

Canal Winchester

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



Meeting Agenda

December 3, 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 - Bennett
- C. Roll Call
- D. Approval of Minutes

[MIN-18-053](#) 11-19-18 Work Session Minutes ([WS Minutes](#))

[MIN-18-054](#) 11-19-18 City Council Meeting Minutes ([Council Minutes](#))

E. Communications & Petitions

[18-132](#) Madison Township Fire Report - November 2018 ([November 2018](#))

[18-136](#) CW Human Services Quarterly Report ([FY19: Qtr 1 Report](#))

F. Public Comments - Five Minute Limit Per Person

G. RESOLUTIONS

H. ORDINANCES

Third Reading

[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](#))

- Adoption

- Applicant requests that the ordinance be tabled

[ORD-18-033](#)

Development

Sponsor: Amos

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

- Adoption

[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](#))

- Adoption

[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](#))

- Adoption

[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](#))

- Adoption

Second Reading - **NONE**

First Reading

[ORD-18-046](#)

Development

An Ordinance To Amend Part 11 Of The Codified Ordinances And The Zoning Map Of The City Of Canal Winchester, Rezoning An Approximately 69.237 Acre Tract Of Exceptional Use (EU) To Limited Manufacturing (LM), Owned By Gender/Thirty Three, Located On The North Side Of Winchester Boulevard (PID 184-000532 And 184-000871) ([Ordinance, Exhibit A](#))

- First Reading Only

[ORD-18-047](#)

Development

An Ordinance Adopting Section 1198 Of The Codified Ordinances Regarding Residential Appearance Standards ([Ordinance, Exhibit A](#))

- First Reading Only

[ORD-18-048](#)

Development

An Ordinance Amending Section 11991 Of The Codified Ordinances Regarding Landscaping And Screening ([Ordinance](#))

- First Reading Only

[ORD-18-049](#)

Law

An Ordinance To Authorize The Mayor To Enter Into A Settlement Agreement With Rockford Homes, Inc And Declaring An Emergency ([Ordinance, Settlement Agreement](#))

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

I. Reports

Fairfield County Sheriff

Law Director

Finance Director

[18-135](#)[Finance Director's Report, 2019 Council Calendar](#)

Public Service Director

[18-133](#)[Public Service Project Updates, Construction Services](#)

Development Director

[18-131](#)[Development Report](#)

J. Council Reports

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

Organizational Meeting/Work Session/Council - Monday, January 7, 2019 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 19, 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 6:00 p.m.

B. Roll Call

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

C. Also In Attendance

Matt Peoples, Lucas Haire, Amanda Jackson, Bill Sims, Shawn Starcher, Sargent Cassel

D. Reports

Bill Sims - first of all, let me mention that Mr. Spencer is not going to be here this evening; his written report is in the packet; we've been working together on the 2019 street program at this point; so we're trying to pull that final package together so we can get our documents together here the first part of December and the rough time frame for that is to go out to bid mid-January; and open bids early February; Gender Road phase IV the pavement work is complete; you will see some undone concrete work at corners left because the traffic signal poles are not here; and we won't be able to complete some of the intersection stuff outside the pavement until the street light poles are delivered; and right now we're looking at mid to late January for traffic signal poles; street light poles are anticipated to be here next month; hopefully we'll get those in; so things will wrap up probably late February; aside from follow up reseeding and things like that nature; we seeded so late this year I'm sure there will be a fair amount of restoration to do in the Spring as well; the COTA Trillium Drive project is just about ready to wrap up; the pavement is completed on that project; I think COTA is looking to have that road open the first part of December; I think they're going to have an opening for their parking lot the first of the January; have it ready to go the first of the year; so they're on track for that; subdivision wise section 12-2 part 3 the extension Konold Court and Barclay Court, that work is completed; and they're probably just getting ready for homes; I'm sure they're starting to turn building permits in for that; section 13 off of Lithopolis Road sanitary sewer is currently under construction there; it's been pretty wet and very muddy; it's not moving too quick; some of the other projects in town, you've seen that they broke ground for Hampton inn next to the ALDI; the water line is in and some of the sewer service is in as well; again, affected a great bit by the weather out there with what they need to do next; Winchester Office Park at the end of Winchester Boulevard, they have a couple buildings under construction; utilities are installed there; NIFCO building on Robinette has got a building pad constructed; a lot of earth work is being done currently at that point; they're just waiting for approved plans really to get started on utility work on that project; we have Turning Stone there at High Street at 33; they just have a grading permit currently so you've probably seen a construction entrance go in; you'll probably see some dirt being hauled in and just stock piled on the site at this point; we've taken a look at the last submittal of plans so they're pretty close to their approval to get started on work on that project; and we area also anticipating some activities to start for the Mil-tek site in Canal Pointe and that's on Rutherford Drive at the end of Howe Parkway; you'll probably start to see some activity out there as they strip the site and start their mass earth work; Jarvis: Mr. Sims, in Shane's report it made a reference to the MOU receipt from the short line railroad for North High Street; and I was wondering what the nature of that was

Sims: the MOU is basically the work would involve the road crossing as well as extending the crossing replacement a bit further to the west so the pedestrian crossing could be included as well; roughly the road is about 24 feet wide or so at this point; we're looking at probably about a 56 foot wide crossing replacement there; and that would take care of the roadway and the pedestrian crossing and essentially the gap between it; the pedestrian crossing would actually be outside where the arm comes down; what's included in there now is essentially at 50 percent split on that work; there's a small amount of sidewalk work outside of the railroad stuff to get things tied together; that's one of our discussion points about the inclusion of that; it's really a small amount of work; we're probably talking in the hundreds of dollars to a thousand dollar range; we're already up to the right-of-way on both sides of the track as it is; we haven't approved it yet so our hope is getting a successful Gender Road so that we can come to an agreement on this to get that done; that crossing has been in poor shape for quite a long time; we've been really doing a lot of the maintenance on the tie work there at that intersection so; Jarvis: is there some special ADA requirement for pedestrian crossing over a railroad line like that: Sims: I'm sure ADA comes into play as far as sloped and cross slopes would be concerned; even for a road there are different types of systems that can be utilized; I'm assuming that High Street based on its traffic volumes and the nature of the road would be probably a lesser system; so not a concrete tub system but a tie replacement with asphalt; typically what I've seen on pedestrian crossings for something like that is essentially an asphalt fill between the rails; similar to what you would see on Trine Street; what the pavement condition is there; the old Gender Road crossing; Jarvis: but there's no audio requirement or anything like that, that you're aware of; Sims: no; Jarvis; thank you; Sims; you're welcome;

Shawn Starcher - thank you Mr. Walker; we are extremely busy trying to get caught up with leaf pick up; a few things have got us behind; obviously the weather has been a huge factor; with the rain; our machines just don't like to pick up wet leaves; so that slows us down; in addition we were not able to take our leaves back to Decker Nursery this year; so they kindly accepted out leaves at the Winchester landscapes in Groveport; but unfortunately we can't get into his fields when it's wet; so we're having to haul those to Kurt's up on Frank Road; so its adding a lot of time to our systems; but the guys are working their tails off trying to get things caught up; if you see those guys give them a wave because they're out there getting soaking wet every day; Clark: I saw them on my street; they literally were running; these guys are really working; I couldn't believe how hard and how fast they were just running and raking and moving that truck; I don't know if there was a sale at McDonalds on burgers or something that they were trying to get to; Starcher: they just want to get them picked; Clark: I know I'm just teasing; I watched them the whole block; they work their butt off; Starcher: everything fell at one time this year as well; it's a bad thing but it's also a good thing; our residents have been understanding; I've taken a lot of phone calls and they just want to make sure we're going to get around to them; we will get those; also in the midst of decorating the town for the holidays and Christmas in the village; you also might have seen our crews out last week; we had our first salting of the year; we had some weather come in and we had brined so that helped out; we also went out and did a little bit of salting on our bridges and overpasses and our intersections; you might have noticed we had 80 plus street lights painted here in zone F; which is the downtown area here; we'll continue to do that and move into our next zone; and tis the season for street lights to get hit; so we have several lights have been targeted by people; unknown; we're working on insurance cases and things like that and some quotes; we have

several lights down right now; Amos: have we ordered some ahead of time this year or are we just ordering ad we go again ; Starcher: we have with the smaller lights; our larger, we have two lights down; one on Kings Crossing and one in the roundabout; but we do not; we will be ordering those; Amos: I'm assuming we ordered the ones in front of Walgreens as well; Starcher: yes those are the same; I'm sorry; those are the bollards; you might have seen the cones; unfortunately we did not catch that person; we know what they're driving but we did not catch that person; Amos: I think it's fun to explain to everybody that those lights are on a remote control; that you change them by remote control; Starcher: we actually learned from a previous accident we had a couple years ago someone was leaving Los Margaritas and had turned right to go onto Winchester Boulevard and hit one of the bollards and because the bollards are connected with a chain we had a domino effect; that was quite expensive and that person had to pay for all that; what we did was we use a break away link at each of those connections to the bollards and it definitely works; if not several would have come down this time; so we learned our lesson; Lynch: leaf removal its completed December 7th; are you looking to extend that at all to play catch up; Starcher: we put a date out; we have always in years past extended that depending on where we are; right now everything is down; we might have one subdivision that holds its pine needles a little bit longer there in Winchester Village; but even those are coming down now; Lynch: you guys are doing a great job with it; everything is looking good; Starcher: I appreciate it; any questions; Walker: thank you Mr. Starcher;

Sargent Cassel - I don't have a written report for you guys today because the stats won't be done until he end of the month; right now we're concentrating our patrol in the retail districts of the city; trying to be proactive and being seen; this time right now is the time for shop lifting and breaking into cars; so that's important to make sure that our presence is known; other than that I really don't have anything; I just hope you guys have a good Thanksgiving; Bennett: thank you sir; I hope you do the same; Jarvis: Sergeant Cassel, looking at some of the feeds on social media about the car break ins; are you finding that most of those cars are unlocked to begin with; Cassel: they are; same scenario as every year; the cars are unlocked and they have something valuable in the car; so they make it easy to be a victim; not that, that makes it okay; but it makes it easy; Jarvis: thank you;

E. Request for Council Action

[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](#)**)

- Request to move to full Council

Haire: thank you Mr. Walker; this ordinance would allow us to enter into a pre-annexation agreement; this property is about 8 ½ acres; it's located south of Kings Crossing across Hill Road from Kingy's; which you mostly are probably familiar with that portion of it; there is an industrial building located on this site; which as of last year is now bright yellow so you can't miss it; the applicant intends to use that

industrial building for their business; they're in contract to purchase that property as part of their contingencies for that they need to enter into this pre-annexation agreement that will allow them to gain utility access; the party in contract to purchase that owns a business called Cinco Electronic Recycling; and what they do is they recycle batteries for automobiles, laptops, mobile phones, things like that; and it's all in a self-contained process; all with equipment; all indoor; there wouldn't be any type of outdoor storage; we recently approved a conditional use for this applicant to purchase two buildings on Walnut Street; at Walnut and Gender Road the two warehouses there; that deal ended up falling through because of the amount of improvements those buildings needed; so they started looking elsewhere and ran across this building; they would like to do a number of improvements to the building and also further develop those outparcels on the site; to do that they would need access to utilities as part of this pre-annexation agreement; they're agreeing they would extend a waterline to serve this property; the water line is currently about the location of the McDonalds driveway; so it's just east of that location; they would be extending that into the site to a point in close proximity to the building to serve that building and also serve future outparcels; as part of this agreement we would handle the annexation petition for the applicant; handle that through the Fairfield County Commissioner and Gene would represent them in those annexation hearings; this is within the CETA area; and basically Violet Township has agreed to not contest any annexations there and actually encourage annexation; so it's an expedited process with the annexation with the commissioners; there actually is no public hearing that needs to be held; they just say yes it's in the CETA area and it meets the standards and annexation; and it's automatically annexed in; that's probably all to talk about at this time; a representative of the applicant, Ben Strunk, is here if you have any questions about the company and what they're proposing to do; feel free to ask Ben; he's been a good resource and good to work with over the last few months as we've tried to find them an appropriate location; Amos: Mr. Haire, a quick question for you; what is the cost to the city for the annexing portion with Gene; Haire: it's minimal; it's more just Gene's services are part of the contract with their law firm and then it's just a minimal filing fee; Amos: and I'm assuming that the need to move it along is due to the timeliness of the purchase agreement; Haire: it is; Lynch: are there any near future plans for developing any of those out parcels; Strunk: I did see the plan we discussed about developing some of the outparcels to make them available; right now I don't want to commit to anything until its purchased but definitely I have already put it on my three year plan: Lynch: the space of land that's is closest to Diley Road can anything actually be built in that space; it's kind of an odd shaped parcel Haire: it is kind of an odd shape so there would have to be some type of access road constructed to serve that property; with the prices that they're seeking for property out there you can make it work with building access roads and utilities;

A motion was made by Clark to move to full council, seconded by Bennett. The motion carried with the following vote:

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

F. Items for Discussion

[18-127](#)

Five Year Capital Improvements Plan (**[2018 CIP Forms](#)**)

Peoples: thank you Mr. Walker; let me start with just a little bit of background because this is the first time some members maybe seeing this type of document; we do this every year; it's just a plan that we put together with a list of projects that we foresee in the next five years; other than what we are doing next year these projects are conceptual; we don't have a lot of planning that goes on along with it other than, especially with our street program we've done some condition ratings on the roads to find out where those stand; we try to forecast as best we can out a couple years what roads are going to be needed; we use that document to go through and prioritize some of those; like I said next year the only thing that is concrete on this plan is what we're doing next year; that is already included in the budget that we have; the form you see is from Ohio Public Works Commission; typically we do this plan around September if we have an OPWC project this is required to be in the application for funding through OPWC; since we didn't have one going on this year we were able to put a little bit more time into it and put the projects we were actually going to do for next year; so again, list of projects I think has been reported quite a bit for next year as we're going through; you will see the column that's active and complete; most of the projects on the first half of the first page are complete; the next couple of rows there items that we do every year or it is has been a multiyear; the AMI metering; we're hoping to have a full year and then it shows out until 2021 we'll have half a year; after that it is stuff that we have budgeted for this year; the competition pool painting roof replacement at the wastewater treatment plant; Canal Pointe manhole lining phase II; we did phase I this year; then we get into our street program; Foxhill Macintosh bike path which is an extension from Foxhill down to the new Macintosh building; Ashbrook cul-de-sacs phase III; we've done phase I and II over the last couple years; Canal and Prentiss rehab which both have lateral pavement joints that have failed; getting most of those done; Ashbrook mains phase II; again we've done phase I here; getting into Westchester section III which is Foxhill Drive and Hemmingford; we're going to start in the cul-de-sacs there; East Waterloo rehab and sewer improvements; basically that is from High Street here all the way out to the city limits; just an overlay; also Westchester Park improvements which is the grant we just got from ODNR; and I forgot to put private funding on there; after that it is projects that are just kind of sitting out there that we've identified; this is a very fluid document after this year; so we will pick and choose some of those roads; that will start going bad earlier than what we may have thought; some of them we can hold off; it's all based on how much, especially in the street program, how much money we have on an annual basis that we can do through the budgeting process; luckily we've been able to increase that the last couple years; I think we're right around \$750,000 that goes toward that program; Amos: Mr. Peoples, this spreadsheet is fantastic; I saw it last year when we were first watching everything and it just absolutely astounding; residents really need to look at this and see; it's just unbelievable when you make a list your post it notes don't go away very fast; Peoples: you see the kind of money that's involved as well; and that's today dollars; obviously those keep on going; we've had some of these that have been on this plan for 15-20 years; or close to; the High Street overpass is probably the longest one that's been on here; it's always five years out every time we go; it's been like that for a while; that's a project that ODOT is going to be the driver on; I don't see it for even the five years; but it's something that we want to keep on the plan just to make sure; same thing, I think we have the Winchester Boulevard extension on there as well; one thing we do need, after just looking at this, we do need to get on is the Gender Road overpass; that is one project that is not on here; that's another one of those things we started talking to ODOT about; I would actually foresee it happening before the High Street overpass; only due to the volume of cars that

use that intersection/interchange on a daily basis; Clark: I would also like to see the Bixby Road interchange be included as well; obviously ODOT again is going to be the driver; we're not going to fund that project; it shows our support; it shows our want; Peoples: it's further along; that was kind of at our far western border with the acquisition of the new property; Clark: makes sense; Peoples: that makes it much more of a priority for us; definitely; this has been done; just being fine-tuned for some time; we'll get those on there; Amos: Mr. Peoples, when you put items on for future years do you include an inflation mark or do you do them at current day value; Peoples: we do them at current day values; some of these things, the \$20,000,000 that was probably the original back when it was discussed; it was 2006 I believe when we started; or when they shut down the High Street traffic signal if you guys remember that; and they gave us some money for Gender Road to do some improvements on the signalization through there; that was right around the time they had done a couple studies on that and it projected to be whether High Street was going to go over or more likely 33 was going to go over High Street and they kind of cut it underneath; but that was at that point; some of these are, the next to last project there the water reclamation facility headworks replacement program, that's a guess, that's probably on the high side I'm hoping; based on some of the things we've seen we're heading or working towards saving a little bit of money towards that \$5,000,000; Amos: thank you; Peoples: you're welcome; Bennett: in the West Waterloo rehabilitation phases do any of those include the gateway project we have in the Old Town plan; Peoples: they do not; those are road resurfacing; Bennett: I didn't know if that's something we can potentially consider adding to this plan as well; Peoples: that's at the (inaudible); Bennett: I think in the Old Town thing we had projected \$100,000; Lynch: in addition to that we have the park up here and we talked about in the Old Town plan expanding that park; is that also to be part of this or could it be a project down the road; Peoples: any of those can be put on; as we're doing some of those, some of the studies, we do have some park projects on there that were identified; Howe Pond Pier, that type of thing; I think that's been on there for a little bit of time as well; Jarvis: is there any objection to adding those that were just listed; I guess we have three of them; Peoples: I've got four; Jarvis: did you; I missed one then; Peoples: Gender Road overpass, Bixby Road overpass, West Waterloo Gateway, and the park; Clark: Bixby Road would be an interchange; instead of an overpass it would be a full interchange; Peoples: both of these would; Jarvis: Mr. Peoples, if you could refresh my memory what the legend is for the funding codes; LO is; People: local; let me see, we have ODNR, Ohio Department of Natural Resources, Ohio Public Works Commission, EPA; we did start putting in the tif; tax increment financing, we have in various locations throughout; we did the McGill development just has grants on there because it's generic; we weren't sure what we'd go through; that's another ODNR; the Gender Road is the existing phase IV; we have Madison Township Fore Department contribute a portion of that towards the signalization; Violet Township is in there; metro parks is on the path connection; Pickerington is in there for the Busey Road widening; Lynch: is PR Pickerington; Peoples: private; Kings Crossing the roundabout over there has quite a few; the private; Fairfield County has a tif; then just ODOT; I couldn't fit that all in so I just put DOT instead of ODOT; there's one down at the bottom for headworks replacement; its WPCLF; water pollution control loan fund; that's through the EPA; there's also a water supply revolving loan fund as well that's administered through the EPA;

Peoples: just an update as I reported what I put up there it is a draft document; I reported in my written reports that we were having EMH&T take a look at that from a technical standpoint; they also work with many other communities and have gone through that; actually I was unable to find Columbus's online; but he sent me a copy of it recently; still working through that; I did make a couple of grammatical changes as well; one thing on the technical review of that the five miles an hour over the 85th percentile was very tight; I've spoken to a couple of the other cities around they are anywhere from 7-10; we'll be looking at that change; we could also do some tier type of things; where somewhat of a lower threshold for some of the signing of those type of measure that we can put on there; the notification measure can also be done at a smaller threshold; if it jumps up to a higher threshold then we can get into some of the physical type of things; on a related note, the study we did out on Waterloo Street the comparison between the two of before the sign and after the sign; we did get some positive results back; it was an immature data set only because we believe someone tampered with the hoses and pulled them up for some reason; somebody grabbed the end of them and just pulled them straight up; we tape them down and then we nail the tape down; it's a really sticky adhesive and the tape; the nails were still there but the tape was pulled straight up through the nail heads; somebody might not like it; I don't know if there's a little noise that's going on with it; but nevertheless we didn't get what we were hoping for; 10 days' worth of data to match the other one; we did not get that; but just reminder the overall 85th percentile before the flashing 25 mph sign was 33.6 miles per hour and the afterwards was 30.2; so we got pretty good results from that; Jarvis: I bet it would have been a lot better if the sign had continued to work; but I guess when it's cloudy for an extended period of time; Peoples: I did change it last week to where we didn't have the timer on, we had a lot of technical issues with the sign early on; the timer that's in there is not of high quality; but we were able to figure it out; it wasn't charging and there was a wire that came loose after we put it together; we've had a couple different things on that; now we have it from where 11 at night to 6 in the morning it is off so we're hoping it will keep its charge longer so we're not being light as late; Jarvis: based on preliminary data you have approximately 10 percent lower speeds; Peoples: roughly 10 percent; so that's a good indication that those are at least noticeable that's for sure; Coolman: I'll say Mr. Peoples that I travel up and down there all the time every day and everybody that I follow they hit their break lights when they see those lights are working fabulously; I think that would be great to put them over on Columbus Street too; at the beginning of Columbus Street right after the intersection of High and once again at the other end; those lights, the white lights really grab attention even during the day; good addition; Jarvis: Mrs. Amos, you had some comments that you had sent earlier today; everything has been addresses; Amos: yes; Peoples: I don't think I copied you on the response back; Amos: there was just a couple of grammatical things and part was hard to understand what was said; I think Matt clarified it and got it all taken care of; Peoples: when you plagiarize it from a couple different documents it's hard to mesh everything together; (laughter); Jarvis: with regard to one of the things she said she was talking about the speed studies how it will be shared with the community and I don't know whether there's any models out there that show where we could do that; maybe this is not the place for it; but it's certainly a consideration because once we do start catching that information on a regular basis that's something I thought the intent was to get it out there or make it available rather; I don't know whether you've had any time to; Peoples: no; I responded back first of all a resident who was the driver of the complaint, that definitely we would share that information with them; but also get it out on our

website; whether it's even just a news blurb on the alert system that says hey check out our website we've got positive results from the flashing sign; that type of thing; Jarvis: thank you;

G. Old/New Business

Amos: Mr. Peoples, in lieu of the Mayor being out right now, that resident on the clock is still asking me about the clock; do you know if the bells have been fixed; Peoples: they were repaired and it didn't work; we are working with the manufacturer and it was a gamble; we worked with a local clock maker and repair person and asked us to try it because he had some too; he said I don't know if it will work: sometimes if you heat up the metal it's a brass tube that's in there; one of them is 4 foot long; one of them is about 6 inches shorter; if you heat that brass up sometimes it will change the dynamics/ the makeup of it; now there's no gong it's a ting; Amos: I will pass that along; thank you; Peoples: we're working with the person we worked with before; also trying to find people that work with churches and their bell systems; trying to find out if we can get something made up;

H. Adjournment @ 6:39 p.m.

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

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

Canal Winchester

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



Meeting Minutes - DRAFT

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 *Jarvis called the meeting to order at 7:00 p.m.*
- B. Pledge of Allegiance - Amos
- C. Roll Call *Present 7 – Amos, Bennett, Coolman, Clark, Jarvis, Lynch, Walker*
- 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](#))

A motion was made by Amos to approve minutes 18-050 18-051 18-052, seconded by Coolman. The motion carried with the following vote:

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

- 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

Jarvis: is there any reason to leave this ordinance on the table; that's kind of a double negative; Bennett: are you asking to un-table the ordinance; Jarvis: exactly; if I said it the other way around is there any reason to un-table the ordinance then it would require some kind of a response whereas the way I stated it if nobody responds then I can say hearing none; (laughter); just so we're clear I'm asking to un-table

this ordinance; Bennett: I thought we were waiting for a response from planning and zoning; that came out of our last meeting; Jarvis: that's a good point; I know something that is not generally known; Bennett: so I wouldn't expect this ordinance to be un-tabled until we've heard back from P&Z; I guess that would be my expectation; Jarvis: was there a recommendation from P&Z from the last meeting;

Haire: they met last Monday night and reviewed the application along with the presentation that you all view last meeting as well as some additional information on some revised floor plans that Westport produced for some of the homes showing the implications of the garage moving back 4 feet; after reviewing that information they made a recommendation to recommend approval to council as presented; and as presented in the application it is the garage being it is the garage being located no further in front of the most front portion of the front porch; so basically the garage won't be located in front of any portion of the front porch; Bennett: so it will be flush; Haire: exactly; Amos: Mr. Haire, what was the vote on that; Haire: it was a unanimous vote and there were 6 members present; so they are amending or agreeing to amend the condition in regards to lot coverage and then we would have the condition that is also listed in the development text that the garage would actually be no further forward than the front most portion of the front porch; Lynch: the other consideration was minimum 30 percent lot coverage; Haire: correct; and they said that they would amend the text to include that; Jarvis: so it's no longer a condition; Bennett: so then Mr. Jarvis, the answer to your question would be silence; (laughter); Jarvis: hearing silence do I have a motion to un-table this ordinance 18-029; I did have the opportunity to talk to Mr. walker at 3rd reading he does intend to recuse himself under Ohio ethics law requires recusal if you believe your vote may have a some personal financial gain; Mr. walkers extended family is still involved with litigation with Westport and other communities;

A motion was made by Bennett to un-table ordinance 18-029, seconded by Lynch. The motion carried with the following vote:

Yes 6 – Bennett, Lynch, Amos, Clark, Coolman, Jarvis,

Abstain 1 – Walker

Haire: I did have the opportunity to talk to Mr. walker prior to the proceedings this evening; he did abstain from removing it from the table; just for the record so we make sure to get this right; at 3rd reading he does intend to recuse himself; we've talked and there is under Ohio ethics law there's absolute required recusal if you believe your vote on a piece of legislation may have a some personal financial gain; that is not the situation; I want to make that clear for the record; however, a member of Mr. Walker's extended family is still involved with litigation amongst other parties with Westport and other communities; therefore he feels inappropriate that he recuse himself from deliberations and any vote on the actual deliberations; we wanted to get that on record; and tonight he just was abstaining; we'll do second reading and this will be a third reading; Jarvis: thank you for the clarification; Walker: I don't know exactly where it all stands so thank you;

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

A motion was made by Amos to adopt ordinance 18-036, seconded by Bennett. The motion carried with the following vote:

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

[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

A motion was made by Bennett to adopt ordinance 18-037, seconded by Coolman. The motion carried with the following vote:

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

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 - NONE

I. Reports

Mayor's Report- none

Fairfield County Sheriff - Cassel: I don't have anything additional; except I do like the 25 mph sign; I thinks it awesome; I just wanted to thank Matt for all his hard work in assisting with the speed issues that we have; Jarvis: appreciate that comment and I think we all share that; Matt thanks for digging in;

Law Director - Hollins: we're going so quickly through the agenda that you knew it was going to happen; I do request an executive session at the end of the regular meeting for the purposes of discussing pending litigation; other than that no further report;

Finance Director - Jackson: thank you Mr. Jarvis; Two things I want to point out from my written report; we are in the midst of 2018 performance evaluations for our employees for 2018; every year I bring the merit raise scale to council; this year is the same as last year; the highest percentage rate available will be 2.5 percent; and you can see in the memo included in your packet the number of points an employee will need to receive in order to qualify for the 2.5 percent raise, this was what was included in the budget that was present to you as far as raises go; and is actually very, very consistent with what is happening around central Ohio; I am part of an HR network that was recently discussing this and it looks like between 2 and 2.5 is where most everyone is going to land this year; the other thing I wanted to point out is that bed tax grants are due November 30th; so if you know of any organization that is eligible to apply please encourage them to do so; Jarvis: did we identify who from council is who is going to sit in on the committee; Jackson: we have not; Jarvis: do we need to do that this evening; Jackson: we can do it this evening; based on the way the calendar falls that is actually a Friday and we will have a council meeting that following Monday; so if you want to wait until the first meeting in December to do that we can; it's really up to you; Jarvis: is there anyone that has a desire to serve on this committee; are there two council members that are required; Jackson: that's typically what we've done yes; Jarvis: it's on a voluntary basis; it's not fun; I will tell you that; I'll be honest; it's kind of gut wrenching really; because there's much more demand than there is supply; Bennett: I'll participate; Amos: I will too; Jarvis: does anyone else want to arm wrestle; Jarvis: alright Mr. Bennett and Mrs. Amos are your helpers on that; Jackson: thank you;

18-130 Finance Director's Report, Merit Raises Memo

Public Service Director - Peoples: Mr. Jarvis; nothing to add to my written and work session report; on the last agenda on the OPWC project where you said we'd notify (inaudible) could you explain that; Peoples: they are not going to meet the time frame for their completion as specified in the contract so the contract allows us to charge what's called liquidated damages; \$500.00 a day for every day they're not complete; they did get their substantial completion; which means everything is working properly; but the final completion date is going to be delayed due to traffic signal poles; the delay in the manufacturing of those; so it's looking to be late January mid-February; by the time the whole thing is done; signatures are done for the final completion; Amos: that's what I thought; I just wanted a little clarification; thank you;

18-128 Public Service Director's Report

Development Director - Haire: thank you Mr. Jarvis; we continue to move forward with evaluating the Bixby Road property; I did get back the survey work today; so we will get some annexation underway soon so we can get the annexation filed on that property; I mentioned the ED411 and sent out an email in regards to that; right now I have Bob Clark, Pat Lynch and Mike Coolman going; is anyone else able to attend that day; I'm going to do the registrations tomorrow; if you're able to please let me know; if you'd like to and you're able to I will file those tomorrow and get everyone registered for that; Jarvis: what's the parking situation at the union center at 7 in the morning; pretty bad; Haire: there's parking generally available; Jarvis: the students don't eat it up; Haire: it is prepay and I believe it's 10 dollars; so make sure you have cash available; in the past it's been cash only; I don't know the specifics but I'll let you know once I register; Hollins: I was there last week and there is ample parking; they set that up because they knew they'd have a bunch of those luncheons at the union; so I think they built extra parking; Coolman: it's just the traffic pattern getting there; Haire: the problem used to be getting out; that's why they've turned it to prepay only; because everyone was trying to run their cards getting out of there and leaving at the same time; when you get 500 people leaving it wasn't pretty; Jarvis: in regard to the Bixby Road property there was some feeling or statement at least my understanding was the might be some hidden issues with that property that did not materialize; Haire: you're probably referencing a comment we had in regards to the mineral rights; it was just some language they put in a contract and we were able to discover that we don't believe that there's been any transfer; we'll have to wait until the complete title work comes back; Jarvis: that would be a show stopper; Haire: not necessarily; it's just something we want to know about; but there was a specific piece of language in the original contract that their attorney sent back to us that led is to question; but we resolved that since;

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

Jarvis: someone had a question here about the residential standards with regard to the project the Westport Middletown project; this would not apply to that project; because it started prior to this being approved; Haire: so once this text in this format is approved the it would be 30 days after that's approved; anything that would apply for preliminary development plan or subdivision; a new subdivision at that time would be required to do it but anything existing that has got a development test on it, it would follow their development text that they've already established; Jarvis: even if it was passed as an emergency; Haire: still; Clark: Lucas, under a PUD, you have the right to negotiate materials and things you want anyway, right; that's the way I understood it; it can be tougher than what; Haire: with the Westport Homes with their application you can negotiate any of those standards; Hollins: (inaudible); Clark: what we came up with those houses would be there in 25 years; Hollins: because at the end of the day its council; Haire: this basically sets a minimum standard; the residential appearance standards would be the minimum and you would have to show why if you're applying for a community that doesn't meet those standards you would have to show basically, like they have done in their application, where

there are any deviations from that; and how it benefits the community to allow the deviation; Clark: I would be supportive of the increase in the building standards/materials that we came up with;

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

CW Human Services - Mr. Lynch

Lynch: we will be coming up with the adopt a family in December; I need to find the dates as to when that's going to be; Jarvis: do they have a fundraiser planned for that; its donations right; Lynch: they collect throughout the whole year for that; Jarvis: do they still take toy donations at the bank for the Santa Claus during Christmas in the Village; Amos: I don't think we've done that for a while now; Jarvis: they've stopped; Jackson: I don't believe so; Amos: the fire station was taking toys for a while; Coolman: Madison Township;

CWICC - Mr. Clark

Clark: November 28th 11:30 a.m. at the Interurban building;

CWJRD - Mr. Bennett/Mrs. Amos

Bennett: we have our final meeting for the year currently scheduled for Thursday, December 20th at 7:00 p.m. Town Hall; Mr. Peoples I do have a question for you; our usage agreement with the city is that still current or has that expired; Peoples: probably has expired or will this year; honestly I don't know why it's not a continuing type of thing; I guess it's just never got set up that way from the beginning; Bennett: I think that's one of our contracts that I need to maybe work on renewing before the end of 2018 or 2019; Peoples: I will check and see if I have it; Bennett: that would be great sire; I appreciate it;

Destination: Canal Winchester - Mr. Walker

Walker: final meeting of the year is November 27th 2018 Interurban 6:30 p.m.

K. Old/New Business

Amos: I did want to thank Amanda Lemke for including us on some of the recent press releases that were out; it was nice seeing them ahead of time and knowing what was going out there for us; Jarvis: she does a lot of good work that is kind of under the surface and behind the scenes; you see the fruit of it here and there; especially related to the events; Coolman: I'd like to say Lucas, the crafted in Canal branding is going well; Destination continues to get positive feedback; they have more activity every time the PR firm launches something through the website Crafted in Canal; it's getting an excessive number of hits; it's being well recognized and received around Ohio; it's all positive; we all think that Karen does all that; it's fabulous; Jarvis: I'm still an administrator on the Destination Facebook so I get he notices also; I couldn't quite figure out what was going on either but its blowing up; Coolman: its blowing up; it's fabulous; going over well; thank you;

Haire: we have a number of vacancies coming up on Landmarks Commission and Planning & Zoning; so if you know anyone that is interested in that you can have them send me their information and I can forward that onto the Mayor for his consideration; I know we have at least one Planning & Zoning

vacancy and at least two Landmarks vacancies coming up; Jarvis: we probably all know somebody hat would be a good fit for that; Haire: there are certain qualifications; discussion ensued;

L. Adjourn to Executive Session @ 7:29p.m.

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

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

Council returned from Executive Session @ 7:45 p.m.

M. Adjournment @ 7:46 p.m.

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

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

DRAFT



Madison Township Fire Department

Franklin County, Ohio

4567 Firehouse Lane

Groveport, Ohio 43125

| | | |
|----------|------------------------------|---------------------|
| Sta. 181 | Business Tel: (614) 837-7883 | Fax: (614) 836-0716 |
| Sta. 182 | Business Tel: (614) 837-5149 | Fax: (614) 837-5147 |
| Sta. 183 | Business Tel: (614) 828-8545 | Fax: (614) 829-7424 |

CANAL WINCHESTER

NOVEMBER 2018

(11/1 – 11/28)

Mayor Ebert, Members of Council and Staff,

| | | | | | | |
|--------------------------------|--------------|-----|-------------------------------------------------|----------------------------------------------|-------------|------------|
| Madison Fire | (All) | EMS | ALS 198 <small>Advanced Life Support</small> | BLS 132 <small>Basic Life Support</small> | FIRE | 116 |
| Canal Winchester (Only) | | EMS | ALS 34 <small>Advanced Life Support</small> | BLS 14 <small>Basic Life Support</small> | FIRE | 13 |

FIRE Runs - 13 total

| | | | |
|----------------|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------|------------------------------|
| Structure Fire | Bowen Rd Covenant Way Gender Rd | Mulching (TWP) Food in Microwave Food in Microwave | \$300k NO LOSS NO LOSS |
| Car Fire | SR33/Gender | Motor Overheated | |
| Grass Fire | SR33/Rager Groveport Rd | 25 gallons of water used Rubbish & Leaves | |
| Water Leak | Gender Rd | Outside spigot broke & flowing | |
| Chimney | N Trine St | Extinguished fire, removed wood. | |
| CO Alarm | Dietz Drive | Batteries needed replaced | |
| Foreign Odor | W Waterloo | Coming from Body Shop next door | |
| Fire Alarm | Elm St Gender Rd Groveport W Walnut St. | Sprinkler system leaking System Malfunction Smoke Detector battery Vehicle exhaust set off alarm | |

Respectfully submitted,
Chief Jeff Fasone

Our Mission: To deliver The Best Possible Service To Our Customers

PROGRAMS AND SERVICES OF CANAL WINCHESTER HUMAN SERVICES
Quarterly Update – FY19: Quarter 1 (July, August, September 2018)

COMMUNITY FOOD PANTRY PROGRAM
INCLUDES THE CHOICE PANTRY, MARKET DAY, FEEDING OUR FUTURE.

During the first quarter of FY19, 465 people presented to the Choice Pantry resulting in 1,454 times. Feeding Our Future is underway and since the beginning of the school year we have distributed 386 meals to 62 students. Collectively, 22,196 MEALS and 33,692 pounds of food was distributed to those suffering hunger deficiency. Market Day continues to grow and we are serving an average of 36 unduplicated residents per month.

In September, we coordinated with CW Schools to do Pizza for Food. Each class is in competition with each other. The class with the most items collected for each building wins a pizza party. City of Canal Winchester employees continue to be a huge help with this event. On Thursday and Friday, City staff help box up the collected items at the schools. They also assist with loading and unloading everything at Canal Winchester COMMUNITY Food Pantry. Pizza for Food brought in 4,619 items!!



In its initial year, the new Community Gardens's have been a wonderful success and a great addition for the residence of Canal Winchester. We were grateful to those who donated some of their produce to us to be given to pantry clients. We hope to receive more grant funding to offer more boxes next year. We feel this new service to the community has been appreciated by those participating and it has been exciting to watch the gardens grow!



The new Community Garden providing 20 raised gardens

COMMUNITY OUTREACH PROGRAM INCLUDES EMERGENCY ASSISTANCE AND SEASONAL SERVICES

Community and Senior Outreach – Since the beginning of August, we have distributed over 140 bookbags filled with school supplies. These bags are for the benefit of students in the Canal Winchester School District whose families are unable to provide the supplies.

We are pleased to continue our partnership with the City's Senior Citizen Club. In addition to helping with the weekly Senior lunch and the monthly "Out to Lunch Bunch" outing, social trips for the benefit of the seniors included attending a concert at Lancaster Festival and going to the Ohio State Fair. In late August we took a group of senior citizens to Lynd's Fruit Farm for apple picking.

SENIOR TRANSPORTATION PROGRAM

During the first quarter of FY19, the Senior Transportation Program traveled 8,879 miles to provide 1,148 one way trips for senior citizens. Of those trips, 910 (79%) were provided for senior citizens living within the boundaries of the City of Canal Winchester.

We have put to good use the new ten passenger handicap-accessible van. We have seen an increase of medical, dental and vision appointments over the last quarter.

Most exciting during the first quarter of FY19 was the dedication of our new building on October 7. We were grateful for the kind words of Bruce Jarvis and were thrilled to dedicate our new facility on our first anniversary at our new location.

As always, we thank the City for the many collaborations we share and appreciate the Council for volunteering their time and participating in some of the services and activities we provide. Together, we made a positive difference in the lives of those living in the City of Canal Winchester.



New 10-passenger handicap accessible van

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

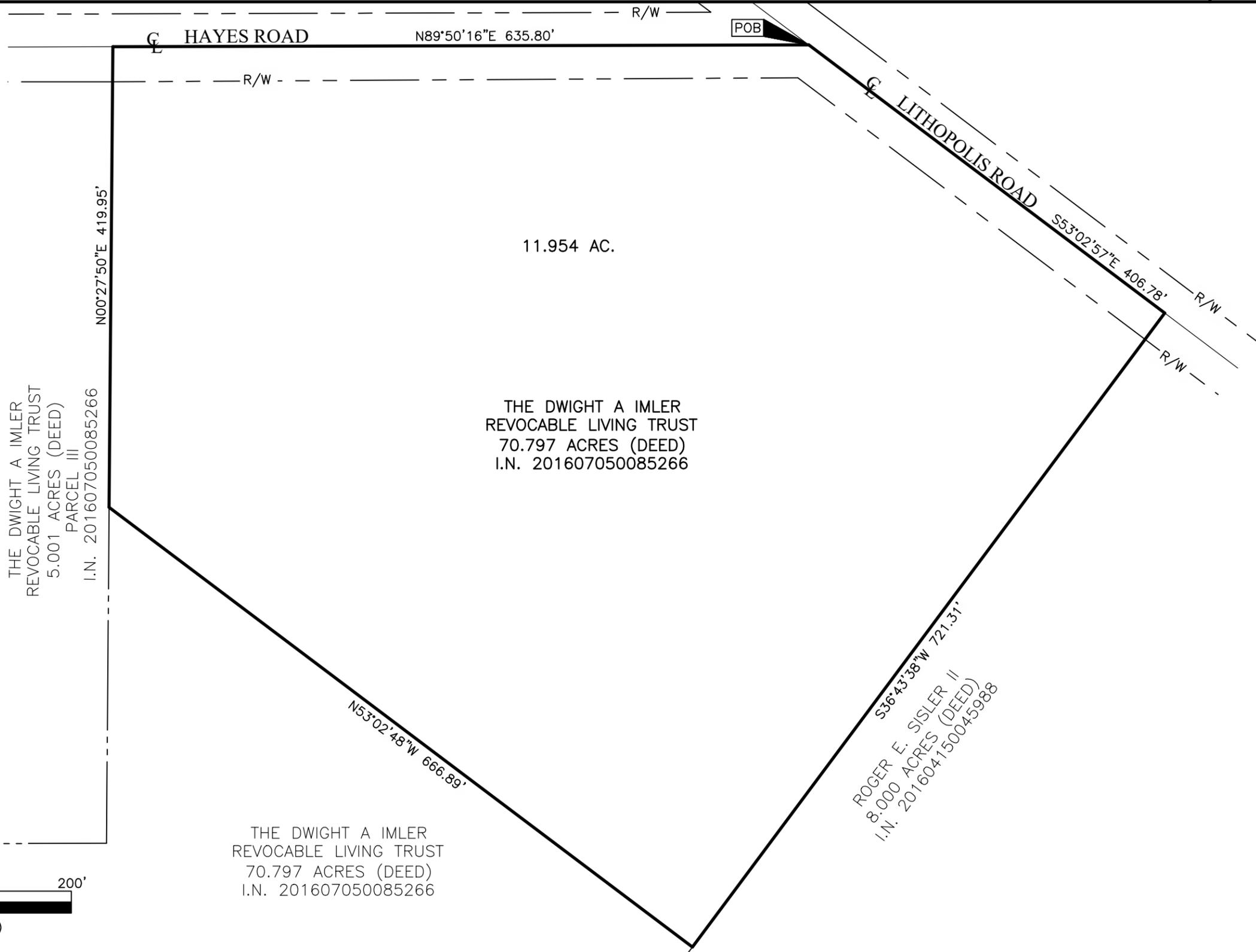
CITY OF CANAL WINCHESTER, COUNTY OF FRANKLIN, STATE OF OHIO

Date: November 16, 2017

Scale: 1" = 100'

Job No: 2017-1159

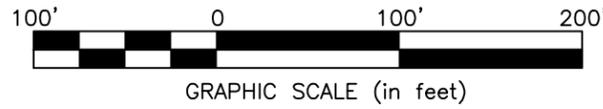
J:\20171159\DWG\04SHEETS\EXHIBITS\20171159-VS-ZONE-01.DWG plotted by KIRK, MATTHEW on 11/17/2017 10:13:21 AM last saved by MKR on 11/17/2017 10:13:04 AM



THE DWIGHT A IMLER
 REVOCABLE LIVING TRUST
 70.797 ACRES (DEED)
 I.N. 201607050085266

ROGER E. SISLER II
 8.000 ACRES (DEED)
 I.N. 201604150045988

THE DWIGHT A IMLER
 REVOCABLE LIVING TRUST
 5.001 ACRES (DEED)
 PARCEL III
 I.N. 201607050085266



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:

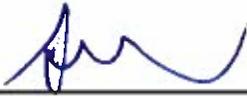
- 1. The development text is modified to comply with Chapter 1130.09 with a maximum lot coverage of 30%.**
- 2. The development text is modified to comply with Chapter 1130.07(a) for any front loaded garage to be setback a minimum four (4) feet behind the front line of the livable area of the home.**

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. 18-033

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

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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: |
|---------------------------------------------------|-------------------------|

| 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. 18-046

AN ORDINANCE TO AMEND PART 11 OF THE CODIFIED ORDINANCES AND THE ZONING MAP OF THE CITY OF CANAL WINCHESTER, REZONING AN APPROXIMATELY 69.237 ACRE TRACT OF EXCEPTIONAL USE (EU) TO LIMITED MANUFACTURING (LM), OWNED BY GENDER/THIRTY THREE, LOCATED ON THE NORTH SIDE OF WINCHESTER BOULEVARD (PID 184-000532 AND 184-000871)

WHEREAS, the rezoning of the area hereinafter described has been proposed to the Council of the City of Canal Winchester; 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; and

WHEREAS, a public hearing has been held by the Planning and Zoning Commission of the City of Canal Winchester with a recommendation for approval of the rezoning;

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

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

That approximately 69.237 acres, located on the north side of Winchester Boulevard, PID 184-000532 and 184-000871, owned by Gender/Thirty Three, as fully set forth in the description attached hereto as Exhibit A and incorporated herein by reference, is rezoned from Exceptional Use (EU) to Limited Manufacturing (LM).

SECTION 2. That all other provisions of Part 11 of the Codified Ordinances and accompanying zoning map shall remain in full force and effect.

SECTION 3. 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: _____

MAYOR

APPROVED AS TO FORM:

DATE APPROVED

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 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.

Clerk of Council/Finance Director

ZONING DESCRIPTION

69.237 Acres

Situated in the State of Ohio, county of Franklin, City of Canal Winchester, Section 24, Township 11, Range 21, Congress Lands and being all of those tracts of land as conveyed to Gender/Thirty-three of Official Record 11357F13 and Official Record 1135F16, all deed references refer to the records of The Recorder's Office, Franklin County, Ohio and described as follows:

Beginning for reference at F.C.G.S. Monument 2270 reset located at the intersection of the northerly right-of-way line of Winchester Boulevard extended, also being the southerly line of said Section 24, with the centerline of Gender Road;

Thence, North 85°45'23" West with said northerly right-of-way line and said southerly section line a distance of 1231.68 feet to an iron pin set at the southwesterly corner of a 14.828 acre tract as conveyed to Winchester Square LLC of record in Instrument Number 200412200286893, the northwesterly corner of that 2.119 acre tract as conveyed to the City of Canal Winchester Official Record 31057H09, and the northeasterly corner of that 0.629 tract as conveyed to the City of Canal Winchester of record in Instrument Number 201608180109326, at the **True Point of Beginning** for the description;

Thence, North 85°45'23" West continuing with said South section line, partly with northerly line of said 0.629 acre tract, partly with the northerly line of an original 3.924 acre tract as conveyed to Gender/Thirty-Three of record in Official Record 27286D07 and partly with the northerly line of that 11.280 acre tract of land as conveyed to Phele Investment of record in Instrument Number 201706150081040, a distance of 1493.31 feet to a 13/16" pipe with an EMH&T cap at the northwesterly corner of said 11.280 acre tract and the northeasterly corner of a 78.384 acre tract as conveyed to Baker Levin Farms, LLC of record in Instrument Number 200704240071166, the southeasterly corner of a 134.50 acre tract as conveyed to Baker Levin Farms LLC of record in Instrument Number 200704240071166, also being the southwesterly corner of Section 24 at its common corner with Sections 23, 25, and 26;

Thence, North 4°26'33" East with the easterly line of said 134.50 acre tract and the common line between Section 24 and 23 a distance of 1597.99 feet to a 13/16" pipe found with EMH&T cap at an angle point in said line;

Thence, North 4°20'59" East partly with the easterly line of said 134.50 acre tract and partly with the easterly line of a 20.1366 acre tract as conveyed to Dill's Realty LLC of record in Instrument Number 200111050255847, and the common line between sections 24 and 23 a distance of 866.30 feet to a ¾" pipe found no cap at a corner thereof in the southerly right-of-way line of State Route 33 as recorded in Deed Book 2390, page 592, Parcel 69LA;

Thence, South 61°24'34" East with said southerly limited access right-of-way line a distance of 1698.02 feet to a 5/8" rebar found with a Preferred Surveying Company cap at the northwesterly line of an 11.315 acre tract as conveyed to H.D. Development of Maryland Inc. of record in Instrument Number 200707020115156;

Thence, with the westerly line of said 11.315 acre tract the following courses:

South 26°50'00" West a distance of 217.80 feet to an iron pin set at a corner thereof;
North 85°06'32" West a distance of 135.03 feet to an iron pint set at a corner thereof;

Thence, South 4°55'08" West partly with said westerly line and partly with the westerly line of a 6.395 acre tract as conveyed to Winchester Square LLC of record in Instrument Number 201412150165939 a distance of 822.51 feet to an iron pin set at a corner thereof;

Thence, South 64°45'23" East partly with the westerly line of said 7.393 acre tract and partly with the westerly line of said 14.828 acre tract passing a 13/16" iron pipe found with the EMH&T cap at a distance of 162.39 feet a total distance of 345.56 feet to an iron pin set at a corner thereof;

Thence, South 4°14'37" West with the westerly line of said 14.828 acre tract a distance of 440.00 feet to the **True Point of Beginning** and containing 69.237 acres of land more or less, 51.032 acres being out of PID 184-000532 and 18.205 acres out of PID 184.000871. This description is for zoning purposes only.

ZONING DESCRIPTION

69.237 Acres

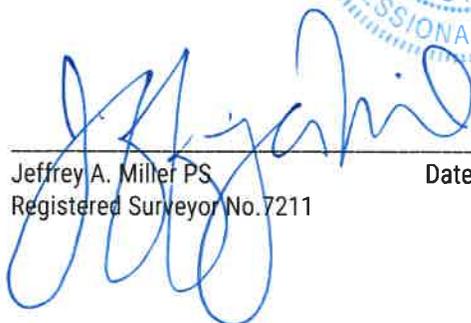
Subject to all covenants, restrictions, reservations and easements contained in any instrument of record pertaining to the above described tract of land.

All iron pins called as set are 5/8" x 30" rebar with yellow cap stamped "CESO".

The basis of bearing is based on a bearing of North 85°45'23" West for the southerly line of Section 24 as determined by GPS observation, based on NAD 83 (2011), Ohio State Plane South zone and post processed using and OPUS Solution.

CESO, Inc.



 9-12-18

Jeffrey A. Miller PS
Registered Surveyor No. 7211

Date 9/12/2018

ORDINANCE NO. 18-047

AN ORDINANCE ADOPTING SECTION 1198 OF THE CODIFIED ORDINANCES REGARDING RESIDENTIAL APPEARANCE STANDARDS

WHEREAS, City Council had formed a committee to review standards for residential development in the City of Canal Winchester to further assist developers and city officials in the preparation and review process of said developments; and

WHEREAS, the Residential Appearance Standards prepared by the committee have been presented to the Planning and Zoning Commission who held a public hearing and subsequently recommended their adoption by City Council; and

WHEREAS, Ordinance 82-06 adopting Section 1130 Planning and Zoning Residential Standards shall be repealed;

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

SECTION 1. Section 1198 Residential Appearance Standards attached hereto as Exhibit "A" are hereby adopted.

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: _____

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 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.

Clerk of Council/Finance Director

CHAPTER 1198
Residential Appearance Standards

| | | | |
|---------|---------------|---------|---------------------------------|
| 1198.01 | Purpose | 1187.03 | Definitions |
| 1198.02 | Applicability | 1198.04 | Residential Design Requirements |

1198.01 Purpose

(a) Residential development in Canal Winchester has a direct effect on the character and livability of the community. Therefore, the City of Canal Winchester has the responsibility to adopt standards that promote desirable residential development that fits the context and character of the existing community. The following findings warrant the need for exterior appearance requirements for residential development:

(1) The adopted community plan recommends promoting high quality standards in building design that is in good scale and harmony with surrounding neighborhoods and buildings, and the natural surroundings.

(2) Providing for compliance with appearance regulations will assist in creating quality development with residential neighborhoods.

(3) Limiting the garage appearance within the front elevation limits the negative visual impact.

(4) A balance of natural and synthetic building materials allows for design creativity and promotes a high quality development.

(5) Trim around windows completes the appearance on every elevation.

(6) Placing windows, doors, porches, and other features on each elevation enhances the visual environment and contributes to the overall architectural diversity of a neighborhood.

(7) The lack of detailing, architectural features, and trim on elevations detracts from a dwelling and reduces the visual quality of a neighborhood.

(b) Residential appearance standards provide design requirements that are applicable to single, two, and three-family dwelling units. For purposes of this section, a single-, two-, and three-family dwelling unit will be defined as a "house." These requirements are designed to increase the quality of neighborhoods, to promote positive architectural appearance within residential areas, to encourage design flexibility and creativity, and to establish an interesting, aesthetically pleasing residential environment. It is also the intent of this section to promote durable, quality materials that will allow residential neighborhoods to endure and mature for future generations in the city.

1198.02 Applicability

(a) These requirements shall apply to the construction of all new homes, and additions to homes, unless designated as exempt in section (a)(3).

(1) Compliance Required. These requirements shall apply to any new home or to certain additions or alterations of an existing house constructed in compliance with the regulations of

this section. If an existing home is expanded or altered, the addition or alteration must comply with these architectural requirements when the alteration encompasses more than fifty percent (50%) of the Ground Floor Area (square feet), or the ground floor area is expanded by more than fifty percent (50%).

(2) Minimum Requirements. These requirements are minimum appearance requirements applicable to all houses in all districts, including Planned Development Districts, except as may be specifically approved in the Planned Development District ordinance.

(3) Exemption. Houses in the districts described below are exempt with these requirements:

(A) Houses located within a planned district approved prior to the effective date of this section.

(B) Houses located in a planned district approved after the effective date of this section with specific substitute residential appearance requirements contained in the adopted planned district ordinance. Residential appearance objectives for Planned Development Districts shall be adopted by City Council. These objectives explain more general intents regarding appearance in order to allow for creativity in meeting them through the Planned Development District process. Planned Development District proposals must demonstrate how the proposal addresses the residential appearance objectives and replace these minimum requirements.

(C) Houses located within the Old Town Overlay District (Chapter 1175) are exempt from the requirements of this section. These residential homes shall be regulated by the Landmarks Commission with the Certificate of Appropriateness Procedures for Design Review.

1198.03 Definitions

(a) For the purpose of this section, the following definitions apply:

(1) "*Blank Elevation*" An elevation that lacks the minimum required openings and architectural features, such as windows, doors, exterior chimneys, or other similar architectural features.

(2) "*Breastboard*" A lower flat area of a door or window crosshead.

(3) "*Chimney*" A structure projecting from the exterior wall of a house and enclosing or appearing to enclose a flue that carries off smoke. A chimney may or may not extend vertically to the eaves line or have a foundation/connected to the ground.

(A) "*Cantilevered Chimney*" A chimney that projects from the exterior wall and does not have a foundation or extension to the ground.

(B) "*Shed-type Chimney*" A chimney that does not extend full height vertically to the eaves line. A shed chimney typically includes a direct vent outlet in the chimney wall.

(4) "*Corbel*" A build out of one or more courses of brick or stone from the face of a wall, traditionally to form a support for timbers.

(5) "*Cornice*" Overhang of a pitched roof at the eaves line, usually consisting of a fascia board, a soffit for a closed cornice, and appropriate moldings.

(6) "*Corrugated Metal Roofing*" A roofing material that consists of interlocking rippled metal sheets that are fastened directly to the roof sheathing.

(7) "*Crosshead*" Decorative form that resembles a lintel used to top a door or window, consisting of a breastboard with crown moulding surrounding the top portion, and moulded together as one piece. Crossheads come in heights from 6" to 18". A variety of accessories can be added to complement the design of a simple crosshead.

(8) "*Crown Moulding*" Moulding used on cornice or wherever an interior angle is to be covered.

(9) "*Direct Vent Outlet*" An outlet through an exterior wall associated with the air supply and/or exhaust of a fire burner. It may or may not occur in a projecting box/chimney.

(10) "*Dormer*" A window set vertically in a structure projecting through a sloping roof; also the roofed structure containing that window.

(11) "*Eaves*" The margin or lower part of a roof projecting over a wall.

(12) "*Elevation*" A geometric projection of the front, side, or rear outer surface of a building onto a plane perpendicular to the horizontal; a vertical projection.

(13) "*Façade*" The front, sides or rear faces of a building.

(14) "*Fascia*" A horizontal piece (such as a board) covering the joint between the top of a wall and the projecting eaves also called a fascia board.

(15) "*French Drain*" A French drain or weeping tile is a trench filled with gravel or rock containing a perforated pipe that redirects surface water and groundwater away from an area. A French drain can have perforated hollow pipes along the bottom to quickly vent water that seeps down through the upper gravel or rock.

(16) "*Frieze Board*" A decorated band along the upper part of an exterior wall. In house construction a horizontal member connecting the top of the siding with the soffit of the cornice.

(17) "*Foundation Cladding*" An aesthetic enhancement to the foundation concealing exposed portions with an approved material.

(18) "*Gable*"

(A) *The vertical triangular end of a building from cornice or eaves to ridge.*

(B) *The similar end of a gambrel roof.*

(C) *The end wall of a building.*

(D) *A triangular part of a structure.*

(19) “*Masonry*” Natural or natural-appearing stone or brick.

(20) “*Plinth*” A continuous, usually projecting course of stone or brick forming the base or foundation of a wall.

(21) “*Projection*” Any component of a structure that extends out from the main building.

(22) “*Quoin*” Corner stones that anchor the edge of the building wall or decorative feature to imitate corner stones, which wrap the corner of an elevation and join two abutting walls.

(23) “*Soffit*” *The exposed undersurface of any overhead component of a building.*

(24) “*Standing Seam Metal Roof*” Roofing material constructed of interlocking metal panels that run from the ridge of the roof to the eave. The seams of the two panels are raised above the surface to allow the water to run off rather than seep between the panels. The seams are fastened to the roof using hidden anchors that are located on the raised portion of the panel that is overlapped by the adjacent panel hiding the fastener.

(25) “*Stucco*” A coarse plaster composed of Portland or masonry cement, sand, and hydrated lime mixed with water and applied in a plastic state to form a hard exterior covering.

(26) “*Trim*” The finished woodwork or similar architectural element used to enhance, border or protect the edges of openings or surfaces, such as windows or doors.

(27) “*Vinyl Siding Accessories*” Exterior design elements that serve to provide more visual interest and complement the primary home design.

(28) “*Water Table*” A projecting brick or stone stringcourse, molding or ledge placed to divert rainwater from a building.

1198.04 Residential Design Requirements

(a) Design Requirements. In addition to all applicable zoning and development requirements, the following design requirements shall apply as outlined per 1198.02.

(1) Architectural Diversity (Same house next to each other). To discourage the appearance of tract-type housing, all single-family residential developments shall incorporate architectural diversity.

(A) Houses with the same or very similar design shall not be directly across the street and shall have a minimum 3-lot separation on the same side of the street or diagonal from each other.

(B) Minimum variations in house design shall be created by providing a minimum of two items from each of the two lists below, or by any other means as approved by the Planning and Zoning Commission with a similar degree of variation.

(i) Alterations of perceived scale and massing:

Reorientation/relocation of the garage and driveway.

Change in the basic roof by a change of the roof type, the roof form through the addition of dormers and gables, and/or reorientation of the roof spine from parallel to perpendicular to the street.

Addition or relocation of significant bump outs to the front or side of the house that alter the perceived massing of the house such as, two story bay windows, one story sunrooms, corner towers, balconies or other approved features.

Other significant exterior features proposed by the applicant if approved by the Planning and Zoning Commission.

(ii) Alterations of character, detail and color:

Change architectural style.

Change in material of significant proportions (40%) of the house façade.

Addition or alteration of significant new detailing package with altered accent color to include any three items such as, trims, shutters, style and color of a front door or garage door.

Other significant exterior features proposed by the applicant if approved by the Planning and Zoning Commission.

(2) Chimneys. All chimneys must extend full height, from ground and vertically past the eaves line. Cantilevered and shed-type chimneys are prohibited. Chimneys must be finished in masonry or stucco but need not match the background wall in material or color.

(3) Driveways. Driveways for residential developments shall consist of concrete, asphalt, or brick pavers. The Planning and Zoning Commission may permit a similar construction material as an alternative only upon prior approval. All driveway aprons shall be concrete. All driveways shall be a flat, earth tone color. The maximum driveway width at the right-of-way line shall be ten (10) feet wide, not including the approach. The Driveway may flare to be wider at the garage. Driveways should be designed to be grouped to increase the amount of open space along the street.

(4) Entryways and Porches. The design of each houses shall emphasize the house mass and entry. The front entrance should be the focal point of the home and be designed to shelter you from the elements and be inviting. Flat front entryways shall be prohibited. All front entryways must include features which extend beyond the front façade of the primary living area.

(A) Portico. Porticos offer a visual cue on where to enter the house and connects the indoors to the outdoors. Typically, it is a structure consisting of a roof supported by columns or piers, usually attached to the building as a porch. Portico's can encroach the front setback or a build-to line by up-to seven (7) feet.

(B) Front Porches. Front porches provide a "stage" for interaction between the house and the street. Neighbors can publicly communicate much like the older neighborhoods in Canal Winchester. Front porches shall be a minimum of seven (7) feet in depth and ten (10)

feet wide. Front porches can encroach the established front setback or build-to line by up-to seven (7) feet.

(5) Finish Building Materials. The design of buildings shall coordinate the materials and details of all sides of the building with the design of the front elevation and street sides. Wood board or shake, brick, stone, cultured stone, fibrous cement siding, stucco and vinyl siding are the permitted finish building materials. Asphalt dimensional shingles, natural or simulated slate, tile, standing seam metal, natural or simulated wood shingles or shakes are the permitted roof materials. Corrugated metal roofing is not a permitted roof material.

(A) Asphalt Dimensional Shingles. Asphalt Dimensional shingles must be a 25-year “true” dimensional shingle. Painted shadows are not permitted. Shingles must have a minimum weight of 240 pounds per 100 square feet and be installed according to the manufacture’s specifications.

(B) When a change in materials occurs at corners, the change must occur at the inside of the corner unless the masonry on the street-facing façade extends at least two feet past the outside corner. If a house has a side gable and a material change occurs on the outside corner, or if two different materials are used on the facades of main and upper floors, rather than extending the materials around the corner, a quoin or minimum 5 ¼-inch wide corner board must be used along the vertical length of the non-masonry corner.

(6) Foundations. There shall be no more than twelve (12) inches of exposed foundation walls. If there are more than twelve (12) inches of foundation wall exposed, they must be finished with one of the following: brick, veneer brick, stone or cultured stone designed by the manufacturer for at-grade or below-grade installation.

(7) Four-Sided Architecture. The purpose of requiring four-sided architecture on all residential dwellings is to avoid large areas of blank exterior walls. Each side elevation must contain at least two (2) design elements per floor and each elevation facing a street or rear elevation must contain at least three (3) design elements per floor. Blank facades are not permitted for any detached garages or accessory structures. Typical design elements are included below, but this list is not all-inclusive.

(A) The eligible design elements are as follows:

- A door of at least seventeen (17) square feet in area.
- A window of at least six (6) square feet in area. Windows closer than ten (10) feet shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered as one element.
- A chimney.
- An articulated gable vent of at least four (4) square feet in area.
- A dormer.
- Porches, decks, balconies or similar structure.
- A Sunroom.

Architectural cornice returns.

A similar significant permanent architectural feature consistent with the style of the house only upon prior approval by the Planning and Zoning Commission.

(B) Unacceptable design elements include:

Sides of porches.

Rooflines.

Water Tables.

Garage Doors.

Egress Steps required by building code.

(8) Garages. Design of each houses shall be designed to emphasize the house mass and entry, garages shall be clearly secondary in character. Garages may be attached or detached. All single-family residential developments shall have a mix of front loaded and side loaded garages. A minimum 25% of the lots must be designed for a detached or standard side entrance garage. Garages attached via a breezeway shall be considered detached for purposes of this standard. For corner lots, the garage shall be oriented towards the "lower" defined street classification as determined by the Planning and Zoning Commission. Garage doors shall be a maximum 9 feet height. If there is a living area above the garage, the maximum height of the roof over the garage shall be 35 feet. Otherwise, the maximum height of the roof over the garage is 18 feet.

(A) Front Loaded Garages:

Shall be located a minimum four (4) feet behind the front line of the livable area of the home. A covered or uncovered porch shall not be considered a livable area of a home.

Garage doors shall not exceed forty-five percent (45%) of the house width (frontage). Where more than a standard 2-car front loaded garage is provided, the additional garage bay(s) shall be offset from and architecturally designed to appear separate and distinct from the 2-car garage and the garage doors shall not exceed fifty percent (50%) of the house width.

(B) Side Loaded Garages:

Side loaded garages may be loaded from an inside court area.

The garage elevation facing the street must incorporate design features also found in the front elevation of the home including, but not limited to, windows.

(9) Gutters and Downspouts. Gutters and downspouts are required on all homes. Downspouts may be tied into curb drains or exit directly into a French drain system to discharge the water in the rear of the yard. No more than 50% of the roof drainage may lead to the curb.

(10) Roof Pitch. The main architectural roof of a house must have a minimum 6:12 pitch. Dormers, porches, and other similar secondary architectural features may have roofs with a minimum 4:12 pitch. Eaves and overhangs are required and in no case shall they be less than eight (8) inches on any elevation.

(11) Vinyl Homes. This section shall serve as a guide for constructing a vinyl sided home. Where the vinyl sided home requirements overlap with four-sided architecture requirements, the requirements of this section shall not be counted towards the minimum four-sided architecture requirements, but shall be in addition those requirements. All vinyl materials must have a minimum thickness of .046 inches. The siding must have a low-gloss finish. Any predominantly vinyl-sided home must include complementary accessories and detailing where vinyl siding elevations occur, as follows:

(A) A detailed main entryway by use of a minimum eight (8) inch wide three-dimensional door-surround system;

(B) Minimum six (6) inch wide frieze or fascia boards; and

(C) Minimum eight (8) inch wide water table trim board at the foundation.

(D) At least two of the following accessory types must be utilized per home. The selected accessory type must occur on each vinyl-sided elevation as indicated on the following table. Additional accessories may be utilized in addition to the minimum requirements.

| Minimum Accessories for Vinyl-Sided Homes | Select Accessory Type Must Occur (at least) When the Exterior Wall Elevation is Vinyl. |
|--------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Select two accessory types: | |
| Shutters Pairs | X |
| Crosshead | X |
| Masonry Water Table | X |
| Gable Vent | X |

Shutter shall be sized to fully cover the window and shall be operable or appear as such, and utilize shutter hardware including s-clips and hinges. Shutters shall be louvered, raised or flat paneled or board and batten and made of painted wood, vinyl, painted synthetic, PVC or Hardiplank or substantially similar materials as determined by the Planning and Zoning Commission.

Crossheads must occur at least above all windows on vinyl-sided elevations.

Masonry water table and plinth must occur along all elevations of a vinyl-sided house. The height of this feature shall be at least two (2) feet as measured from grade.

Gable vents must be articulated decorative gable vent(s) of at least four square feet in area and occur in at least the front, or side of vinyl-sided homes.

(12) Windows (Trim and Shutters): Trim is required with all windows on any elevation. Trim shall include either a top and bottom finish of soldier course, rowlock, lintel or sill; or a minimum 3 ½- inch board around all sides of the window.

(A) Shutter shall be sized to fully cover the window and shall be operable or appear as such, and utilize shutter hardware including s-clips and hinges. Shutters shall be louvered, raised or flat paneled or board and batten and made of painted wood, vinyl, painted synthetic, PVC or Hardiplank, or substantially similar materials as determined by the Planning and Zoning Commission.

ORDINANCE NO. 18-048

AN ORDINANCE AMENDING SECTION 11991 OF THE CODIFIED ORDINANCES REGARDING LANDSCAPING AND SCREENING

WHEREAS, in order to promote, protect, and preserve the character of the municipality it is necessary to revise the requirements for landscaping and screening in the City;

WHEREAS, the Planning and Zoning Commission initiated Application #ZA-18-006 following a public hearing held on October 8, 2018 and 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 1191 of the Codified Ordinance of the City of Canal Winchester is hereby amended to read as follows:

**CHAPTER 1191
Landscaping and Screening**

- 1191.01 Purpose
- 1191.02 Preservation of Trees and Wooded Areas
- 1191.03 Tree Replacement
- 1191.04 Landscape Standards
- 1191.05 Development Standards
- 1191.06 Off-Street Parking Standards
- 1191.07 Signage
- 1191.08 Screening of Service Courts and Loading Dock Areas
- 1191.09 Submittal Requirements
- 1191.10 Installation and Maintenance
- 1191.11 Tree Removal Permits
- 1191.12 Public Spaces

CROSS REFERENCES

- Administration, Enforcement and Penalty - see P. & Z. Chapter 1135
- Off-Street Parking - see P. & Z. Chapter 1185
- Signage - see P. & Z. Chapter 1189

1191.01 PURPOSE.

The purpose and intent of this chapter is the preservation and promotion of tree canopy coverage and landscaping as a suitable and necessary aspect of land development, as a component of Municipal development character, as an important beneficial element of the microclimate through the provision of shade and as buffers, and to promote the public health, safety and general welfare. It is further the purpose of this chapter to promote the preservation and, when necessary, replacement of major trees removed in the course of land development, to promote the proper utilization of landscaping as a buffer between certain land uses to minimize conflicts, and to protect, preserve and promote the character of the Municipality.

(a) *“Caliper”* the caliper of a tree shall be measured at six (6) inches above grade. For this chapter the term “caliper” only applies to new trees.

(b) *“Diameter Breast Height (dbh)”* the dbh of a tree shall be measured at four and one half (4 1/2 feet) above ground level. For this chapter the term “diameter breast height (dbh) only applies to existing trees.

(c) *“Major Tree”* For the purposes of this section, a major tree is defined by having diameter breast

height of six (6) inches or greater.

(d) "Woodlands" For the purposes of this section, a Woodland is an area of trees and unique site characteristic that have been determined by the City of Canal Winchester and identified on the Canal Winchester Woodland Map.

1191.02 PRESERVATION OF TREES AND WOODED AREAS.

(a) All major trees shall be preserved unless exempted, as follows: The Urban Forester may approve the cutting down, removal or destruction of a major tree when the tree interferes with the proper development of a lot, provided that the lot is in the subject of application for approval of a zoning certificate, a site plan, a development plan, a variance, or a conditional use permit and one of the following applies:

(1) The tree will be located within a public right-of-way or easement.

(2) The tree is located within the area to be covered by proposed structures or within twelve feet from the perimeter of structures, and the proposed structures cannot be located in a manner to avoid removal of the tree at the same time permitting desirable and logical development of the lot.

(3) The tree will be located within a proposed driveway designed to service a single family home.

(4) The tree is damaged, diseased or a safety hazard.

(5) The tree is an undesirable species in its present location.

(6) Established single family lots shall be exempt from this section, however; new subdivision development of single family lots shall not be exempt.

(b) When preparing and reviewing subdivision plans and landscape plans, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas shall be laid out to avoid the unnecessary destruction of wooded areas or outstanding tree specimens. Developers of land are encouraged to designate wooded areas as park reserves.

1191.03 TREE REPLACEMENT.

(a) Major Tree Replacement. During the course of development of a single lot or a subdivision, including Woodlands, the developer or owner shall be required to replace major trees removed pursuant to Section 1191.02 in accordance with the following schedule with trees having a trunk diameter of at least six (6) inches dbh.

| Major Tree Replacement Schedule | |
|----------------------------------------------------|----------------------|
| Trunk Diameter dbh | Replacement Schedule |
| Six (6) inches up to twelve (12) inches | One-for-one |
| Twelve (12) inches up to eighteen (18) inches | Two-for-one |
| Eighteen (18) inches up to twenty four (24) inches | Three-for-one |
| Twenty four (24) inches and greater | Four-for-one |

(1) Replacements for major trees shall have a trunk diameter at planting of at least two and one-half (2.5) inches caliper.

(2) The requirement for major tree replacement shall be considered as being in addition to any other landscaping required by Section(s) 1191.02 through 1191.05.

(b) Replacement Schedule for Woodlands. In addition to the provisions in Section 1191.03(a), the developer or owner of a woodland, as identified on the Canal Winchester Woodland Map shall, during the course of development, be required to retain a minimum of forty percent (40%) of the woodland.

(c) Where it is impractical or not feasible to replace all of the trees on the affected lot or within the affected subdivision, staff may approve one, or any combination of the following alternatives as a means of meeting the tree replacement requirements:

- (1) Replace as many trees as is practical on the affected lot;
- (2) Replace as many trees as is practical within this affected subdivision phase;
- (3) Replace as many trees as is practical within the affected subdivision;
- (4) For those trees that cannot be replaced through steps one through three above, the developer shall be required to replace the trees elsewhere in the City, or
- (5) Pay a fee as determined by the Canal Winchester Fee Schedule to support the City's effort to replace the trees on public land in the City;
- (6) Use larger caliper replacement trees to achieve a planting of equal or greater value with fewer numbers.

1191.04 LANDSCAPE STANDARDS.

Proposed landscape materials should complement existing vegetation, all architectural features and general layout, and should be comprised of viable plant material. Landscaping design and materials shall consist of the following:

(a) Plants. All plant materials shall be living plants that conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Artificial plants are prohibited in all landscaped areas in the Municipality required as per this chapter.

(1) The Urban Forest Tree and Plants list for Canal Winchester shall be referenced for approved tree species in new landscape plans.

(b) Deciduous Trees. Deciduous trees shall be species having an average mature crown spread of greater than fifteen (15) feet in Central Ohio and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where eight (8) foot clear wood requirements will control. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. Deciduous trees shall be a minimum of five (5) feet in height with a minimum caliper of one and three-fourth (1 ¾) inches at planting. The deciduous trees recommended as appropriate for Municipal environment and encouraged for use in meeting the requirements of this chapter are found in the recommended street tree list maintained by the Urban Forester.

(c) Evergreen Trees. Evergreen trees shall be a minimum of five (5) feet in height at planting.

(d) Shrubs and Hedges. Shrubs and hedges shall be at least two (2) feet in average height when planted.

(e) Earth Mounds. Earth mounds shall be physical barriers, which when planted block or screen the view just as a hedge or low wall would. Mounds shall be constructed of clean fill, top soil and similar materials, and shall be designed with proper plant material to prevent erosion and facilitate drainage. Earth mounds shall not exceed four (4) feet in height and shall be planted completely by plant material, which may include mulching limited to the immediate base of plantings, of which no greater than fifty (50) percent shall be turf.

(f) Screening Materials. Screening may consist of walls, fences, natural vegetation or a combination thereof acceptable to the Planning and Zoning Commission and with an opacity of no less than seventy-five (75) percent, except where superseded under Section 1191.02(f). Only masonry and brick walls or solid wood privacy fencing is permitted for built screening. Such screening shall be between four (4) and six (6) feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of dense evergreen bushes planted no less than four (4) feet in height.

(g) Monoculture. Monoculture, or the extensive use of a single species of trees, shall be limited in order to minimize the potential for disease or pests to strike a particular species resulting in significant same-species loss. The following limits shall apply:

| Maximum Use of Same Genus | |
|---------------------------|-------------------------|
| Number of Trees on Site | Maximum % of Same Genus |
| 10-19 | 50% |
| 20-39 | 33% |
| 40-59 | 25% |
| Over 60 | 15% |

1191.05 DEVELOPMENT STANDARDS.

(a) Non-Residential Uses. For all new construction, building additions, or land development for which a building permit and/or zoning certificate is required the following shall apply:

(1) All non-residential uses shall provide thirty (30) square feet of landscaped area for every one thousand (1,000) square feet of building ground coverage area, or fraction thereof. All areas of a lot not covered by buildings, structures, paving, or the landscaping required herein shall be covered by natural turf at a minimum.

(2) All commercial structures, and all industrial warehouse structures, shall be required to plant the required minimum landscaping listed below:

| Minimum Tree Planting Required per Building Size | |
|--------------------------------------------------|---------------------------------|
| Square Foot of Building | Number of Trees per Square Foot |
| Up to 30,000 sq. ft. | One Tree per 1,000 sq. ft. |
| 30,001 sq. ft. to 60,000 sq. ft. | One Tree per 2,000 sq. ft. |
| 60,001 sq. ft. to 90,000 sq. ft. | One Tree per 4,000 sq. ft. |
| 90,001 sq. ft. and greater | One Tree per 8,000 sq. ft. |

(A) In no instance shall the number of trees required to be planted exceed one hundred (100) trees.

(B) Over fifty (50) trees, a fee-in-lieu planting per tree, as determined by the Canal Winchester Fee Schedule may be made to support the City's effort to replace the trees on public land in the City.

(3) All office uses, institutional uses, convalescent and nursing homes and child daycare facilities, shall be required to plant the required minimum landscaping listed below:

| Minimum Tree Planting Required per Building Size | |
|--------------------------------------------------|---------------------------------|
| Square Foot of Building | Number of Trees per Square Foot |
| Up to 30,000 sq. ft. | One Tree per 1,000 sq. ft. |
| 30,001 sq. ft. to 60,000 sq. ft. | One Tree per 1,500 sq. ft. |
| 60,001 sq. ft. and greater | One Tree per 2,000 sq. ft. |

(A) In no instance shall the number of trees required to be planted exceed one hundred (100) trees.

(B) Over fifty (50) trees, a fee-in-lieu planting per tree, as determined by the Canal Winchester Fee Schedule may be made to support the City's effort to replace the trees on public land in the City.

(b) Residential Uses. For all new construction, building additions, or land development for which a building permit and/or zoning certificate is required the following shall apply:

(1) All residences and residential land uses, per dwelling unit, there shall be a minimum of one (1) tree planted for every five hundred (500) square feet or fraction hereof of building ground coverage.

(2) Multi-Family Perimeter Treatment. For all multi-family residential uses a fifteen (15) foot landscaped perimeter shall be provided where such development is adjacent to or abuts a residential zoning district or public right-of-way, excluding on-site access drives. Such landscaping shall include a combination of

trees, shrubs, hedges, earth mounds, and other natural features. No more than eighty (80) percent of natural landscaping material shall consist of turf.

(A) Screening Between Multi-Family Developments and Non-Residential Zoned Property. Screening shall consist of walls, fences, or natural vegetation in combination with a minimum four (4) foot mounding, said screening shall have an opacity of no less than fifty (50) percent, except where superseded under Section 1191.02 (f). Screening between multi-family residential and non-residential developments shall be reviewed for approval by the Planning and Zoning Commission. Only masonry and brick walls or solid wood privacy fencing is permitted for built screening, shall be maintained in good condition, and comply with Section 1181.07. Landscaping provided in lieu of such wall or fence shall consist of dense evergreen bushes planted no less than two (2) feet in height or evergreen trees at no more than thirty (30) feet spacing at five (5) feet in height at the time of planting. A minimum of one evergreen tree and four evergreen or deciduous shrubs per 1,000 sq. ft. of landscaped area for areas in all combinations of screening materials will be planted.

(B) The opacity of fifty (50) percent will take into consideration existing vegetation to be preserved and shall contain at least the minimum evergreen trees and shrubs. The minimum tree shall be five (5) feet in height with a minimum caliper of 1 ¼ inches at the time of planting. The minimum shrub shall be two (2) feet in height at the time of planting.

(c) Existing Trees. Existing healthy trees and shrubs shall be preserved and incorporated into the overall site and landscape design to the maximum extent practical as determined by the City. Existing trees may be credited towards minimum tree planning requirements as follows:

(1) Existing trees, which are preserved, may be credited toward the tree planting requirements of this Section according to the Credit for Existing Trees Table. Tree credits shall be given as long as all other provisions and the intent of this Code is met. Fractional caliper measurements shall be attributed to the next lowest category.

| Credit for Existing Trees – in aggregate inches | |
|--------------------------------------------------------|-------------------------------|
| DBH | Number of Tree Credits |
| 20+ total inches | 4 Trees |
| 13 - 19 total inches | 3 Trees |
| 8 - 12 total inches | 2 Trees |
| 2 - 7 total inches | 1 Tree |

(2) No credit shall be given for existing preserved trees that are:

- (A) Not located on the actual development site;
- (B) Not properly protected from damage during the construction process;
- (C) Prohibited Species in the Urban Forester Street Tree List;
- (D) Dead, dying, diseased, or infested with harmful insects.

(3) No new tree planting shall be required if existing trees to remain on site after development, and the aggregate trunk sizes of such trees, meet or exceed the requirements set forth above.

(d) Any combination of existing and new trees may be used to meet the requirements of this section.

1191.06 OFF-STREET PARKING STANDARDS

(a) Off-Street Parking Areas. Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which abuts a residential zoning district or public right-of- way by a masonry wall or solid wood fence. Such wall or fence shall be no higher than four (4) feet and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height. This subsection shall apply to bed and breakfast inns regardless of the size of off-street parking area.

(1) All off-street parking areas shall provide one (1) tree of no less than two (2) inches caliper, for every six (6) parking spaces, unless specified below. A minimum of fifty percent (50%) of the off-street parking trees shall be planted in parking lot islands. The remainder must be planted within ten (10) feet of the perimeter of the parking lot.

(A) Parking Lot Islands. Each landscaped tree island in a single loaded parking stall design shall have a minimum area of one hundred and sixty two (162) square feet with a minimum width of nine (9) feet. Each landscaped tree island located in a double loaded parking stall shall have a minimum area of three hundred twenty-four (324) square feet, with a minimum width of nine (9) feet.

(B) Exemptions. Parking lots with landscape tree islands that provide a minimum area of 1,200 cubic feet to accommodate a large species shade tree shall be credited on a two-to-one ratio on the off-street tree planting requirements. The minimum dimensions for planting areas shall be nine (9) feet on one side.

(2) All parking lot islands and peninsulas shall be designed to provide a minimum of three (3) feet in depth, for soil in a friable condition for healthy tree and plant growth.

(3) All trees shall be balled and burlapped or containerized/potted when planted. The top eighteen (18) inches of the burlap bag and cage shall be removed when planting.

(4) All trees shall be maintained in a healthy condition.

1191.07 SIGNAGE

(a) Signage. A landscaped area totaling a minimum of fifty (50) square feet shall be provided centered on the base of all freestanding signs and should be comprised of a variety of natural materials, such as turf, ground cover, shrubs, and hedges. No more than fifty (50) percent of natural landscaping material shall consist of turf. Low maintenance plant materials should be utilized. A sketch plan drawn to scale and indicating plant material by type (Latin/Botanical names) and quantity shall be provided with the application for a Sign Permit.

1191.08 SCREENING OF SERVICE COURTS AND LOADING DOCK AREAS.

(a) Screening of Service Courts and Loading Dock Areas. All areas used for service, loading and unloading activities shall be screened along the entire lot line if adjacent to or abutting a residential zoning district or public right-of-way. The following requirements shall apply:

(1) Screening of Trash Container Receptacles. For all non-single family residential uses requiring trash container receptacles, such as dumpsters, all such containers or receptacles shall be enclosed on all sides by walls or fences with an opacity of one hundred (100) percent and a minimum height of six (6) feet. Such containers or receptacles when located adjacent to or abutting a residential zoning district shall in addition be landscaped on all sides visible from such districts by shrubs and hedges with an opacity of seventy-five (75) percent. Trash containers and receptacles shall be located behind the building line and shall be located to the rear of non-residential uses. Trash containers and receptacles shall conform to side and rear yard setback requirements and for non-residential uses adjacent to a residential zoning district, such containers and receptacles shall be located no closer than twenty-five (25) feet to any property line.

1191.09 SUBMITTAL REQUIREMENTS.

(a) Procedure. Landscaping plans shall be submitted to the Planning and Zoning Administrator whenever an application is filed for a non-single family residential use as a part of a request for a Certificate of Zoning Compliance, zoning map amendment, conditional use permit, and in conjunction with the submittal requirements for Planned Districts.

(b) Plan Contents. The landscaping plan shall be prepared by a licensed design professional or landscape architect and shall include the following information:

(1) Plot plan drawn to scale indicating property lines, easements, proposed improvements, natural features, drainage, adjacent uses and structures, and proposed landscaping which shall include botanical and common names, dbh of deciduous trees, installation size, on-center planting dimensions where applicable, and a summary of all landscaping materials used on-site, new and existing, by type, common name, and quantity.

(2) In the case where trees are to be removed as part of any site development, the plot plan shall, in addition to items included in (1) above, also specifically indicate any trees to be removed and include botanical and common names and location of any major trees and any significant trees, as determined by a site visit.

(3) Title block with the pertinent names and addresses of property owner, applicant, design professional or landscape architect including the architect's seal, scale, date, north arrow, address of the subject property, and name of the subdivision (if applicable).

(c) Criteria for Review. The submitted landscaping plan shall be reviewed to determine if proposed improvements comply with the requirements and standards of this Chapter and commonly accepted landscaping and design standards. The Planning and Zoning Commission and/or Planning and Zoning Administrator may call upon professional services from either the public or private sectors to provide an evaluation relative to any submitted landscaping plan.

1191.10 INSTALLATION AND MAINTENANCE.

(a) Installation. Landscaping plans and the improvements identified therein meeting the requirements of this Chapter shall be completely installed no later than six (6) months subsequent to the date of issuance of a Temporary Certificate of Use and Occupancy. A single three (3) month extension may be granted by the Planning and Zoning Administrator upon request of the Applicant upon demonstration that such extension is warranted because of adverse weather conditions or unavailability of approved landscaping material. All landscaping material shall be installed in a sound, professional manner and according to accepted landscaping and planting procedures.

(b) Maintenance. All landscaping material shall be maintained in proper and healthful condition. Property owners shall maintain landscaped areas in a proper, neat and orderly appearance, and free from refuse and debris. Upon issuance of a citation, corrective action shall be completed within sixty (60) days unless the Planning and Zoning Administrator determines that weather constraints require one additional sixty (60) day period. Failure to meet the requirements of this section shall constitute violation of this Zoning Code and enforcement and penalty requirements of Chapter 1135 shall apply.

(c) Dead or Diseased Trees. It shall be unlawful for any property owner to maintain or permit to stand on his or her property, dead, diseased, or damaged trees, shrubs, evergreens or other plants which are deemed by the Municipality to be a menace to the public peace, health, and safety.

1191.11 TREE REMOVAL PERMITS.

(a) No person shall do any of the following without first having obtained a tree removal permit:

(1) Remove, damage, or destroy any tree or similar woody vegetation of any dbh in a woodland.

(2) Remove, damage, or destroy any tree or similar woody vegetation of six inch (6") dbh or greater which is not located in a woodland.

(3) Conduct any tree clearing activities.

(b) Exceptions.

(1) The removal or trimming of any trees by or on behalf of a resident owner of a one-family dwelling unit, one-family cluster-housing unit, site condominium unit, or residential condominium unit from an area under the owner's exclusive control. This exception shall not apply to removal of trees from common areas.

(2) Upon prior approval by the Urban Forester, the removal of or trimming of trees necessitated by the installation, repair or maintenance work performed in a public utility easement or approved private easement for public utilities.

(3) The removal or trimming of trees if performed by or on behalf of Canal Winchester,

Franklin or Fairfield County, Ohio Department of Transportation, Franklin or Fairfield County Public Works Office or other public agencies, or a public utility company in a public right-of-way, upon public property, or upon a private easement for public utilities in connection with a publicly awarded construction project, the installation of public streets or public sidewalks, or installation of public utilities within a private or public easement established for such purpose.

(4) The trimming and pruning of trees as part of normal maintenance of landscaping or orchards, if performed in accordance with accepted forestry or agricultural standards and techniques.

(5) The removal or trimming of dead, diseased or damaged trees if performed by or on behalf of Canal Winchester, Franklin or Fairfield County, Ohio Department of Transportation, Franklin or Fairfield County Public Works Office or other public agencies in a public right-of-way or upon public property if done to prevent injury or damage to persons or property.

(6) The removal or trimming of dead, diseased or damaged trees provided that the damage resulted from an accident or non-human cause, and provided further that the removal or trimming is accomplished through the use of standard forestry practices and techniques.

(7) The removal or transplanting of trees during the operation of a commercial nursery or tree farm or practicing sustained-yield forestry (land stays a productive forest).

(8) Actions made necessary by an emergency, such as a tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease or other disaster, in order to prevent injury or damage to persons or property or restore order.

(d) Content of Application.

(1) Required Information. An applicant for a tree removal permit for a parcel of one (1) acre or more, if required by Section 1191.11, shall submit the following materials to the Municipality:

(A) A completed tree removal permit application on a form prescribed by Planning and Zoning Administrator, which such application shall include the following information:

i. The name, address and telephone number of the applicant and/or the applicant's agent.

ii. The name, address and telephone number of the owner of the property.

iii. The project location, including as applicable, the address, the street, road, or highway, section number, lot or unit number, and the name of the subdivision or development.

iv. A detailed description and statement of the activity to be undertaken.

(B) A tree removal permit application fee in the amount as established by the adopted fee schedule.

(C) If the applicant is not the owner of the property, a written authorization from the owner allowing the proposed activity.

(D) Five (5) copies of a tree survey prepared by a certified arborist and a plan for proposed tree removal containing all of the following information:

i. The shape and dimensions of the property, and the location of any existing and proposed structure or improvement.

ii. The location of all existing trees of six inch (6") or greater dbh, identified by common and botanical name. Trees proposed to remain, to be transplanted, or to be removed shall be designated. A cluster of trees may be designated as a "stand" of trees, and predominant species, estimated

number, and average size shall be indicated. Clusters of trees located within an approved open space which is to be preserved may be designated as an "open space stand" and identified in the same manner as a "stand" without individual identification and location.

iii. A description of tree species, size, density, health and vigor.

iv. The location and dimension of all setbacks required by existing zoning requirements.

v. A statement that all retained trees will be identified by a method, such as painting or flagging. If protective barriers are deemed necessary by Canal Winchester, the statement shall include a description of how the retained trees are to be protected, with an acknowledgment that the barriers must be in place before operations commence.

vi. A general grading plan prepared by a registered engineer or land surveyor showing the anticipated drainage patterns, including the location of any areas where cut and fill operations are likely to occur, to enable Canal Winchester to determine the impact of the proposal on the viability of the existing trees.

(e) Application Review Procedures.

(1) Procedure. Canal Winchester shall review the submitted application for a tree removal permit required by Section 1191.11 to determine that all required information has been provided. At the request of the applicant or the Municipality, an administrative review meeting may be held to review the request in light of the purpose and the review standards of Section 1191.11. A field inspection of the site may be conducted by the Urban Forester and/or his or her designee. Where the site proposed for development requires review or approval by the Planning and Zoning Commission of the subdivision layout, qualification for one-family cluster, or special land use approval, the Planning and Zoning Commission shall be responsible for approval or denial of the request for a tree removal permit (subject to affirmance, reversal or modification by the Council of Canal Winchester with respect to tentative preliminary plat approval, or any other approval for which Council has final authority). In all other instances, the review of tree removal permit requests shall be the responsibility of the Urban Forester or his or her designee. All decisions shall be made in accordance with the review standards of Section 1191.11.

(2) Denial. If an application for a tree removal permit is denied, the permit applicant shall be notified in writing of the reasons for denial by the Urban Forester.

(3) Approval; Conditions; Performance Requirements. If an application for a tree removal permit is granted, the reviewing authority may do any or all of the following:

(A) Attach to the granting of the permit reasonable conditions considered necessary by the reviewing authority to ensure the intent of Section 1191.11 is fulfilled and to minimize damage to, encroachment in, or interference with natural resources and processes within wooded areas.

(B) Set a reasonable time frame within which to complete tree removal operations.

(C) Require a permit holder to deposit a performance bond, or other acceptable security, equal to 100% of the cost of the improvements to ensure compliance with the terms of Section 1191.11, including the planting of any required replacement trees. Once the trees designated to be removed have been removed and any required replacement trees have been planted and inspected, the Municipality shall release the bond or security. If the permit holder has provided a bond or other performance guarantee to the Municipality under any other ordinance or regulation, and such bond or guarantee is deemed adequate by the Municipality to ensure compliance with Section 1191.11, no additional performance guarantee shall be required under this Section.

(f) Term of Permit.

(1) Any and all tree removal permits issued by the Municipality to a developer shall expire (unless extended) at the same time as the contemporaneous approval granted by the Municipality for the

development, if any (e.g. preliminary plan, preliminary site plan, special land use, site plan approval, etc.).

(2) Any and all tree removal permits issued by the Municipality to any person for an activity regulated under Section 1191.11 for which a contemporaneous approval of the development is not required (e.g. removal of trees by a builder in connection with construction of a residence upon a lot or parcel) shall expire one year from the date of issuance.

(3) Any activity regulated under Section 1191.11 which is to be commenced after expiration of a tree removal permit shall require a new application, additional fees, and new review and approval.

(g) Protection of Trees and Woodlands during Construction; Display of Permit.

(1) No individual shall conduct any activity within ten (10) feet of the drip line of any tree designated to remain, including but not limited to placing solvents, building material, construction equipment, or soil deposits within the drip line.

(2) During construction, no individual shall attach a device or wire to any remaining tree, except to cordon off protected areas.

(3) Before development, land clearing, filling, or any property alteration for which a tree removal permit is required, the developer or builder shall erect and maintain suitable barriers such as snow fencing, cyclone fencing, etc., to protect remaining trees. Wood, metal, or other substantial material shall be utilized in the construction of barriers. Protective barriers shall remain in place until the Urban Forester, or his or her designee, authorizes their removal. Barriers are required for all trees designated to remain, except in the following cases:

A. Street right-of-way and utility easement may be cordoned by placing stakes a minimum of twenty-five (25) feet apart and tying ribbon, plastic tape, or other brightly visible materials at least two and one-half (2 ½) feet above the ground from stake to stake along the outside perimeters of areas to be cleared.

B. Large property areas separate from the construction or land clearing area onto which no equipment will venture shall be cordoned off.

(4) The permit holder shall conspicuously display the tree removal permit on-site. The permit shall be displayed continuously while trees are being removed or while activities authorized under the permit are performed, and for ten (10) days following completion of those activities. The permit holder shall allow the Urban Forester to enter and inspect the premises during reasonable business hours. Failure to allow an inspection is a violation of Section 1191.11.

(h) Enforcement and Administration. To ensure enforcement of Section 1191.11 and the approved plan for tree removal, various inspections will be performed at the site by the Urban Forester. The applicant will be responsible for all inspection fees in accordance with the Inspection Fees set and established by Resolution of the Council.

(i) Penalties and Remedies.

(1) In addition to the penalties as set forth in Section 1135.12, any person who violates any provision of Section 1191.11 shall forfeit and pay a civil penalty equal to the total value of those trees illegally removed or damaged, as computed from the International Society of Arboriculture shade tree value formula. Such sum shall accrue to the Municipality and may be recovered in a civil action brought by the Municipality. Such sum so collected shall be placed into the Street Tree Fund. Replacement of illegally removed trees may be required as restoration in lieu of money. This replacement will be computed on an inch-for-inch ratio based on the total diameter measured at dbh in inches of the illegally removed trees. If, because of destruction of the removed trees, exact inch-for-inch measurements cannot be obtained, the Municipality may use other means to estimate the tree loss. A combination of money and tree replacement may be required.

(2) Any person authorized or designated by the Planning and Zoning Administrator to enforce or administer Section 1191.11 may issue a stop work order to any person conducting any operation in violation

of Section 1191.11, including but not limited to failing to conspicuously display the tree removal permit upon the site. The written stop work order shall be posted upon the premises. A person shall not continue, or cause or allow to be continued, any operation in violation of such an order, except as authorized by the enforcing agency to abate a dangerous condition or remove the violation.

(3) If a stop work order is not obeyed, the enforcing agency or person may apply to a court of competent jurisdiction for any order enjoining the violation of the order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent criminal prosecution for failure to obey the order.

(4) Any person aggrieved by a stop work order may request review by the Planning and Zoning Administrator or his or her designee of the stop work order within one (1) working day of its issuance. The Planning and Zoning Administrator or his or her designee shall then determine whether the stop work order was properly issued due to operations being conducted in violation of the terms of Section 1191.11. The Planning and Zoning Administrator or his or her designee may lift the stop work order if the operations are determined to be in compliance with Section 1191.11.

(5) Any use or activity in violation of the terms of Section 1191.11 is hereby declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction. In addition to other remedies, the Municipality may institute any appropriate action or proceeding to prevent, abate, or restrain the violation. All costs, fees and expenses in connection with such action, including attorney fees incurred by the Municipality, shall be assessed against the violator.

1191.12 PUBLIC SPACES.

Within the public right-of-way and on public properties, no person or entity other than the Municipality shall plant a tree, shrub, evergreen, woody shrub or other obstruction on public property without the written consent of the City of Canal Winchester. The enforcement and penalty provisions of Chapter 1135 shall apply to this section.

(a) Tree Topping. No person shall, as a normal practice, top any tree within the public right-of-way. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy or disfigure the tree. With an immature tree, removing more than twenty-five percent (25%) of the canopy will be considered topping.

(b) Height of Limbs Over Sidewalks and Streets. Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than ten (10) feet above the sidewalks. Tree limbs extending over streets shall be trimmed to such an extent that no portion of the same shall interfere with the normal flow of traffic.

(c) Municipal Rights. The Municipality shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the rights-of-way of all streets, alleys, avenues, lanes and other public grounds as may be necessary to ensure public safety or to preserve or enhance the environmental quality and beauty of such public grounds. The Planning and Zoning Administrator may cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature poses a threat to the interruption of service to sewers, electric power lines, gas lines, water lines or other public improvements.

(d) Reducing Tree Lawn. No person shall by any type of construction reduce the size of a tree lawn without first securing permission from the Planning and Zoning Administrator.

(e) Utility Companies. Utility companies shall provide written evidence to the Planning and Zoning Administrator, of adherence to established guidelines (as recommended by the National Arborists Association) for line clearance work. These guidelines shall cover the following areas:

- (1) Tree trimming/pruning.
- (2) Tree removal.
- (3) Brushing.

(4) Right-of-way clearance for new transmission conductors on private rights-of-way.

(5) Chemical brush control and appropriate precautions.

(f) Removal, Replanting and Replacement in Public Places.

(1) Wherever it is necessary to remove a tree(s) or shrub(s) from any Municipally owned property, in connection with the paving of a sidewalk, or the paving or widening of a portion of a street, alley, or highway used for vehicular traffic, or any other reason, the Urban Forester must be contacted. At that time, the Urban Forester will determine if replacement of the trees and/or shrubs is feasible.

(g) Public Tree Care.

(1) The Urban Forester or its consultants shall notify the Street Tree Advisory Board those locations at which it deems the removal of street trees is necessary. The Urban Forester will notify the adjacent property owner(s) of the Municipality's intentions to remove the tree(s).

(2) The Municipality shall have the right to enter private property to gain access to trees adjacent to public areas for the purpose of proper pruning, after reasonable prior notice has been given to the property owner. To ensure that street trees thrive, homeowners are encouraged to confer with the Urban Forester, and water and mulch the trees as needed.

(3) No person or contractor, unless working on behalf of the municipality, shall attach any rope, wire, nails, advertising poster, decoration, decorative lighting, or other contrivance to any tree on Municipally owned property. No person shall permit any fire to burn where such fire or heat there from, or heat from any source will injure any portion of any tree on Municipally owned property. No person or contractor, unless working on behalf of the municipality, shall use herbicides or other chemicals on any trees, shrubs or evergreens locate on Municipally owned property.

(4) No person shall hinder, prevent, or interfere with the agents or employees of the Municipality while the agents or employees are engaged in planting, maintaining, or removing any tree, shrub, evergreen, or other plant material on Municipally owned property.

(5) No person shall excavate any ditch, tunnel, trench, or lay any drive within ten (10) feet from the drip line of any tree, shrub, evergreen, or other plant material standing on any Municipally owned property.

(6) It shall be unlawful for any person or contractor, unless working on behalf of the municipality, to break, deface, injure, mutilate, kill, or destroy any tree, shrub, or evergreen on any Municipally owned property.

(h) Removal of Stumps. All stumps of street trees shall be removed twelve (12) inches below the surface of the ground. Stumps shall be removed or shall be ground at the site. All residual material shall be removed from the site at the time the tree is removed and the site shall be restored as approved by the Urban Forester.

(i) Arborist License and Bond. It shall be unlawful for any person or contractor working on behalf of the municipality, to act as an arborist in the business or occupation of planting, pruning, treating, or removing street trees within the Municipality without providing documentation as a certified arborist or as the authorized representative of a certified arborist. Each applicant shall file evidence of possession of liability insurance in the minimum amount of \$1,000,000 indemnifying the Municipality or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(j) Appeal Procedures. Any person aggrieved by a decision of the Planning and Zoning Administrator may appeal the decision to the Planning and Zoning Commission as prescribed in Section 1137.06 (c).

(k) Tree Fund.

(1) Upon the issuance of a building permit for the construction of a building or structure in any

zoning district, the owner of said building or structure shall pay the sum as determined by the Canal Winchester Fee Schedule, a set fee per one lineal foot of frontage at the right-of-way to the Municipality's Street Tree Fund. This measurement shall include the side yard frontage on corner lots. The Street Tree Fund shall be used for the purpose of implementing the Street Tree Program, whose goal is to provide uniform street tree plantings and maintenance along public roadways within the Municipality.

(2) Payment to the Street Tree Fund shall be upon the issuance of a building permit. Such fee shall be waived if the fee was paid at the time of the original construction of the building or structure or if the buildings are part of a development project where landscaping at the interior streets is part of the overall development plan approved by the Planning and Zoning Commission. In such cases, the fee charged shall be only for the areas that are part of the development that front on existing streets and/or roads.

(3) All alterations or additions to buildings or structures on properties in the "Downtown" area shall only be charged one-third (1/3) of the street tree fee per lineal foot of frontage to be applied for street tree maintenance within the municipality.

(m) Donations. The Finance Director is hereby authorized to accept, on behalf of the Municipality, all gifts, money or other things or items of value for the purpose of planting, maintaining, removing, protecting, utilizing and promoting shade trees in accordance with the decision and approval of the STAB. However, a gift given expressly for a specific purpose shall, before the Municipality is deemed to have accepted it, be accepted by motion and vote of Council. If such motion to accept is rejected by Council, such gift, if already delivered to the Municipality, shall be returned to the donor and not accepted.

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: _____

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 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.

Clerk of Council/Finance Director

ORDINANCE NO. 18-049

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT WITH ROCKFORD HOMES, INC AND DECLARING AN EMERGENCY

WHEREAS, City Council finds and determines that it is in the best interest of the City of Canal Winchester to enter into a settlement agreement with Rockford Homes, Inc to settle and forever resolve the claims of Rockford and the 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 and hereby is, authorized to enter into a Settlement Agreement, herein attached as Exhibit A, on behalf of the City of Canal Winchester with Rockford Homes, Inc.

SECTION 2. That this ordinance is hereby declared to be an emergency measure, necessary for the preservation of public health, safety, and welfare, such emergency arising from the need to meet deadlines as dictated by court mediation; wherefore, this ordinance shall take effect and be in force from and after its passage.

DATE PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

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 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.

Clerk of Council/Finance Director

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (the “Agreement”) is made and entered into by and between Rockford Homes, Inc. (“Rockford”) and the City of Canal Winchester and its Planning & Zoning Commission (hereinafter collectively referred to as “Canal”), collectively, the “Parties” and is effective as of the date of the last authorized signature below (“Effective Date”).

RECITALS

A. Rockford is the owner of approximately 9± acres in the City of Canal Winchester adjacent to and south of Groveport Road, adjacent to and north of Cormorant Drive and east of Thrush Drive, being Franklin County Auditor’s Parcel No. 184-002267-00 (the “Property”). The Property is located in a ‘planned unit development’ zoning district known as the Villages at Westchester PUD (the “PUD”). The PUD and approved preliminary development plan permit Rockford’s property to be used for multi-family residential purposes, which use includes apartment and/or condominiums.

B. The codified ordinances of the City of Canal Winchester require Rockford to prepare and submit a Development Plan to the Canal Winchester Planning & Zoning Commission (P&Z) and receive approval of the plan prior to its development of its Property for multi-family residential purposes. The administrative decision of P&Z is subject to appeal to City Council. Any Development Plan approval by P&Z or City Council is valid for a period of two years from the date of approval.

C. Rockford has proposed Development Plans for a multi-family use on its Property that have been subject to appeals to City Council and court litigation with Canal since 2009 in various cases including Franklin County Municipal Court Environmental Division (“Environmental Court”) Case No. 2009 EVA 60050, appealed to the Tenth District Court of Appeals (“Court of Appeals”) in Case No. 09AP-827; Environmental Court Case No. 2013 EVA 60081, appealed to the Court of Appeals in Case No. 14AP-89, which was remanded to and re-determined by the Environmental Court in Case No. 2013 EVA 60081. That case is currently on appeal for a third time in the Court of Appeals in Case No. 18AP-247 styled *Rockford Homes, Inc. v. City of Canal Winchester Council, et al.* and referred to herein as the “Lawsuit.”

D. The Parties have each made various claims throughout the litigation, and Lawsuit the Parties desire by this Agreement to avoid further costs of litigation, resolve all claims that were brought in the Lawsuit and provide for the approval of a Development Plan for the development of the Property for a multi-family use on the terms set forth in this Agreement.

NOW THEREFORE, in consideration of the mutual promises contained herein and for other good and valuable consideration, the adequacy of which is hereby acknowledged by the Parties, the Parties agree as follows:

1. **Development.** Rockford shall submit a Development Plan to P&Z for the development of 48 multi-family dwelling units with a layout as generally shown on the Conceptual Plan attached as Exhibit A. The Property will be developed as condominiums that

are initially owned by Rockford. The development shall use materials that are compatible with the PUD and other development within the PUD, including the adjacent Eagle Ridge condominium development, and the surrounding area. Materials may include precast stone and vinyl siding with a minimum gauge of .046 as conceptually shown on Exhibit B or any other compatible materials approved by Canal. Public sidewalks shall be constructed on Cormorant Drive and Groveport Road and permanent signs and entry features identifying the development are permitted on both Cormorant Drive and Groveport Road as they have been throughout the PUD. Entry signs shall meet the sign standards of the PUD and/or applicable City codified ordinances. No parking screening is required.

2. **Stream Corridor Protection Zone/O.P. Chaney Ditch.** Rockford may develop within the Stream Corridor Protection Zone provided that all necessary state and federal permits are obtained. The O.P. Chaney Ditch on the Property may be enclosed, piped and crossed and developed so long as the continuous flow of water from or through the Ditch is provided for and all required permits are obtained.

3. **Cormorant Drive.** Rockford shall dedicate or convey the 425± linear feet of Cormorant Drive adjacent to and east of the Property to Canal as a public road. Canal Council agrees to accept the dedication or conveyance of the Cormorant Drive in its current condition (as is where is) and Rockford shall not be required to make any other improvements to or maintain Cormorant Drive.

4. **Development Plan.** The Parties recognize that the Villages at Westchester PUD was established in 1990 and that since that time there has been one modification of the PUD directly affecting the use of the Property and many amendments to the codified ordinances and regulations of the City of Canal Winchester. The parties agree that the multi-family development provided in this Agreement is a use permitted by the PUD with a significant reduction in the number of dwelling units the PUD permits on the Property, is in conformance with or consistent with the intent of the PUD and the regulations and codified ordinances of Canal and to the extent that the Development Plan may not be in strict compliance with any specific standard, (PUD, code or regulation), the Parties agree that any necessary modification or variance required for the Development Plan attached as Exhibit A is consistent with the intent of the zoning district, Codified Ordinances, City regulations and this Agreement, would constitute a minor modification of any approved Preliminary Development Plan and is consistent with the criteria for approval of a variance. Nothing in this Agreement shall be construed to alter Section 1173.06(c) of the Codified Ordinances of the City of Canal Winchester now in effect that requires development be in conformance with the approved Development Plan and commenced within two years of final approval of the Development Plan by P&Z or Council. In the event that Rockford fails to commence construction before the expiration of the Development Plan as provided in Section 1173.06(c), then this Agreement shall be null and void and a new Development Plan must be obtained for any future development in conformance with the then applicable zoning and ordinances of Canal.

5. **Stay of Appeal and Dismissal.** The Parties acknowledge and agree that Canal ordinances require Rockford to file a new application for Development Plan approval with P&Z that will require the preparation of site plans that include, engineering, landscaping, signage and graphics, lighting and other plans as provided in this Agreement to be prepared by consultants of

Rockford. Canal ordinances also require such application be reviewed and determined by P&Z, subject to appeal to Canal Council. The Parties further agree that such plans may take some time to prepare and proceed through the Canal approval process and the parties desire to stay the Lawsuit pending final determination and approval of Rockford's Development Plan implementing this Agreement beyond any right of appeal, and thereafter jointly dismiss the Lawsuit. The Parties recognize and agree that they have a continuing obligation in the Lawsuit to report to the Court of Appeals the progress of the Development Plan proceedings and any final approval by Canal until the Lawsuit is dismissed as provided herein and that they will cooperate in informing the Court of the administrative proceedings in Canal.

6. **Necessary Acts.** The Parties agree to perform any further acts and provide and execute any documents that may be reasonably necessary to carry out the provisions of this Agreement, including ensuring that a Development Plan for development and construction of 48 multi-family dwelling units is approved for the development of the Property and Cormorant Drive is dedicated to and accepted by Canal.

7. **No Admission.** The Parties agree that they are compromising and settling disputed claims and that this Agreement does not constitute, and shall not be construed as constituting, an admission by any Party relating to any of the claims in the Lawsuit or any failure of the Development Plan to meet or any violation of any PUD or other zoning standard, ordinance or other regulation of Canal. Neither the terms nor fact of this Agreement shall be deemed or construed as an admission of any Party with respect to the Property, its use or Development Plan.

8. **Enforceability.** The Parties acknowledge that the terms contained in this Agreement are reasonable. However, should any provision be determined invalid, illegal or otherwise unenforceable then the validity, legality and enforceability of the other provisions shall not be affected.

9. **Entire Agreement, Modification & Costs.** This Agreement constitutes the entire agreement between and among the Parties relating to the subject matter herein. This Agreement may not be changed nor altered except in writing signed by all the Parties. The Parties agree to bear their own respective costs, expenses and attorneys' fees.

10. **Governing Law and Enforceability.** This Agreement shall be interpreted in accordance with the laws of the State of Ohio. The Parties agree that any suit, action, or legal proceeding arising from or relating to the enforcement of this Agreement shall be brought in a court with jurisdiction in Franklin County, Ohio including the Environmental Court of Court of Appeals.

11. **General Terms.** This Agreement shall be construed according to its fair meaning, and not strictly for or against any of the parties. Should any provision of this Agreement be declared or determined by any court to be illegal, invalid, or unenforceable, the validity of the remaining parts, terms or provisions shall not be affected thereby and the illegal or invalid part, term or provision shall be deemed not to be a part of the Agreement. The captions or headings in this Agreement are for convenience, are not terms of the Agreement and shall not expand, modify, limit, explain, enlarge, restrict or define the text of this Agreement. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

Each Party represents that each of the undersigned, where indicated, has been duly authorized to execute this Agreement on behalf of the Party where indicated and that each has executed this Agreement on the date indicated by their respective signatures below.

Rockford Homes, Inc.

Date signed: _____

By: Robert E. Yoakam
It's Secretary

City of Canal Winchester

Date signed: _____

By: _____
It's: _____

As authorized by City of Canal Winchester
Resolution No. _____

APPROVED AS TO FORM:

Date signed: _____

Eugene Hollins
Law Director



EXHIBIT B

COUNCIL UPDATE



November 29, 2018

Finance Department
Amanda Jackson, Finance Director

Project Status:

2019 Bed Tax Grant Awards – Applications are (were) due November 30th. Legislation will be brought to the December 17th meeting to award the grants after the committee meets to review the applications.

2019 Council Calendar – The calendar is in your packets this evening. Please review and let me know if anyone has any questions or concerns.

RITA Conversion – The conversion from the City of Columbus to RITA for income tax collection is going well. Notification to employers and filers of the change has started and will continue through the month of December. Information about the change will be posted to our website so if you receive any questions, please direct them to myself or the Income Tax page on the City website.

JANUARY

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FEBRUARY

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January

Monday, January 7th
Tuesday, January 22nd

February

Monday, February 4th
Tuesday, February 19th

MARCH

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March

Monday, March 4th
Monday, March 18th

April

Monday, April 1st
Monday, April 15th
Monday, April 29th (Committee of the Whole)

MAY

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JUNE

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May

Monday, May 6th
Monday, May 20th

June

Monday, June 3rd - Tax Budget Public Hearing
Monday, June 17th

JULY

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AUGUST

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July

Monday, July 1nd
Monday, July 29th (Committee of the Whole)

August

Monday, August 5th
Monday, August 19th

SEPTEMBER

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OCTOBER

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September

Tuesday, September 3rd
Monday, September 16th
Monday, September 30th (Committee of the Whole)

October

Monday, October 7th
Monday, October 21st

November

Monday, November 4th
Monday, November 18th

NOVEMBER

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DECEMBER

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December

Monday, December 2nd
Monday, December 16th
Monday, December 30th (Committee of the Whole)

- City Offices Closed

COUNCIL UPDATE



November 29, 2018

Department of Public Service
Matthew C. Peoples, Director

Project Status:

Speed Control: We will continue to monitor the efficacy of the flashing speed limit sign installed on westbound E. Waterloo St.

5-Year Capital Improvements Plan (CIP): We have updated the CIP to include the projects discussed at the 11-19 Council Work Session.

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.

COUNCIL UPDATE



November 29, 2018

Division of Urban Forestry
Dick Miller, Urban Forester

Project Status:

Landscaping: Fifty-three street trees for the fall planting have been installed (using outside vendor) on various streets including Canal Street, West Waterloo, Badger, Cannon and others.

Transplanting: Nine 6'- tall trees will be repurposed that were dug from the old West Waterloo Street R.O.W. south of the new Hampton Hotel site.

Approximately 6 -2.5" caliper trees will be moved to Washington Knolls from Trillium St. due to proximity of overhead electric.

Invasive Plant Removals: Dormant basal bark spraying on invasive trees (Pear, Russian Olive and Honeysuckle) will continue through the winter.

Pruning: Pruning of street trees will resume when leaf pick up ends, as we share that dump truck with the street department.

COUNCIL UPDATE



November 29, 2018

Division of Water Reclamation
Steve Smith, Superintendent

Project Status:

S. Gender Lift Station: Following multiple pump failures due to flushable wipes, a new, less clog-prone pump is to be installed in mid-November. If local users continue to flush these items, it will be necessary to replace the second pump as well.

Manhole Inspections: The manholes in the Westchester area are being inspected per the normal every 4 years (25% of all city manholes) program.

NPDES Permit Renewal: The city has received, reviewed and commented on the draft NPDES (National Pollutant Discharge System) permit. We are still awaiting issuance of the final permit.

Safety:

- The city has been awarded the Ohio Water Environment Association (OWEA) highest safety award for its successful safety program and the new city safety manual. We were unable to pick up the award in person and are awaiting it to be sent to us.
- The Safety Committee met following a presentation on leaf gear and plow use. The committee decided it was necessary to update the first aid kits city-wide and we are looking in to that.

COUNCIL UPDATE



November 29, 2018

Division of Streets, Lands and Buildings
Shawn Starcher, Superintendent

Project Status:

Leaf Removal: Crews continue to work extremely hard to get leaves picked up for are residents. Leaf Removal season will continue through December 7th. Street Sweeping continues on an almost daily basis during leaf season.

Winter season: Crews have been dispatched several times so far this season to treat snowy and icy roads. We will continue to work with the Fairfield County Sheriff's Department monitoring the road conditions this Winter season.

Street Lights: Crews are busy decorating the town for are Christmas in the Village event and Holiday season.

COUNCIL UPDATE



November 29, 2018

Division of Information Technology
Rick Brown, Coordinator

Project Status:

Network Environment: Continuing building the Disaster Recovery infrastructure

Building Security: Working with South Central Power on the addition of security cameras at city-owned buildings.

Town Hall Equipment: Planning physical move and upgrades for Town Hall equipment during carpet replacement

Updates/Audit/Repairs: Updated Servers, workstations and network equipment

COUNCIL UPDATE



November 29, 2018

Division of Water
Joe Taylor, Superintendent

Project Status:

Plant Production: We pumped 27.029 Million gallons in October at an average of .871 mgd per day. Average Hardness was 120 mg/l.

Lab Certification: Staff is waiting on the EPA to perform a triennial lab re certification on all operators. The testing should take place soon.

Well #5: Well # 5 is out of service for a maintenance cleaning and to repair a faulting motor. The Well has been cleaned and we are awaiting reinstallation and testing.

AMI: AMI Metering System installs are ongoing. We have around 1330 units installed. We have around 1900 more MIU's to install. We are at 40% completion.

Water Main Break: Staff repaired a broken water main at 22 Walnut View Ct S on November 4th. Permanent repair may be necessary in the future.

Valve Bolts: Crews replaced valve bolts on 7 valves in November in the Gender Rd. business district.

COUNCIL UPDATE



November 29, 2018

Construction Services Department
Bill Sims, Administrator

ACTION NEEDED BY COUNCIL:

Capital Improvement Projects

Gender Rd. Ph. 4: Awaiting delivery of street light poles in the next two weeks and traffic signal poles in mid January. Anticipating having all work complete by end of February.

Private Development Projects

Crossroads Church: Earthwork on the church site has resumed. Preconstruction meeting for the roadway project was conducted 10/22/18.

Winchester Veterinary Clinic: Construction dormant due to design issues.

New Faith Church: All site work complete.

Winchester Ridge Phase 3: Phase 3 buildings under construction. Utilities installed, punch out remains. Mass grading in Phase 4 continuing.

Villages At Westchester Section 12-2,part 3: Roadway complete.

Villages At Westchester Section 13: Sanitary sewer under construction.

COTA Park & Ride: Site work and roadwork complete. COTA planning a January opening for the Park & Ride.

TransCanada Pipeline Replacement: Pipeline is complete. Some restoration remains.

Canal Winchester High School Additions: Phase 1 complete.

Jeff Wyler - Chrysler Dodge Jeep & Ram: Utilities installed. Building under construction.

Winchester Office Park, Phase 1&2: Utility work continuing. Buildings under construction.

NIFCO on Robinett Way: Preliminary mass grading permit issue.

Hampton Inn: Preconstruction meeting conducted 11/17/18. Site work underway.

Turning Stone: Preconstruction meeting conducted 11/29/18. Clearing work performed. Grading to commence 12/3/18.

COUNCIL UPDATE



November 28, 2018

Development Department

Lucas Haire, Director

Development Report

- Nifco has been issued permits for their new warehouse and production facility in Canal Pointe.
- Columbia Gas is nearing completion of their new Town Station on the lot that we sold to them in Canal Pointe.
- Crossroads Church has been issued a building permit for the new building on Bigerton Bend.
- Site work and clearing has begun at the Turning Stone project on North High Street.

New Business

- A new 7,200 square foot office building was approved in the Winchester Office Park on Winchester Blvd. it will be occupied by a medical office.
- A final round of façade grants will be awarded by the Canal Winchester Industry & Commerce Corporation. There is \$7,000 available and we received four grant applications requesting \$18,347.75.