounds for denial or the withholding of the issuance of a building permit until such costs have been paid.

(i) Unless shown to be unreasonable, a condition of approval shall be to construct ~~an antenna support~~ **the tower** so as to accommodate the ~~co-location~~ **collocation** of at least three additional antenna arrays similar in size and function to that placed by the applicant. The additional ~~co-location~~ **collocation** sites shall be made available at prevailing rates in the industry and under standard contractual provisions. Failure to do so shall be considered grounds for denying approval or voiding of approvals given.

(j) Any modification which significantly alters the appearance, height, or structural integrity of ~~an antenna support structure~~ **a tower** or which involves the installation of antenna equipment differing in size or function from that previously installed shall require the approval of the Planning and Zoning Commission.

(k) Additional approval by the Planning and Zoning Commission shall not be required for ~~co-location~~ **collocation** on an existing antenna support structure **or tower**, provided the ~~co-located~~ **collocated** antenna array and equipment is similar in size and function to that installed by the applicant of the approved **tower or** antenna support structure. Such ~~co-location~~ **collocation** shall be subject to review and approval of the Planning and Zoning Administrator. **All applications for location of a wireless communications facility in the Old Town Overlay District, Historic District, and Preservation Districts, or on a designated Landmark as defined in §1139.02 of the Codified Ordinances, shall be subject to review for a certificate of appropriateness from the Landmarks Commission pursuant to §1175.01 of the Codified Ordinances.**

(l) No advertising or business signs shall be allowed on ~~structures covered under this section~~ **wireless communications facilities.**

(m) No signals, lights or illumination not required by the FCC, FAA, or Municipality may be placed on ~~structures covered by this Section~~ **wireless communications facilities.** Any such required signal or light shall be shielded to prevent downward transmission of light **unless such shielding is contrary to an express requirement of the FCC, FAA, or other regulating authority having jurisdiction over the facility.**

(n) ~~Antenna support structures~~ **All wireless communications facilities and accessory equipment structures** shall have an exterior finish that preserves their structural integrity and visual appearance.

(o) Structures covered under this Section shall require a building permit prior to erection, enlargement, and increase in height or relocation. The application for a permit shall include construction drawings showing the proposed method of installation, including details of structural support, footing, foundation, guys, braces, anchors, and such other information as required by the Planning and Zoning Administrator to assure proper engineering practice. A site plan and other illustration drawn to scale shall be provided showing the lot or parcel on which the structure is to be erected, all structures on site, all structures within two hundred (200) feet of the site, all structural elements, and all other relevant information.

(p) ~~Antenna support structures~~ **Towers** shall be inspected annually and maintained in a safe condition by the owner or operator. Such owner or operator shall notify the Planning and Zoning Administrator if requisite safety requirements are no longer being met and the steps being taken to remedy the situation. The owner or operator shall maintain inspection reports on file and a log of routine maintenance as well as work undertaken in response to inspection reports.

(q) The owner or operator of an ~~antenna or antenna support structure~~ **a wireless communications facility** shall give notice to the Planning and Zoning Administrator when such equipment is no longer in use. Any such equipment no longer used for a continuous period of six (6) months or which no longer meets safety standards in the view of the Planning and Zoning Administrator shall be removed ~~it shall be removed~~ within sixty (60) days of written notice by the Municipality to do so. If not removed within such sixty (60) day period, the Municipality may remove it at the owner's expense.

(r) **The following provisions shall apply to administrative review of applications to place, construct, or modify wireless communications facilities under this Section:**

(1) **Applications to place, construct, or modify wireless communications facilities will receive a decision within a reasonable period of time after the application is filed; one hundred fifty days for applications to install a new tower, and ninety days for collocation on an existing tower or antenna support structure, are presumed to be reasonable.**

(2) **The presumptive reasonable time for decision on an application as provided in 1193.05(r)(1) may be waived, tolled, or extended for a definite period of time by mutual agreement of authorized agents of the City and the applicant.**

(3) **The Planning and Zoning Commission, Landmarks Commission, Planning and Zoning Administrator, or other reviewing official, if denying an application to place, construct, or modify a wireless communications facility, will provide such decision to the applicant in writing. The decision shall be supported by substantial evidence contained in a written record, which shall be provided either in the same writing as the decision or essentially contemporaneously with the decision.**

(s) **Temporary wireless communications facilities may be approved by the Planning and Zoning Administrator for a period not to exceed thirty days. The Planning and Zoning Administrator may permit one thirty-day extension of the approval for a temporary facility. All temporary wireless communications facilities shall be subject to height and setback requirements of this Section; be accompanied by temporary screening to minimize visual impact on its surroundings; not emit noise audible from a distance of fifty feet or more from the property line or cause inconvenience or annoyance to persons of ordinary sensibilities; and comply with all federal, state, and local laws, rules, and regulations concerning operation of temporary wireless communications facilities.**

(t) **Nonconforming towers shall be permitted to continue their use as they exist as of the date of adoption or amendment of this Section. Routine maintenance of nonconforming towers is permitted. If the nonconforming tower is damaged or destroyed by forces outside the owner's control (force majeure), it may be replaced by a tower of like construction and height serving the same purpose without having to obtain zoning approval; it shall still be subject to all building, electrical, and similar permit requirements.**

Such re-construction must be completed within one year of the nonconforming tower's damage or destruction.

1193.06 SMALL-CELL FACILITIES IN MUNICIPAL RIGHTS-OF-WAY

(a) *General Requirements.* The following requirements shall apply to all small cell facilities and wireless support structures proposed within the right-of-way.

- (1)** No person shall occupy or use the right-of-way except in accordance with law.
- (2)** In occupying or using the right-of-way, no person shall unreasonably compromise the public health, safety, and welfare.
- (3)** No person shall occupy or use the right-of-way without first obtaining any requisite consent of the City. Before placing small cell facilities or wireless support structures in the right-of-way, an operator must apply for and receive a general right-of-way permit under this Section. This provision shall not be construed to waive application fees or any other construction or work permit necessary for work in the City.
- (4)** The provisions of 1193.06 through 1193.065 shall not be construed to permit the construction and operation of wireline backhaul facilities, which shall continue to be subject to Chapter 1197 of the Codified Ordinances.

(b) *Pre-Application Conference.*

(1) *Purpose.* Applicants are strongly encouraged to contact the City and request a pre-application conference. This meeting will provide an opportunity for early coordination regarding proposed small cell facilities and wireless support structure locations and design, and the application submittal and review process, to avoid any potential delays in the processing of an application and deployment of small cell facilities and wireless support structures in the City.

(2) *Appointment Required.* An appointment is required for all pre-application conferences. Applicants must contact the designated City staff member as noted on the application form, who will provide applicants an appointment with all applicable City representatives in a timely manner.

(c) *Application Required.* In accordance with federal and state law and the Codified Ordinances, an operator may apply to the City to collocate a small cell facility on an existing wireless support structure and to construct, maintain, modify, operate, or replace wireless support structures in, along, across, upon, and under the city rights-of-way. Anyone seeking to collocate a small cell facility on an existing wireless support structure and/ or to construct, maintain, modify, operate, or replace wireless support structures in, along, across, upon, and under the city rights-of-way shall first duly file a written application with the City, in accordance with the requirements in this section and additional requirements set forth in the Design Guidelines as modified from time to time by the City.

(d) *Required Application Materials.* Unless otherwise required by state or federal law, all applicants shall submit to the City materials and information associated with each application as outlined in the Design Guidelines in order for the application to be considered complete.

1193.061 APPLICATION REVIEW TIMEFRAMES AND PROCESS

(a) *Permit Application Review Timeframes.*

(1) *Collocation of Small Cell Facilities on Existing Wireless Support Structures.* The City shall grant or deny its consent for requests to collocate, or to replace or modify a small cell facility on, or associated with, an existing wireless support structure not later than ninety (90) days after the date of filing by an entity of a completed application.

(2) *New Wireless Support Structures and Associated Small Cell Facilities.* The City shall grant or deny its consent for requests to construct, modify, or replace a wireless support structure associated with a small cell facility within the right-of-way not later than one hundred twenty (120) days after the date of filing by an entity of a completed application.

(3) *Wireless Support Structure and/or Small Cell Facilities Removal.* The City shall grant or deny its consent for requests to remove wireless support structures associated with small cell facilities from the right-of-way typical to the review timeframes for the General Right-of-Way Permit required for this activity.

(4) *Eligible Facilities Request.* The City shall approve Eligible Facilities Requests in accordance with Ohio Revised Code Chapter 4939, 47 C.F.R. 1.40001, and this Chapter not later than sixty (60) days after the date of filing by an entity of a submitted application.

(b) *Failure to grant or deny within prescribed timeframes.* If the City fails to approve or deny a request for consent under this section or a request for a relevant work permit within the timeframes required under 1193.061(A), provided the time period is not tolled under 1193.061(D) or extended with the written consent of the applicant and the Mayor, the request shall be deemed granted upon the requesting entity providing notice to the City that the time period for acting on the request has lapsed.

(c) *Application denials.*

(1) The City shall not unreasonably withhold or deny consent for small cell facilities and wireless support structures within the right-of-way.

(2) If a request for consent is denied, the City shall provide in writing its reasons for denying the request, supported by substantial, competent evidence, and such information as the applicant may reasonably request to obtain consent. The denial of consent shall not unreasonably discriminate against the entity requesting the consent.

(3) Except in the case of a public utility subject to the jurisdiction and recognized on the rolls of the public utilities commission or of a cable operator possessing a valid franchise awarded pursuant to the "Cable Communications Policy Act of 1984," 98 Stat. 2779, 47 U.S.C.A. 541, the City, for good cause shown, may withhold, deny, or delay its consent to any person based upon the person's failure to possess the financial, technical, and managerial resources necessary to protect the public health, safety, and welfare.

(d) *Tolling of required timeframes.*

(1) The time periods required in §1193.061(A) may be tolled only:

(A) By mutual agreement between the entity requesting consent and the city;

(B) In cases where the city determines that the application is incomplete; or

(C) If the number of requests for consent for small cell facilities or wireless support structures received is likely to result in difficulty processing applications within the time limits set forth in §1193.061(A) due to the lack of resources of the city, then the City may toll the time limits as follows:

i. The time period may be tolled for up to twenty-one days for the first fifteen small cell facility or wireless support structure requests received by the city above the thresholds provided in the Table below within any consecutive thirty-day period:

Population of city at time Small Cell Facility or	Number of Applications:
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Wireless Support Structure Applications are received:	
30,000 persons or less	15 applications or more
30,001 to 40,000 persons	20 applications or more
40,001 to 50,000 persons	25 applications or more
50,001 to 60,000 persons	30 applications or more
60,001 to 100,000 persons	60 applications or more

ii. Further, for every additional fifteen requests that the City receives above the thresholds provided in the Table above the City may toll the time period for those requests for up to fifteen days in addition to the time period provided in division (1)(c)(1) of this section.

iii. In no instance shall the City toll the time period for any small cell facility or wireless support structure request by more than ninety consecutive days. Upon request, the City shall provide an operator written notice of the time limit for a small cell facility or wireless support structure request.

(2) To toll the time period for incompleteness, the City shall provide written notice to the person requesting consent not later than thirty days after receiving the request, clearly and specifically delineating all missing documents or information. The missing documents or information shall be reasonably related to determining whether the request meets the requirements of applicable federal and state law. Any notice of incompleteness requiring other information or documentation, including information of the type described in section 4939.0313 of the Ohio Revised Code or documentation intended to illustrate the need for the request or to justify the business decision for the request, in accordance with state and federal law, does not toll the time period for incompleteness.

(3) The time period for granting or denying consent resumes when the entity makes a supplemental submission in response to the City's notice of incompleteness.

(4) If a supplemental submission is inadequate, the City shall notify the entity not later than ten days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice that delineated missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in divisions (1) to (3) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

(e) *Consolidated application for multiple small cell facilities and/or wireless support structures.*

(1) Applicants seeking to construct, modify, collocate, or replace more than one small cell facility or more than one wireless support structure may file, at the applicant's discretion, a consolidated application for up to 30 small cell facility requests or up to 30 wireless support structure requests in a single application and receive a single permit for the construction, modification, collocation, or replacement of the small cell facilities or wireless support structures subject to the following:

(A) This single application may be filed for multiple small cell facilities or multiple wireless support structures only if they are of substantially the same type.

(B) The city may separately address small cell facility collocations or wireless support structures for which incomplete information has been received or which are denied.

(2) In the case of a consolidated application, the fees provided for in section 4939.0316 of the Ohio Revised Code and 1193.064 may be cumulative. However, the city, at its discretion may opt to reduce such fees in order to encourage consolidated application submittals.

(3) In the case of a consolidated application, each small cell facility or wireless support structure proposed to be constructed, modified, collocated on, or replaced shall constitute a separate request for consent for purposes of tolling the response deadline as authorized under section 4939.036 of the Ohio Revised Code and 1193.061(D)(1) herein. A request by a single operator for a new or replacement wireless support structure and associated small cell facility constitutes one request.

(f) *Timeframe for completion of work authorized by permit.*

(1) Collocations of small cell facilities on existing wireless support structures and the construction of new wireless support structures and/or associated small cell facilities for which permits have been granted shall be completed by the operator or its agent within one hundred eighty days after issuance of the permit, unless:

(A) The City and the operator agree to extend this period; or

(B) A delay is caused by make-ready work for a City-owned wireless support structure or decorative pole or by the lack of commercial power or backhaul availability at the site, provided that:

i. The operator has made a timely request within sixty days after the issuance of the permit for commercial power or backhaul services; and

ii. The additional time to complete installation does not exceed three hundred sixty days after issuance of the permit.

(2) If divisions (1)(a) and (b) of this section cannot be met, the permit shall be void unless the City grants an extension in writing to the operator.

(g) *Small Cell Facility and Wireless Support Structure activities not requiring consent.*

(1) City consent shall not be required for either of the following activities conducted in the right-of-way:

(A) Routine maintenance of wireless facilities;

(B) The replacement of wireless facilities with wireless facilities that are consistent with the City's current design requirements and guidelines and that are either:

i. Substantially similar to the existing wireless facilities; or

ii. The same size or smaller than the existing wireless facilities.

1193.062 DESIGN GUIDELINES

(a) The Mayor shall promulgate detailed Design Guidelines with objective, technically feasible criteria applied in a non-discriminatory manner that reasonably match the aesthetics and character of the immediate area regarding all of the following, which the city shall consider in reviewing an application:

(1) The location of any ground-mounted small cell facilities;

(2) The location of a small cell facility on a wireless support structure;

(3) The appearance and concealment of small cell facilities, including those relating to materials used for arranging, screening, and landscaping;

(4) The design and appearance of a wireless support structure.

(b) The Design Guidelines shall provide examples of small cell facilities preferences including visual depictions.

(c) The provisions in this section shall not limit or prohibit the Mayor's discretion to promulgate and make publicly available other information, materials or requirements in addition to, and separate from, Design Guidelines so long as the information, materials, or requirements do not conflict with state or federal law.

(d) The Mayor shall have authority to update or supplement the Design Guidelines to address relevant changes in law, technology, or administrative processes. In the event of any conflict between the Design Guidelines and the standards articulated in 1193.06 through 1193.065 of this Chapter of the City of Canal Winchester Codified Ordinances, the language of 1193.06 through 1193.065 shall take precedence over the language of the Design Guidelines.

1193.063 STANDARD CONDITIONS OF PERMIT APPROVAL

(a) *Standard conditions of approval.* Permission to site small cell facilities and wireless support structures in the right-of-way shall be conditioned on compliance with the standard conditions of approval provided in this 1193.063. The Mayor or his or her designee may add or modify conditions of approval as necessary or appropriate to protect and promote the public health, safety, and welfare.

(b) *Small Cell Facility Permit duration.* The City's approval term of an attachment to a wireless support structure shall be for a period of not less than ten years, with presumption of renewal for successive five-year terms, subject to terms providing for early termination or nonrenewal for cause or by mutual agreement and unless otherwise agreed to by both the operator and the city, except for generally applied permitting to safeguard the public health, safety, and welfare. An operator may remove its small cell facilities at any time subject to applicable permit requirements and may stop paying annual charges or fees under 1193.063(N).

(c) *Compliance with all applicable laws.*

(1) Permittees shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinances, or other rules.

(2) If state or federal standards and regulations are amended, the owners of the small cell facilities and/or wireless support structures governed by this chapter shall bring any facilities and/or structures into compliance with the revised standards and regulations within six months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the regulating agency. Failure to bring small cell facilities and/or wireless support structures into compliance with any revised standards and regulations shall constitute grounds for removal at the owner's expense.

(d) *Inspections; emergencies.* The City or its designee may inspect small cell facilities and wireless support structures in the right-of-way upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The City reserves the right to support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.

(e) *Relocation or adjustment as requested by City.* If requested by the City, in order to accomplish construction and maintenance activities directly related to improvements for the health, safety, and welfare of the public, an operator shall relocate or adjust its facilities within the right-of-way at

no cost to the City, as long as such request similarly binds all users in or on such right-of-way. Such relocation or adjustment shall be completed in accordance with law.

(f) *Contact information for responsible parties.* Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address, and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Department of Public Works.

(g) *Indemnification.* Any operator who owns or operates small cell facilities or wireless support structures in the right-of-way shall indemnify, protect, defend, and hold the City and its elected officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is caused by the negligence of the operator who owns or operates small cell facilities and wireless service in the right-of-way, any agent, officer, director, representative, employee, affiliate, or subcontractor of the operator, or their respective officers, agents, employees, directors, or representatives while installing, repairing, or maintaining facilities in the right-of-way.

(h) *Interference with public safety radio services.* In occupying or using the right-of-way, no person shall unreasonably compromise the public health, safety, and welfare. Permittees shall comply with the applicable provisions of 47 CFR 22.970-973 and 47 CFR 90.672-675 respectively, which define unacceptable interference, state the obligations of licensees to abate unacceptable interference, provide interference resolution procedures, and set forth a discretionary information exchange between public safety licensees and other licensees.

(i) *Adverse physical impacts on adjacent properties.* Permittee shall undertake all reasonable efforts to avoid undue adverse physical impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, or removal of the small cell facility and/or wireless support structure.

(j) *Good condition required.* Small cell facilities and wireless support structures shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not menace or endanger the health, safety or welfare of any person or property. Examples of poor condition include, but are not limited to: peeling, flaking, or blistered paint; rust or other visible deterioration of materials; or failure to maintain required landscape screening. All small cell facilities and wireless support structures shall be subject to generally applicable property maintenance requirements and to visual inspection by code enforcement officers. Notices of violation shall be served as provided in the Property Maintenance Code. The notice shall provide that the operator has 30 days from date of service of the notice to appeal the notice to the Planning and Zoning Commission or remedy the violation. If that time expires without appeal or remedy to the satisfaction of the City, the City may remedy the violation and charge the costs of said remedy to the operator.

(k) *Graffiti abatement.* Permittee shall remove any graffiti on the small cell facility at permittee's sole expense.

(l) *RF exposure compliance.* All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards.

(m) *Relocation for public improvement projects.* Permittee shall remove and relocate the permitted small cell facility and/or wireless support structure at permittee's sole expense to accommodate construction of a public improvement project by the City.

(n) *Removal of small cell facilities if use discontinued or abandoned.*

(1) In the event that the use of a small cell facility and/or wireless support structure is discontinued, the owner or operator of the small cell facility and/ or wireless support structure shall submit a request for consent to remove the wireless support structure or small cell facility, as provided in §1193.061(A)(3), which shall serve as the notice required to the City of its intent to discontinue use and the date when the use shall be discontinued. If the small cell facility and/or wireless support structure is not removed within 365 days of discontinued use, the small cell facility and/ or wireless support structure shall be considered abandoned and the City may remove it at the owner's expense.

(2) Small cell facilities and wireless support structures determined by the City to be abandoned without notice from the owner may be removed by the City at the owner's expense to ensure the public health, safety, and welfare.

(3) The City reserves the right to inspect and to request information from the operator, which the operator shall provide following such request, as to the continued use of the operator's small cell facility(ies) or wireless support structure(s) within the right-of-way.

1193.064 SAFETY REQUIREMENTS

(a) *Prevention of failures and accidents.* Any person who owns a small cell facility and/or wireless support structure sited in the right-of-way shall at all times employ ordinary and reasonable care and install and maintain in use industry standard technology for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public.

(b) *Compliance with fire safety and FCC regulations.* Small cell facilities, wires, cables, fixtures, and other equipment shall be installed and maintained in substantial compliance with the requirements of the National Electric Code, all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.

(c) *Surety bond or equivalent financial tool for cost of removal.* All owners must procure and provide to the city a bond, or must provide proof of an equivalent financial mechanism, to ensure compliance with all provisions of 1193.06 through 1193.065. The bond or equivalent financial method must specifically cover the cost of removal of unused or abandoned small cell facilities and/ or wireless support structures or damage to city property caused by an operator or its agent of each small cell facility and/ or wireless support structure in case the city has to remove or pay for its removal. Two acceptable alternatives to a bond include a funds set-aside and a letter of credit.

1193.065 RECOVERY OF COSTS

(a) *Application processing fee.* For processing an application for consent, the City may charge a fee for each small cell facility and wireless support structure requested as prescribed under section 4939.0316 of the Ohio Revised Code and as listed on the associated application forms which shall be made available by the Department of Public Works. The City may adjust this fee ten per cent every five years, rounded to the nearest five dollars.

(b) *Annual collocation fee.* For reimbursement for operator's attachment of small cell facilities to wireless support structures owned or operated by the city and located in the right-of-way, the City may charge an annual fee as prescribed in 4939.022 of the Ohio Revised Code and as listed on associated application forms which shall be made available by the Department of Public Works. The city may adjust this fee ten per cent every five years, rounded to the nearest five dollars.

(c) *Tax liabilities and assessments not applicable.* Placement of small cell facilities in the right-of-way or attachment of small cell facilities to a wireless support structure and any fees associated therewith shall not subject the City to any state or local tax liabilities or assessments.

1193.066 SEVERABILITY

The provisions of 1193.06 through 1193.065 of this chapter are severable. If any provision or subsection, or the application of any provision or subsection to any person or circumstances is held

invalid, the remaining provisions, subsection, and applications of such ordinance to other persons or circumstances shall not be made invalid as well. It is declared to be the intent of this section that the remaining provisions would have been adopted had such invalid provisions not been included in this chapter when originally adopted by Council.

Section 2. The Council hereby determines that all deliberations and votes of a public body regarding this Ordinance were conducted in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall take effect at the earliest date allowed by law.

DATE PASSED _____ PRESIDENT OF COUNCIL

ATTEST _____ MAYOR
CLERK OF COUNCIL

APPROVED AS TO FORM:

LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Finance Director/Clerk of Council

ORDINANCE NO. 18-038

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AMENDED AND RESTATED JOINT SELF-INSURANCE AGREEMENT WITH THE CENTRAL OHIO HEALTH CARE CONSORTIUM FOR THE PROVISION OF HEALTHCARE BENEFITS FOR CITY OFFICERS AND EMPLOYEES

WHEREAS, the City previously entered into a joint self-insurance agreement with the Central Ohio Health Care Consortium effective January 1, 1992, and established a joint self-insurance program to provide health care benefits for its officers and employees; and,

WHEREAS, based on the recommendation of the Director of Public Service, Council hereby finds and determines it is in the best interest to further extend the term of the amended agreement; and,

WHEREAS, the term of the amended and restated agreement shall be January 1, 2019 through December 31, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CANAL WINCHESTER, STATE OF OHIO:

Section 1. That the Mayor or designee be, and hereby is, authorized and directed to enter into the Amended and Restated Joint Self-Insurance Agreement with the Central Ohio Health Care Consortium, hereby attached as Exhibit 1.

Section 2. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

DATE PASSED _____

PRESIDENT OF COUNCIL

ATTEST _____
CLERK OF COUNCIL

MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Finance Director/Clerk of Council

ORDINANCE NO. 18-039

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A HEALTH SERVICES CONTRACT WITH FRANKLIN COUNTY PUBLIC HEALTH

WHEREAS, Council hereby finds and determines that it is in the best interest of Canal Winchester to enter into a contract with Franklin County Public Health to provide health services to the municipality as required of a City; and,

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

SECTION 1. That the Mayor be authorized to enter into a contract on behalf of Canal Winchester with Franklin County Public Health for health services to the municipality for the period beginning January 1, 2019 through December 31, 2019 as detailed in Exhibit A and incorporated herein by reference.

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

DATE PASSED _____

PRESIDENT OF COUNCIL

ATTEST _____
CLERK OF COUNCIL

MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

LAW DIRECTOR

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Finance Director/Clerk of Council

October 12, 2018

Mayor Michael Ebert

The City of Canal Winchester, Ohio
36 South High Street
Canal Winchester, OH 43110

Mayor Ebert:

On behalf of the Franklin County Board of Health, I would like to thank you for your commitment to a safe and healthy community. In addition to our public health services, Franklin County Public Health staff worked this year with community partners to create our 2018-2020 Community Health Improvement Plan. We invite you to review the plan and consider engaging with us as we work to implement the strategies and activities of the plan.

Our day to day work of preventing disease, promoting healthy living and protecting against public health threats continues to grow as your community grows. As we move toward, Franklin County Public Health is requesting a per capita rate of \$8.61 for public health services in 2019. Based on the per capita rate and latest MORPC population estimate of 8,671, the cost of your 2019 contract will be \$74,657.31.

Enclosed are two original contracts for your signature. Please sign and return both to the attention of Alycia Burkitt. A fully executed contract will be returned to your office. If you need further assistance or have questions, please call me at (614) 525-4722 or our Director of Financial and Business Operations, John Wolf, at (614) 525-3938. As always, we are willing to attend any city council, committee or administration meetings to answer questions.

We look forward to continuing our collaboration and partnership in 2019.

Sincerely,



Joe Mazzola, MPA
Health Commissioner

Enclosures

cc: John Wolf, Director of Finance and Business Operations
File

	Per Capita	Total Contract
2018	\$8.28	\$65,569.32
2017	\$7.89	\$61,147.50
2016	\$7.51	\$55,494.58
2015	\$7.16	\$52,471.74

2018 to 2019
 * \$9,087.99 or 14% increase
 * \$6,474.72 due to pop. increase
 * \$2,613.27 due to per capita increase

CONTRACT
Between
FRANKLIN COUNTY BOARD OF HEALTH
And
CITY OF CANAL WINCHESTER

This contract entered into by and between the City of Canal Winchester (hereafter referred to as "City"), with its principal address being 36 South High Street, Canal Winchester, OH, 43110, and the Board of Health of the Franklin County General Health District (hereafter referred to as "Board" or "Franklin County Public Health") for 2019 Public Health Services under the approval of Resolution No.18-105 dated September 12, 2018.

The Board is a general health district as defined under Ohio Revised Code (ORC) Section 3709.01.

ORC Section 3709.08 authorizes cities in Franklin County to contract with the Board to provide public health services to and within the City.

The District Advisory Council (hereafter referred to as "Council") of the Franklin County General Health District, created by ORC 3709.03, after giving due notice by publication as required by law, held a public meeting on March 22, 2018, at which by a majority vote of members representing the Council voted affirmatively to provide public health services to the cities in Franklin County, and did authorize the Chairman of the Council to enter into a contract with the Mayor of each city to provide public health services therein.

The Board is engaged in the governance of providing public health services as described in this contract and the Scope of Work, attached hereto and incorporated herein as Exhibit A, and has the knowledge, skills and resources to provide such services in accordance with the terms and conditions of Ohio law and this contract.

Pursuant to Revised Code 3709.08(C), the contract was submitted to the State of Ohio's director of health. The Board is organized and equipped to provide the services and shall have the powers and shall perform all the duties required of the board of health or the authority having the duties of a board of health within the City.

The City is willing to contract with the Board for such services in accordance with the terms and condition of Ohio law and this Contract.

SECTION 1 – SERVICES

The Board shall, for the consideration hereinafter stated, furnish to the City, and inhabitants thereof, all such public health services as are furnished to all villages and townships and the inhabitants thereof, of Franklin County, Ohio. Said services shall include all services as allowed by law according to the most current version of the Ohio Revised Code and as listed in Exhibit A. Said services shall include the minimum standards and optimal achievable standards for boards of health and local health departments pursuant to Ohio Revised Code Section 3701.342. Said services shall

include enforcement of all rules and regulations as allowed by law according to the most current version of the Ohio Administrative Code and the enforcement of the following Franklin County Public Health Regulations:

- (100) Definitions
- (101) Collection Vehicle Registration, Inspection and Operation for Prevention of Nuisances
- (102) Property Health and Sanitation
- (103) Plumbing for Commercial, Public and Residential Buildings and Places
- (104) Rabies Control
- (105) Approval of Building Plans
- (106) Sewage Treatment Systems
- (199) Administration and Enforcement

And, the current version of the above-described regulations of Franklin County Public Health shall apply to and be enforceable within the jurisdiction of the Franklin County General Health District and the City.

The City Attorney shall be responsible for any litigation involving enforcement of Health Regulations within the corporate limits of said political subdivision.

This contract and any claims arising in any way out of this contract shall be governed by the laws of the State of Ohio. Any litigation arising out of or relating in any way to this contract or the performance hereunder shall be brought only in an Ohio court of competent jurisdiction in Franklin County, Ohio, and the City hereby irrevocably consents to such jurisdiction.

SECTION 2 – TERM

Said public health services shall be furnished beginning January 1, 2019 and ending December 31, 2019 provided, however, that either party to this agreement shall have the right to cancel the same upon four (4) months written notice and the parties hereto may, by mutual written agreement, modify the terms of this agreement.

SECTION 3 – COMMUNICATION

The Board will provide ongoing communication with the Mayor/City Manager and his or her designees through notification at least quarterly. This communication will provide information on timely public health topics, upcoming events and featured services. Reports and other information about direct services that are being provided to the City will be provided upon request.

SECTION 4 – PUBLIC HEALTH PAYMENT, FEES & CHARGES

The City, Ohio shall pay the Board for said public health services furnished to the City and the inhabitants thereof, such sum or sums of money based on a per capita rate as would be charged against municipal corporations composing the Franklin County General Health District at a per capita rate of \$8.61.

Said sums of money shall be paid to the Board in installments of 50% of the total contract amount in January 2019 and 50% of the total contract amount in June 2019 through the

process of withholding the installment amounts from the semi-annual real estate tax settlement distribution to be received by the City and transferred to the Board by the Settlement Officer of the Franklin County Auditor. The sum for 2019 shall not exceed \$74,657.31, notwithstanding any fee established pursuant to the sections set forth below.

In any instance where the Board expends funds to abate a nuisance pursuant to Section 1, above, within the City, the Board may invoice the City for the costs of such nuisance abatement. Further, the City shall pay, in addition to those sums set forth in Section 5, above, to the Board the cost to abate the nuisance.

The Board agrees to certify such nuisance abatement costs to the Franklin County Auditor to be recorded as a lien upon the property and shall reimburse all funds recovered under such a lien to the City.

SECTION 5 - PLUMBING INSPECTION SERVICES AND FEES

The Board shall, for the consideration hereinafter stated, furnish to the City, all plumbing and medical gas inspections as are furnished to all inhabitants within the general health district of Franklin County. Inspectors are to be state certified by the Ohio Department of Commerce.

The City, through its Building Department, shall issue permits and collect fees for such plumbing inspections. The fee to be charged shall be the most current fee charged by the Board. The City shall forward sixty (60) percent of all plumbing inspection fees collected by them to the Board upon receiving monthly statements of the amount due from the Board. The City shall pay said amount, within thirty (30) days after receipt of said statement.

SECTION 6 – APPROVAL

This contract is approved by a majority of the members of the legislative authority of the City, pursuant to the provisions of Ordinance _____ dated _____.

The City has determined that Franklin County Public Health is organized and equipped to adequately provide the service that is the subject of this contract.

IN WITNESS WHEREOF, the parties to this agreement have hereunto set their hands and seals and have executed this agreement the day and year written below.

DISTRICT ADVISORY COUNCIL OF THE
FRANKLIN COUNTY GENERAL HEALTH DISTRICT

Chairperson Date

FRANKLIN COUNTY PUBLIC HEALTH

Joe Mazzola, MPA Date
Health Commissioner

THE CITY OF CANAL WINCHESTER, OHIO

Mayor Michael Ebert Date

APPROVED AS TO FORM:

Ron O'Brien
Prosecuting Attorney
Franklin County, Ohio

Assistant Prosecuting Attorney Date
Attorney for the District Advisory
Council of the Franklin County General Health District

City Attorney Date
City of Canal Winchester, Ohio

FINANCIAL CERTIFICATE

It is hereby certified that the amount required to meet the contract agreement, obligation, payment of expenditure for the above has been lawfully appropriated, authorized or directed for such purpose and is in the treasury or in the process of collection to the credit of the proper fund and is free from any obligation or certificated now outstanding.

FISCAL OFFICER
City of Canal Winchester, Ohio

DATE

**EXHIBIT A
SCOPE OF WORK**

Franklin County Public Health ("Board"), hereby agrees to provide health services for the City for the calendar year 2019 as set forth below ("Services").

- The Board shall have full authority to be and act as the public health authority for the City
- The Services described in the schedule listed below in this Exhibit will be provided by the Board to the City.
- The Services will include all necessary medical, nursing, sanitary, laboratory and such other health services as are required by the Statutes of the State of Ohio.

The followings specific services shall be a part of the Services provided under this Contract:

List of Functions, Programs and Services
Administrative Services:
Administration
Budget, Accounts Payable, Accounts Receivable
Communication & Marketing
Grant Writing & Management
Records Management
Reports - Financial & Statistical
Data Services:
Community Health Assessment
Health Data
Environmental Health:
Food Service Operation Licensing, Inspection & Education
Healthy Homes (Lead, Radon) Inspection & Education
Mosquito Control Services & Education
Nuisance & Vector Control Enforcement & Education
Plumbing & Medical Gas Inspections
Public Swimming Pool & Spa Licensing, Inspection & Education
Rabies Surveillance - Animal bite investigation and follow up
Retail Food Establishment Licensing, Inspection & Education
School Facilities Inspection & Education
Sewage Treatment System Permitting, Inspection & Education
Smoke Free Workplace Enforcement & Education
Solid Waste, Construction and Demolition Facility, Transfer Station Inspection & Enforcement
Tattoo & Body Piercing Permitting, Enforcement & Inspection
Temporary Park Camp Licensing, Enforcement & Inspection
Water Quality Permitting, Testing & Education
Emergency Preparedness:
Community Outreach and Education
Injury Prevention/Opiate Crisis Programs & Education

Public Health Emergency Preparedness
Planning and Cities' Readiness Initiative activities
Epidemiology, Surveillance, Investigation Services:
Reportable Infectious Disease investigation and follow-up(excluding HIV/AIDS; STD; TB)
Disease Outbreak Management
Health Promotion:
Community Health Action Teams
Farm to School Program
Nutrition & Physical Activity Education Programs
Safe Routes to Schools
Tobacco Use Prevention, Education & Cessation Program
Health Systems & Planning:
Community Health Improvement Plan
Data & Information Technology
Public Health Accreditation
Immunization Services:
Childhood and Adult Vaccine Administration Services
Occupational Health:
Immunizations and screenings - Fee for Service
Maternal & Child Health:
Bureau for Children with Medical Handicaps (BCMh) Public Health Nursing Services
Safe Sleep & Infant Mortality Prevention Initiatives & Education

The Board maintains a range of grant funded programs for citizens throughout the County who are income qualified.

THE BOARD RESERVES THE RIGHT TO AMEND THIS EXHIBIT AT ANYTIME PRIOR TO AUTHORIZATION OF THE CITY COUNCIL AND THE BOARD OF HEALTH ANNUALLY.

ORDINANCE No. 18-040

2019 APPROPRIATIONS ORDINANCE

City of Canal Winchester

(Revised Code Sec. 5705.38)

An ORDINANCE to make final appropriations for Current Expenses and other Expenditures of the City of Canal Winchester State of Ohio, during the fiscal year ending December 31, 2019.

SECTION 1. BE IT RESOLVED by the Council of the City of Canal Winchester, State of Ohio, that, to provide for the current expenses and other expenditures of the said City of Canal Winchester, during the fiscal year ending December 31, 2019, the following sums be and they are hereby set aside and appropriated as follows, viz:

SECTION 2. That there be appropriated from the GENERAL FUND:

Sheriff	100-100		
Operating Expenses		\$ 1,182,000.00	
Capital Outlay		\$ 45,000.00	
Total Sheriff			\$ 1,227,000.00
County Health Department	100-200		
Operating Expenses		\$ 83,500.00	
Total County Health Department			\$ 83,500.00
Human Services	100-201		
Operating Expenses		\$ 63,100.00	
Total Human Services			\$ 63,100.00
Cemetery:	100-202		
Operating Expenses		\$ 1,000.00	
Total Cemetery			\$ 1,000.00
Community Center	100-300		
Personal Services		\$ 80,750.00	
Operating Expenses		\$ 18,250.00	
Capital Outlay		\$ 3,000.00	
Total Community Center			\$ 102,000.00
Parks	100-301		
Personal Services		\$ 234,000.00	
Operating Expenses		\$ 43,400.00	
Capital Outlay		\$ 155,000.00	
Total Parks			\$ 432,400.00
Swimming Pool	100-302		
Operating Expenses		\$ 163,000.00	
Capital Outlay		\$ 18,000.00	
Total Swimming Pool			\$ 181,000.00
Development	100-400		
Personal Services		\$ 320,100.00	
Operating Expenses		\$ 254,200.00	
Capital Outlay		\$ 2,500.00	
Total Development			\$ 576,800.00
Urban Forester	100-410		
Personal Services		\$ 187,350.00	
Operating Expenses		\$ 39,000.00	
Capital Outlay		\$ 41,000.00	
Total Urban Forester			\$ 267,350.00
Mayor	100-500		
Personal Services		\$ 193,150.00	
Operating Expenses		\$ 127,000.00	

Capital Outlay		\$ 1,500.00	
Total Mayor			\$ 321,650.00
Council	100-501		
Personal Services		\$ 132,000.00	
Operating Expenses		\$ 35,950.00	
Capital Outlay		\$ 1,500.00	
Total Council			\$ 169,450.00
Mayor's Court	100-510		
Personal Services		\$ 85,825.00	
Operating Expenses		\$ 18,200.00	
Capital Outlay		\$ 1,000.00	
Total Mayor's Court			\$ 105,025.00
Finance	100-520		
Personal Services		\$ 232,600.00	
Operating Expenses		\$ 66,050.00	
Capital Outlay		\$ 1,400.00	
Total Finance			\$ 300,050.00
Human Resources	100-521		
Personal Services		\$ 65,900.00	
Operating Expenses		\$ 8,800.00	
Capital Outlay		\$ 1,000.00	
Total Human Resources			\$ 75,700.00
Public Service	100-530		
Personal Services		\$ 92,500.00	
Operating Expenses		\$ 22,000.00	
Capital Outlay		\$ 25,000.00	
Total Public Service			\$ 139,500.00
Public Service - Fleet	100-531		
Operating Expenses		\$ 30,000.00	
Capital Outlay		\$ 5,000.00	
Total Public Service - Fleet			\$ 35,000.00
Lands and Buildings	100-540		
Personal Services		\$ 167,700.00	
Operating Expenses		\$ 158,500.00	
Utilities		\$ 280,000.00	
Capital Outlay		\$ 100,000.00	
Total Lands and Building			\$ 706,200.00
Community Affairs	100-550		
Personal Services		\$ 82,175.00	
Operating Expenses		\$ 8,450.00	
Capital Outlay		\$ 1,000.00	
Total Community Affairs			\$ 91,625.00
Community Affairs - Events	100-551		
Operating Expenses		\$ 21,000.00	
Capital Outlay		\$ 1,300.00	
Total Community Affairs - Events			\$ 22,300.00
Information Technology	100-560		
Personal Services		\$ 137,600.00	
Operating Expenses		\$ 28,500.00	
Capital Outlay		\$ 3,000.00	
Total Information Technology			\$ 169,100.00
Administration	100-570		
Operating Expenses		\$ 1,270,100.00	
Transfers/Advances		\$ 1,059,250.00	
Total Administration			\$ 2,329,350.00

Construction Services	100-600		
Personal Services		\$ 179,600.00	
Operating Expenses		\$ 378,000.00	
Capital Outlay		\$ 761,000.00	
Total Construction Services			\$ 1,318,600.00
Streets - Maintenance	100-603		
Operating Expenses		\$ 25,000.00	
Capital Outlay		\$ 35,000.00	
Total Streets - Maintenance			\$ 60,000.00

GRAND TOTAL GENERAL FUND APPROPRIATION:

\$ 8,777,700.00

SECTION 3. That there be appropriated from the following SPECIAL REVENUE FUNDS:

STREET CONSTRUCTION, MAINTENANCE AND REPAIR FUND

Office	200-601		
Personal Services		\$ 235,550.00	
Operating Expenses		\$ 4,250.00	
Capital Outlay		\$ 4,000.00	
Total Office			\$ 243,800.00
Fleet	200-602		
Operating Expenses		\$ 129,000.00	
Capital Outlay		\$ 7,000.00	
Total Fleet			\$ 136,000.00
Streets - Maintenance	200-603		
Operating Expenses		\$ 34,500.00	
Capital Outlay		\$ 15,000.00	
Total Streets - Maintenance			\$ 49,500.00
Snow and Ice Removal	200-604		
Operating Expenses		\$ 35,000.00	
Total Snow and Ice Removal			\$ 35,000.00
Total for Street Construction, Maintenance and Repair Fund			\$ 464,300.00

STATE HIGHWAY IMPROVEMENT FUND

Streets - Maintenance	201-603		
Operating Expenses		\$ 23,000.00	
Capital Outlay		\$ 5,000.00	
Total for State Highway Improvement Fund			\$ 28,000.00

MAYOR'S COURT TECHNOLOGICAL FUND A

Mayor's Court	202-510		
Operating Expenses		\$ 2,300.00	
Capital Outlay		\$ 1,500.00	
Total Mayor's Court Technological Fund A			\$ 3,800.00

MAYOR'S COURT TECHNOLOGICAL FUND B

Mayor's Court	203-510		
Operating Expenses		\$ 3,000.00	
Total Mayor's Court Technological Fund B			\$ 3,000.00

PERMISSIVE TAX FUND

Streets - Maintenance	204-603		
Operating Expenses		\$ 59,650.00	
Total Permissive Tax Fund			\$ 59,650.00

BED TAX GRANT FUND			
Council	205-501		
Operating Expenses		\$ 35,000.00	
Total Council			\$ 35,000.00
Administration	205-570		
Operating Expenses		\$ 35,000.00	
Total Administration			\$ 35,000.00
Total Bed Tax Grant Fund			\$ 70,000.00
BWC GRANT FUND			
Human Resources	207-521		
Operating Expenses		\$ -	
Total BWC Grant Fund			\$ -
DILEY RD PITIE FUND			
Administration	209-570		
Operating Expenses		\$ 4,500.00	
Total Diley Rd PITIE Fund			\$ 4,500.00
GENDER RD TIF FUND			
Administration	210-570		
Operating Expenses		\$ 84,000.00	
Total Gender Rd TIF Fund			\$ 84,000.00
CEMETERY FUND			
Public Health	211-200		
Operating Expenses		\$ -	
Total Cemetery Fund			\$ -
<u>GRAND TOTAL SPECIAL REVENUE FUND APPROPRIATION</u>			<u>\$ 717,250.00</u>
SECTION 4. That there be appropriated from the following DEBT SERVICE FUNDS:			
General Obligation Bond Fund	300-571		
Principal		\$ 944,500.00	
Interest		\$ 114,750.00	
Total General Obligation Bond Fund			\$ 1,059,250.00
<u>GRAND TOTAL DEBT SERVICE FUND APPROPRIATIONS</u>			<u>\$ 1,059,250.00</u>
SECTION 5. That there be appropriated from the following CAPITAL PROJECT FUNDS:			
CAPITAL IMPROVEMENTS FUND			
Capital Improvements	400-700		
Capital Outlay		\$ 180,000.00	
Total Capital Improvements Fund			\$ 180,000.00
ISSUE 2/CDBG GRANTS FUND			
Construction Services	401-600		
Capital Outlay		\$ -	
Total Capital Project Fund			\$ -
<u>GRAND TOTAL CAPITAL PROJECT FUND APPROPRIATIONS</u>			<u>\$ 180,000.00</u>

SECTION 6. That there be appropriated from the following ENTERPRISE FUNDS:

WATER FUND			
Administration	500-800		
Personal Services		\$ 494,575.00	
Operating Expenses		\$ 290,925.00	
Capital Outlay		\$ 9,000.00	
Total Administration			\$ 794,500.00
Plant	500-801		
Operating Expenses		\$ 322,500.00	
Capital Outlay		\$ 75,000.00	
Total Plant			\$ 397,500.00
Distribution	500-802		
Operating Expenses		\$ 286,500.00	
Capital Outlay		\$ 110,000.00	
Total Distribution			\$ 396,500.00
Total Water Fund			\$ 1,588,500.00

WATER CONNECTION FUND			
Administration	501-800		
Operating Expenses		\$ 84,750.00	
Total Administration			\$ 84,750.00
Connections	501-803		
Operating Expenses		\$ 113,000.00	
Capital Outlay		\$ 200,000.00	
Total Connections			\$ 313,000.00
Total Water Connection Fund			\$ 397,750.00

SANITARY SEWER FUND			
Administration	510-810		
Personal Services		\$ 512,675.00	
Operating Expenses		\$ 487,550.00	
Capital Outlay		\$ 8,500.00	
Total Administration			\$ 1,008,725.00
Plant	510-811		
Operating Expenses		\$ 399,000.00	
Capital Outlay		\$ 135,925.00	
Total Plant			\$ 534,925.00
Collection	510-812		
Operating Expenses		\$ 159,000.00	
Capital Outlay		\$ 100,000.00	
Total Collection			\$ 259,000.00
Total Sanitary Sewer Fund			\$ 1,802,650.00

SEWER CONNECTION FUND			
Administration	511-810		
Operating Expenses		\$ -	
Total Administration			\$ -
Connections	511-813		
Operating Expenses		\$ 350,000.00	
Capital Outlay		\$ 150,000.00	

Total Connections \$ 500,000.00

Total Sewer Connection Fund \$ 500,000.00

STORMWATER FUND

Administration	520-820		
Personal Services		\$ 110,000.00	
Operating Expenses		\$ 23,175.00	
Capital Outlay		\$ 1,300.00	
Total Administration			\$ 134,475.00

Operation	520-821		
Operating Expenses		\$ 87,675.00	
Capital Outlay		\$ 25,000.00	
Total Operation			\$ 112,675.00

Total Stormwater Fund \$ 247,150.00

GRAND TOTAL ENTERPRISE FUNDS APPROPRIATIONS \$ 4,536,050.00

TOTAL ALL APPROPRIATIONS \$ 15,270,250.00

And the Finance Director is hereby authorized to draw warrants of the City for payment from any of the forgoing appropriations upon receiving proper certification and vouchers therefore, approved by the board of officers authorized by law to approve the same, or an ordinance or resolution of Council to make expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance. Provided further that the appropriations for contingencies can only be expended upon appeal of two-thirds vote of Council for items of expense constituting a legal obligation against the City, and for the purposes other than those covered by other specific appropriations herein made.

SECTION 9. This ordinance shall take effect at the earliest period allowed by law.

Passed _____
President of Council

Attest _____
Clerk of Council/Finance Director Mayor

CERTIFICATE

Section 5705.39 R.C. - "No appropriation measure shall become effective until the county auditor files with the appropriate authority....a certificate that the total appropriations from each fund, taken together with all other outstanding appropriations, do not exceed such official estimate or amended official estimate. When the appropriation does not exceed such official estimate, the county auditor shall give such certificate forthwith upon receiving from the appropriating authority of certified copy of the appropriation measure...."

The State of Ohio, Franklin County, ss.

I, Amanda Jackson, Clerk of the City of Canal Winchester in said County, and in whose custody the Files, Journals and Records are required by the Laws of the State of Ohio to be kept, do hereby certify that the forgoing Final Appropriation Ordinance is taken and copied from the original Ordinance now on file with said City, that the forgoing Ordinance has been compared by me with the said original and that the same is true and correct copy thereof

Witness my signature, this _____ day of _____.

Clerk of the City of Canal Winchester

Franklin County, Ohio

ORDINANCE NO. 18-044

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH HSING HUA CHENG FOR A TRACT OF LAND CONSISTING 8.26 ACRES LOCATED IN VIOLET TOWNSHIP, FAIRFIELD COUNTY, AT 7515 HILL ROAD ALSO KNOWN AS PARCEL 037-0209900

WHEREAS, the Mayor and Council of the City of Canal Winchester have determined that a Pre-Annexation Agreement with Hsing hua Cheng for a tract of land consisting of 8.26 acres located at 7515 Hill Road in Violet Township, Fairfield County is in the best interests of the City of Canal Winchester;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, OHIO:

Section 1. That the Mayor be and hereby is authorized to enter in a Pre-Annexation Agreement with Hsing hua Cheng in a form substantially similar to the agreement attached hereto as Exhibit A and incorporated herein by reference

Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the public health, safety and welfare, such emergency arising from the exigencies of the real estate purchase agreement between the owner Paul H. Fletcher Jr., Trustee of the Paul H. Fletcher Jr. Revocable Trust and Hsing hua Cheng and the need to immediately begin preparations for the annexation of the land WHEREFORE, this Ordinance shall take effect and be in force from and after its passage.

DATE PASSED _____

PRESIDENT OF COUNCIL

ATTEST _____
CLERK OF COUNCIL

MAYOR

APPROVED AS TO FORM:

DATE APPROVED _____

LAW DIRECTOR

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Finance Director/Clerk of Council

PRE-ANNEXATION AGREEMENT

This Pre-Annexation Agreement (hereinafter referred to as “Agreement”) is entered into by and between the City of Canal Winchester, Ohio, an Ohio charter municipal corporation (hereinafter referred to as “City”), and Hsing hua Cheng (hereinafter referred to as “Hsing”), who is in contract to purchase property at 7515 Hill Road.

PURPOSE

Hsing is in contract to purchase 7515 Hill Road consisting of approximately 8.26 acres located generally south of Kings Crossing and west of Hill Road from the Paul H Fletcher Jr. Revocable Trust. More specifically, the tract in Violet Township, Fairfield County, Ohio having Auditor’s Parcel Identification Number 037-02099-00. The property is currently developed with an industrial building and is contiguous with the boundaries of the City of Canal Winchester. The property is shown with more particularity on the map attached hereto as Exhibit “A” and incorporated herein by reference.

Hsing intends to construct certain improvements to the property in the foreseeable future. The property would benefit from City services including water, police protection, and planning and zoning and economic development services. As described in more detail in the following sections of this Agreement, the City can offer its municipal services to the area if the area is annexed to the City. The mutual purposes of the City and Hsing can be accomplished through the annexation of the property to the City.

Therefore, in order to gain mutual benefits, the City and Hsing agree as follows:

1. Annexation Petition. The City will prepare and provide an annexation petition to Hsing, once Hsing becomes the owner of the parcel. Hsing will sign the annexation petition

agreeing to annex the property described in this Agreement to the City and appointing Canal Winchester Law Director Eugene L. Hollins as the petitioner's agent. The annexation petition may be filed solely with the Hsing property or may be filed as a joint annexation petition with other parcels so long as all other parcels so joined are supported by one hundred (100%) of the owners of each parcel. The petition will be filed with the Fairfield County Commissioners. The City agrees that all costs and expenses in petitioning for the annexation will be borne by the City. Should Hsing desire for its own attorney to represent its interests with regard to the annexation petition, those costs will be borne by Hsing. Once this Agreement is signed and accepted by the City, Hsing agrees that it will not remove his name from the petition and will continue to support the annexation to the City throughout the entire annexation process, including any appeal or court action at no further expense to Hsing. Hsing will provide affidavits to the City for presentation to the Fairfield County Board of County Commissioners in support of annexation and, if necessary, Hsing or its agents or assigns will testify at the request of the City regarding the merits of the annexation at the hearing held before the Fairfield County Board of Commissioners or subsequent court hearings.

2. Service Resolution. Pursuant to R.C. Section 709.03(D), the City agrees to enact the appropriate City Service Resolution stating the services that will be provided to the area sought to be annexed including the property owned by Hsing. The City agrees to provide witnesses for the hearing before the County Commissioners and to provide affidavits in support of its Service Resolution.

3. Zoning. The property sought to be annexed is currently zoned in the township. Contemporaneously with the annexation petition, Hsing will file an application to re-zone the

property to a Planned Industrial District (PID), which zoning will, among other things, permit the proposed development and use of the Property substantially as depicted in Exhibit “B” attached hereto and incorporated herein. The City agrees that it will expeditiously process the application to re-zone the property to such PID Zoning District such that the zoning ordinance will be considered in tandem with the City’s annexation acceptance ordinance.

4. Water Service. 7515 Hill Road is currently served by Fairfield County Utilities for sanitary sewer service. The property is not currently served by a centralized water utility. Hsing agrees design and to install an eight (8) inch public water line from its current terminus on the south side of Kings Crossing to a point within seventy-five (75) feet of the existing industrial building located at 7515 Hill Road to provide water service to the property. Hsing will also be responsible for payment of capacity fees for both domestic water service and fire service as listed in the current capacity fee schedule at the time connections are made.

5. Standard of Conduct by City. In all matters related to the i) adoption of a service resolution, (ii) review and consideration of a zoning district amendment, (iii) review of infrastructure plans, the City will act in good faith with all reasonable dispatch.

6. Condition Precedent. Hsing and the City acknowledge and agree that this Agreement is not effective until approved by formal action of the City Council and shall take effect upon such approval.

7. Miscellaneous.

(a) This Agreement and the rights and obligations of the parties hereunder shall be subject to the terms and conditions hereof and shall inure to the benefit of and be binding on the respective successors and assigns.

(b) This Agreement supersedes any and all prior agreements, arrangements, negotiations, letters of understandings and acknowledgments between the City and the Hsing, or any related party, relative to matters contained herein whether oral or written. No amendment, modification or alteration of this Agreement shall be valid unless in writing and signed by the parties hereto.

(c) If for any reason any one or more articles, sections, sentences, clauses or parts of this Agreement are held invalid by any court of law or duly authorized public body such determination shall not affect, impair or invalidate the remaining provisions of this Agreement but shall be confined in its operation to the specific articles, sections, sentences, clauses or parts of this Agreement held invalid and the invalidity of any article, section, sentence, clause or part of the Agreement in any one or more instance shall not prejudice in any way the validity of the Agreement in any other instance nor shall such finding alter the understandings of both parties as to the intent of this Agreement and both parties agree to use their best efforts to bring to fruition the results contemplated in this Agreement regardless of the findings of any court of law or other duly authorized public body.

(d) This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

REST OF PAGE INTENTIONALLY LEFT BLANK.

SIGNATURE PAGE TO IMMEDIATELY FOLLOW.

This Agreement shall be effective on the date last signed below.

Signed this ____ day of _____, 2018.

THE CITY OF CANAL WINCHESTER:

By: _____
Michael Ebert, Mayor

Hsing hua Cheng

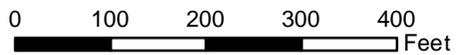
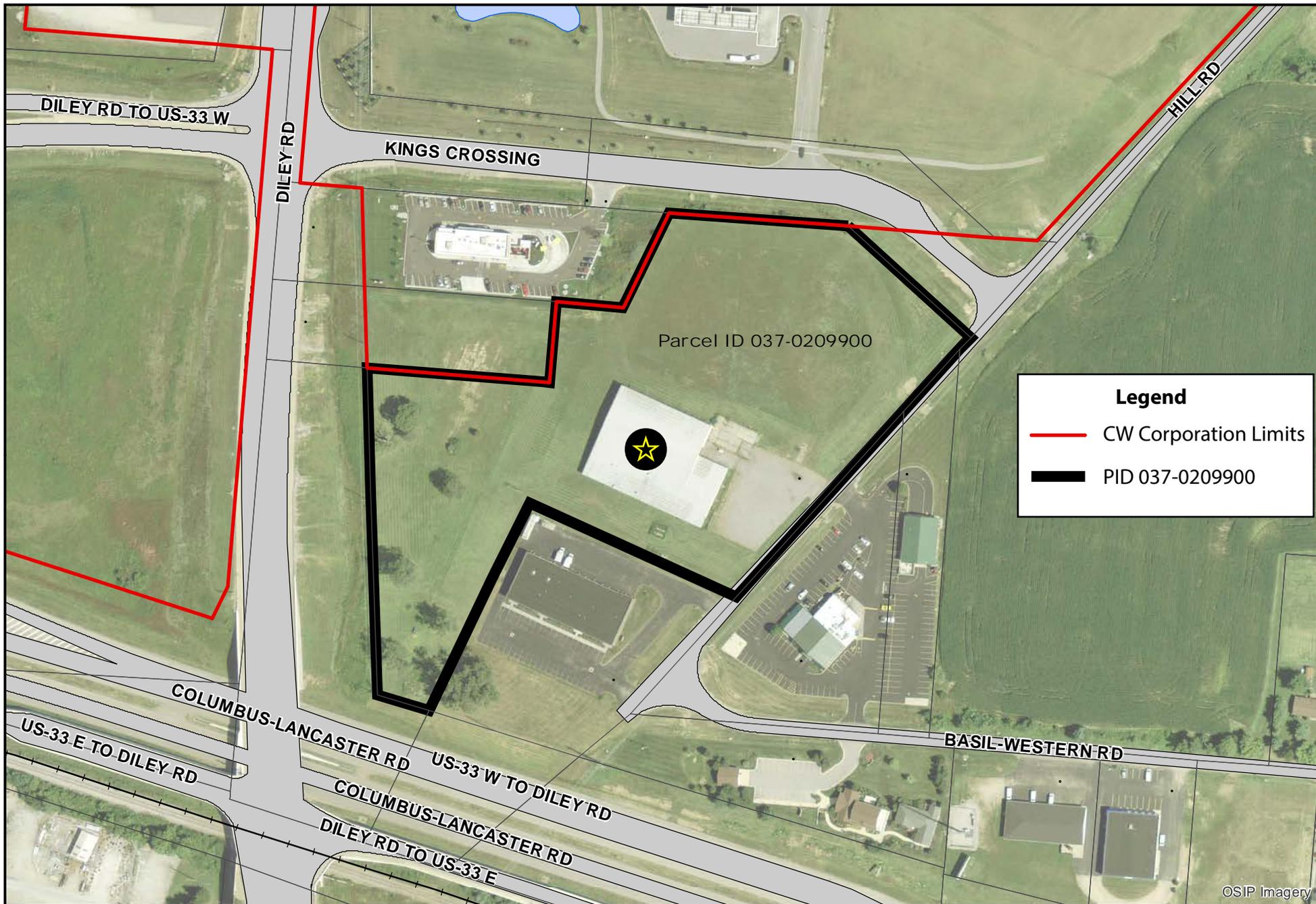


Exhibit A



Exhibit B
Zoning Requirements

PID (Planned Industrial District)

All of the permitted and conditional uses listed in the Limited Manufacturing District (LM), General Commercial District (GC) and Suburban Office and Institution District (SO) of the City of Canal Winchester Zoning Code excepting the following: Wholesaling, Warehousing and Transportation Services; Automobile Convenience Markets, Automobile Repair and Services, and Automobile Service Stations; Automobile Car Wash; Mini-warehouses; Residential.

Development Standards

The proposed future development of this parcel shall meet the standards set forth in 1175.02 Violet Pointe Overlay District of the Canal Winchester Zoning Code. Industrial uses on the site shall specifically meet the requirements set forth in 1175.02 (g). Office and Commercial uses shall specifically meet the requirements set forth in 1175.02 (f). For any standard where Section 1175.02 is silent, the proposed development shall meet any other applicable standard in the current Canal Winchester Zoning Code.

COUNCIL UPDATE



November 15, 2018

Finance Department
Amanda Jackson, Finance Director

Project Status:

2018 Evaluations/2019 Pay Raises – We are in the middle of employee evaluations for 2018 which are due to be completed by the end of the month. Our pay raises are based on a merit system determined by these evaluations. Each year, I bring to Council the suggested pay raise scale for comment which is included in your packets this evening. Based on our budget and future plans, specifically capital related, we are proposing a maximum 2.5% raise for employees. This is consistent with the raises being given by a variety of public agencies throughout Central Ohio this year. If you have any questions about this, please let me know.

2019 Bed Tax Grants – The deadline to apply for the next round of Bed Tax Grants is November 30, 2018. Please encourage eligible organizations to apply.

2019 Council Calendar – I am looking ahead at the 2019 calendar and will be handing out a calendar of Council meetings at the December 3rd meeting.



To: City Council

CC: Mayor Ebert

From: Amanda Jackson, Finance Director

Date: 11/15/18

RE: 2018 Performance Evaluations and Merit Raises

MEMORANDUM

Annual employee performance evaluations for 2018 are under way. Merit raises are given to employees for the following year based on a point system assigned to the evaluation form. The following scale is recommended for the results of the 2018 evaluations to be effective with the pay period beginning December 24, 2018.

Merit Points Received	% Raise
15-19	1.5%
20-24	2.0%
25-30	2.5%

The maximum number of points that can be received by an employee is 30. No raise will be given for evaluations resulting in 14 points or below.

If you have any questions, please let me know.



COUNCIL UPDATE

November 15, 2018

Department of Public Service
Matthew C. Peoples, Director

Project Status:

Speed Control Guidance Document: EMH&T has provided comment on the technical portions of the speed control guidance document and we are working through them to update the draft document. As reported, the flashing speed limit sign was installed on westbound E. Waterloo St. We have done a study to see we can measure the effects and I hope to have data to present at the 11-19 Council meeting.

5-Year Capital Improvements Plan (CIP): We will be discussing the 5-Year CIP at the 11-19 Council meeting.

McGill Park: OHM has completed and submitted the application for the Land and Water Conservation Fund grant. Total project costs are estimated to be \$2,288,341.00 and we are requesting the grant to be the \$500,000 maximum allowed under the LWCF program.

Westchester Park Improvements: We are still awaiting final approval from the State Controlling Board for the \$100,000 NatureWorks grant.

Office Renovations: We are working with our architects on office renovations at the Municipal Building and Community Center. Both focus on safety and security of staff and equipment.

Gender Road Paving: ODOT has scheduled to pave Gender Rd. from US Rt. 33 to Lithopolis Rd. in FY 2020 (beginning July, 2019) as part of their Urban Paving Program. The program pays 80% of the costs of paving related items with the city being responsible for the remaining 20% and all ancillary items such as pavement repairs, guardrail, drainage and lighting. The initial estimate for the paving portion is \$702,273 with our portion being \$140,455. We are discussing whether to include this in the 2019 budget as part of the street program or not.

2019 Street Capital Improvement Program: We are beginning planning for the 2019 Street CIP with the major focus on E. Waterloo St. and Ashbrook Village.

Gender IV OPWC Project: Project has hit substantial completion with the exception of the traffic signal and street light poles. There has been a delay in the manufacturing of the poles and they are not expected to ship until January. We have notified the contractor there will be liquidated damages assessed as the construction contract allows.