A Special Meeting of the Bay Village City Council will be held on **Monday, June 11, 2018** at **8:00 p.m., following the 7:30 p.m. Committee Meeting of Council**, in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on items listed below:

1. **Roll Call; Pledge of Allegiance** led by Ward 3 Councilwoman Sara Byrnes Maier.

2. **Motion** to approve the Minutes of Regular Meeting of Council June 4, 2018.*Tadych*

3. **Ordinance 18-48** amending Chapter 505 of the Codified Ordinances of the City of Bay Village, entitled “Animals and Fowl.”*Mace* (Second Reading) (First Reading June 4, 2018)

4. **Resolution** authorizing the filing of a Community Development Municipal Grant Application, and declaring an emergency.*Mace* (First Reading and Adoption)

5. **Resolution 18-47** adopting a Tax Budget for the City of Bay Village for the Fiscal Year beginning January 1, 2019, submitting same to the County Fiscal Officer, and declaring an emergency.*Tadych* (Third Reading and Adoption) (Second Reading June 4, 2018) (First Reading May 21, 2018)

6. **Ordinance 18-49** to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2018 as previously appropriated in Annual Appropriations 17-96, 18-5, 18-25, and 18-30, and declaring an emergency.*Tadych* (Second Reading and Adoption) (First Reading June 4, 2018)

7. **Ordinance 18-50** providing the compensation of the Director of Law, Prosecutor, and Special Counsel commencing January 1, 2018 and ending December 31, 2018, and declaring an emergency.*Tadych* (Second Reading and Adoption) (First Reading June 4, 2018)

8. **Ordinance** authorizing the Mayor to enter into an agreement with McGowan Insurance Agency as agents of Argonaut Insurance, and declaring an emergency.*Tadych* (First Reading and Adoption).


10. **Announcements/Audience/Miscellaneous**

11. **Adjournment**

Dwight Clark
President of Council

Charter Reference 2.11
Agenda
Special Meeting of Council
June 11, 2018

Procedure

Section 2.14 - Effective Date
C.O. 111.10 - Council Rules for Legislation

Roll call on suspension of Charter Rules:

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

Roll call on suspension of Council Rules:

No ordinance or resolution shall be passed unless a written copy thereof is before the Council …at least 24 hours before any meeting of Council at which action…is contemplated.

Roll call on inclusion of the emergency clause:

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency provisions. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

NOTE: Regular and Special Meetings of Council are scheduled for 8:00 p.m. However, Council generally meets informally at 7:30 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.
CITY OF BAY VILLAGE

Council Minutes, Regular Meeting       June 4, 2018
Council Chambers 8:10 p.m.

Dwight Clark, President of Council, presiding

Present:                Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Mayor Koomar.

Also Present:    Law Director Ebert, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Fire Chief Lyons, Police Chief Spaetzel, Operations Manager Landers, Recreation Director Enovitch, Human Resource Director Demaline, Chief Building Official of SAFEbuilt, Inc., Steve Vogel.

AUDIENCE

The following audience members signed in this evening: Mark Barbour, Jeff Gallatin. Eric Eakin, Brian Cruse, Jeanne Reese, Scott White, Al Kruzer, Karen Lieske, Cappi Mercer, Jerrie Barnett, Monica Thomas, Carolyn Young, Tallie Young, Tom Jelepis, Bev Jelepis, Helen Hoke, Paul Vincent, Tony Dostal.

Mr. Clark called the Regular Meeting of Council to order at 8:10 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Ward 2 Councilwoman Lydia DeGeorge.

Following the roll call, Mr. Clark called for a reading of the Minutes of the Regular Meeting of Council held May 21, 2018. Mr. Tadych MOVED to dispense with the reading and accept the minutes of the Regular Meeting of Council held May 21, 2018 as prepared and distributed. Motion carried 6-0 and 1 abstention (Marty Mace.)

ANNOUNCEMENTS

President of Council Clark acknowledged the many visitors in the Council Chambers this evening as a tribute to Director of Law Gary Ebert. Mr. Clark noted that Mr. Ebert began his service to Bay Village as a Member of Council in 1982, transitioning to Director of Law in 1986. He stated that Mr. Ebert’s time serving the City of Bay Village has been of immeasurable benefit to the present and prior city officials and the residents of the City of Bay Village.

Mr. Clark stated that former Mayor Tom Jelepis was kind enough to ask people to be here this evening, and called upon Mr. Jelepis for comments.

Mr. Jelepis stated that he has lived with Bev Jelepis, a beautiful woman, for the past 25 years and it was her idea to bring people together this evening. The effort was helped by Pam Ebert who acknowledged enthusiastically that Gary Ebert would be touched to see the people he has worked with over the years. There will be a fitting tribute at some time in the future, but at this time the people that he worked with, from Tony Dostal in the 1980’s to most recently Paul Vincent, both
former Councilmen, and so many others, are present for a standing ovation this evening to thank Gary Ebert for his guidance, friendship and counsel. Mr. Jelepis stated that Mr. Ebert has truly been the Mayor of this town for the past thirty years, and is thanked for helping so many.

Gary Ebert stated that his heart is in Bay Village and noted the Councils, Boards and Commissions and employees he worked with through the years. Mr. Ebert stated that people are unaware of the dedication and hard work of the directors and employees of Bay Village. They go the extra mile to satisfy, and it has been such a privilege to work with them all. It has been a pleasure and honor to serve, and he expressed that he hopes he can help Mark Barbour with the transition, and Mayor Koomar with the institutional knowledge going forward. Mr. Ebert stated that he hopes the project for the Sunset Project will be done by the time he steps down, and he will do what he can to make a transition that is good for Bay Village, giving his knowledge whenever he can and at any time. Mr. Ebert stated that he is always here, will always be here and appreciates being the Special Counsel to the end of the year to try to do the transition in the right way. Mr. Ebert thanked all the directors and employees who have made this possible.

Mr. Ebert stated that he has many memories from the administrations he served, from Mayor Cowles, Mayor Chapman, Mayor Jelepis, Mayor Sutherland and Mayor Koomar. He thanked everyone for their presence this evening. He thanked his wife, Pamela, for being by his side through the years and for her help in decorating City Hall and her role as Citizen of the Year.

Mr. Clark thanked Mr. Ebert for the many roles he has played in his service to Bay Village.

Mayor Koomar announced the appointment of Mark E. Barbour to the position of Director of Law.

The Mayor noted that he looks forward to a continued relationship with Mr. Ebert as Special Counsel, and appreciates the support of City Council in that relationship. The Mayor noted that Mr. Ebert’s institutional knowledge is second to none. Seeley, Savidge and Ebert has always represented the City well in outside litigation, and that will continue as well. We will continue to see Mr. Ebert out and about and in City Hall.

REPORTS

Finance Director Mahoney had no report this evening.

Recreation Director Enovitch reported the official opening of the Family Aquatic Center today which will continue with abbreviated hours until Thursday, June 7, 2018 when school is out for the summer. Standard hours will begin on Friday, June 8, 2018 through the summer. Eighteen hundred memberships have been sold with the goal of reaching 3000 passes for the season. The new heater is working well with water temperature at 80 degrees.

Director of Public Service and Properties Liskovec had no report this evening.
Human Resource Director Demaline reported that the City of Bay Village is a member of the Southwest Safety Council through the Ohio Bureau of Workers’ Compensation and was awarded an achievement award for reducing Workers’ Compensation accidents by 25% or more. As of June 17, if remaining on this track, the City will be six months without any Workers’ Compensation incidents or accidents. Mayor Koomar acknowledged the hard work of the City Directors, noting that Fire Chief Lyons and others have come through with flying colors.

Police Chief Spaetzl expressed appreciation to Mr. Ebert for his 32 years of service, his knowledge, experience, friendship and mentoring to the Police Department and to the community. Chief Spaetzl stated that many people do not realize the work Mr. Ebert does outside of his position to help so many.

Chief Spaetzl announced the retirement of his long-time assistant, Gloria Frombach, on May 25, 2018. The full time dispatcher, Kelly Uber, has been hired as a Bay Village Police Officer, after receiving a high score on the recently administered Police Officer test by the Civil Service Commission. Kelly is enrolled at the Lorain County Community College Police Academy and has been voted as Class President.

The Police Dispatching team consists of two full time and one part time dispatcher. Abby Binius, formerly a part time dispatcher, was recently appointed to the position of full time dispatcher after completing a Civil Service test.

Fire Chief Lyons advised that hydrant maintenance season is over. All fire hydrants have been inspected and maintained, and Chief Lyons credited the men in his department for their quick and efficient work.

Chief Lyons reported that a grant has been received through the Ohio Bureau of Workers’ Compensation as a result of an application last September. The Firefighters Exposure to Environmental Elements Grant in the amount of $8,500 will be used to purchase gloves and hoods for the firefighters.

Mr. Clark noted the painting of the fire hydrants throughout the City. The work of painting the hydrants is progressing and all of the 1,000 plus hydrants will be painted blue when the project is completed. Mr. Tadych noted that this effort was the idea of Mr. Ebert.

Chief Building Official Vogel stated that the plan review for the Knickerbocker Apartments has been completed. Permits have been issued for the expansion of the MJ Hair Studio in the Bay Square Shopping Center. The Village Project is working on their expansion to the former Thomas and Thomas Photography Studio. Vivid Jewelers completed their landscaping over this past weekend, with just a few items left to be taken care of outside the building. Mr. Vogel has contacted the Planning Commission and the Architectural Board of Review to see if Vivid Jewelers has satisfied their requirements.

Mr. Clark asked Mr. Vogel if the status of the soil studies for Liberty Development have been received. Mr. Vogel stated that he has not seen activity at the site.
AUDIENCE

Carolyn Young, 29039 Lake Road, stated that she is the property owner across the street from Lakeview Cemetery. There was discussion at Council recently about the erosion at the cemetery, and Mrs. Young is the owner of part of the property that surrounds the cemetery property and is included in the erosion. The property has slipped again, and the baskets at the bottom have fallen forward into the water. Mrs. Young stated that this became an issue about three springs ago. Over the winter, the gabion baskets have eroded and are causing pressure on the hill which was just backfilled in the 1980’s. The weight is causing the bottom to collapse. What started as a crack three years ago has now sheared off into a cliff. The cost of the repairs has gone up from the $120,000 range two years ago to almost $400,000. It was also suggested to remove the tree at the top of the hill because it is adding extra weight and could bring the rest of the property down.

Mayor Koomar stated that he discussed this with the Director of Public Service last week and they are in the process of getting quotations to remove the tree as a first step.

Mr. Ebert stated that one of the conditions of the Cahoon Will is to maintain the cemetery. There has been erosion at that property in the past. There would have to be some sort of joint venture between the City and the Young’s, unless there is a grant somewhere that the Young’s could obtain. The cemetery is not in danger now, but it eventually will be as the erosion continues. There should be dialogue as to whether a joint endeavor will help.

Mrs. Young stated that there are three parcels behind the cemetery. The outside two belong to Mr. and Mrs. Young and the inside parcel is the City’s. She noted that any measure taken must be for all three parcels.

Mr. Clark thanked Mrs. Young for coming to the meeting this evening and sharing her concerns.

COMMUNICATIONS

The Clerk of Council noted the following communication:

The following communication has been received:

A letter from Eric McDonald, 505 Walmar Drive, regarding the closure of the railroad tracks on Monday, May 21, 2018.

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE –Mr. Mace

Mr. Mace introduced and read, by title only, Ordinance 18-48 amending Chapter 505 of the Codified Ordinances of the City of Bay Village, entitled “Animals and Fowl.”
Minutes of Regular Meeting
Bay Village City Council
June 4, 2018

Mr. Clark noted that revisions to this ordinance has been discussed in numerous committee meetings with the assistance of Police Chief Spaetzel and Animal Control Officer Adkins.

Ordinance No. 18-48 was placed on first reading.

MISCELLANEOUS

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Tadych MOVED to convene to Executive Session for the purpose of discussion relating to Contracts: SAFEbuilt, Inc., and Personnel: Law Department/Compensation: Special Counsel, Law Director, Prosecutor.

Roll Call Vote: Yeas –Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig. Nays – None.

Motion passed 7-0.

Also in attendance in Executive Session was Human Resource Director Demaline.

Council reconvened in an open meeting at 9:00 p.m. Present were: Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig. Nays – None.

FINANCE AND CLAIMS-Mr. Tadych

Mr. Tadych read, by title only, Resolution 18-47 adopting a Tax Budget for the City of Bay Village for the Fiscal Year beginning January 1, 2019, submitting same to the County Fiscal Officer, and declaring an emergency. (Second Reading) (First Reading May 21, 2018)

Mr. Clark announced that Resolution No. 18-47 is placed on second reading.

Mr. Tadych introduced and read, by title only, Ordinance 18-49 to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2018 as previously appropriated in Annual Appropriations 17-96, 18-5, 18-25, and 18-30, and declaring an emergency. (First Reading)

Mr. Tadych stated that the total additional amount needed to be appropriated from the General Fund is $29,118, to allow for the new Law Director and additional Legal Counsel. Additionally, the appropriation for street resurfacing is increased by $371 to reconcile with debt issuance.

Mr. Clark announced that Ordinance No. 18-49 is placed on first reading.

Mr. Tadych introduced and read Ordinance 18-50 providing the compensation of the Director of Law, Prosecutor, and Special Counsel commencing January 1, 2018 and ending December 31, 2018, and declaring an emergency. (First Reading)
Minutes of Regular Meeting  
Bay Village City Council  
June 4, 2018  

Mr. Clark announced that Ordinance No. 18-50 is placed on first reading.  

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE – Ms. Maier  

Ms. Maier moved to add “Small Cell Facilities and Wireless Support Structures within the Right-of-Way,” to Matters Pending before Council Committee. Mr. Clark stated that this will be added to the Matters Pending with the understanding that this action will need to be finalized by the end of July. If necessary to complete this work, a meeting of Council will be scheduled during summer recess.  

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE - Mrs. Stainbrook  

Mrs. Stainbrook had no report this evening.  

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Winzig  

Motion by Mr. Winzig to confirm the reappointment by Mayor Koomar of Carl Heilman to the Parks and Recreation Commission for a four year term expiring July 16, 2022.  

Motion carried 7-0.  

Motion by Mr. Winzig to confirm the reappointment by Mayor Koomar of Jeff Walters to the Parks and Recreation Commission for a four year term expiring July 16, 2022.  

Motion carried 7-0.  

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Ms. DeGeorge  

Ms. DeGeorge read, by title only, Ordinance 18-44 authorizing the Mayor to enter into a Professional Services Agreement and a Lease Agreement with SAFEbuilt, Inc., and declaring an emergency. (Second Reading May 14, 2018) (First Reading May 7, 2018)  

Mr. Clark stated that the agreement calls for an 85%/15% split between SAFEbuilt, Inc. and the City of Bay Village respectively, and includes 32 hours of service per week by the Chief Building Official to the City of Bay Village.  

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 18-44.  

Roll Call on Suspension of the Charter Rules:  
Yeas - Mace, Maier, Stainbrook, Tadych, Winzig, Clark  
Nays - DeGeorge  

Roll Call on Suspension of the Council Rules:  
Yeas – Mace, Maier, Stainbrook, Tadych, Winzig, Clark
Nays – DeGeorge
Roll Call on Inclusion of the Emergency Clause:
  Yeas – Mace, Maier, Stainbrook, Tadych, Winzig, Clark
  Nays – DeGeorge
Roll Call on Adoption:
  Yeas– Mace, Maier, Stainbrook, Tadych, Winzig, Clark
  Nays – DeGeorge

Mr. Clark announced the passage of Ordinance No. 18-44, an emergency measure, with a vote of 6-1.

MISCELLANEOUS (continued)

Motion by Tadych to confirm the appointment by Mayor Koomar of Mark E. Barbour to the position of Director of Law of the City of Bay Village, Ohio effective June 11, 2018.

Roll Call Vote:  Yeas – Mace, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge
  Nays – None.

Motion carried 7-0.

Mr. Barbour was welcomed to his new role as Director of Law.

Mrs. Stainbrook referred to the action earlier in the evening by Ms. Maier to add the Small Cell Facilities and Wireless Support Structures to the Matters Pending before Council Committee. Mrs. Stainbrook asked if this motion requires a vote by the City Council.

Mr. Clark stated that he believes that adding a Matter Pending before Council does not require a legislative vote. A vote is required, however, to remove a Matter Pending before Council Committee.

Library Update

Mr. Clark stated that several members of Council and interested residents attended a meeting of the Cuyahoga County Library Board recently.

Mayor Koomar thanked all for their attendance, noting that he had a previous commitment with the School Board and could not attend that meeting. Subsequent to that, he did communicate with the Board President and the Executive Director and expressed willingness to work together with them on the timeline and looks forward to talking with them more this month.

Mr. Clark stated that the Board talked about starting the engagement process this month. An engagement person will be hired as a go-between for both parties. It is important that the appropriate individuals be identified that will represent the City through this process. That is something that will be worked on as well.
Mayor Koomar stated that he shared the concept of the three Council Committee Chairs. Planning will be part of that as a key role.

Mr. Winzig stated that there was a document that was distributed to Council by the Library Board that contained a recommended project timeline. The month of June lists a letter and survey to go to residents. Mr. Winzig asked if that is the responsibility of the City or the Library Board. Mayor Koomar stated that he does not think that has been determined. He believes it is on the part of the Library Board, but he looks forward to talking with them on how that engagement will take place.

Mr. Winzig asked if retaining the services of a Community Engagement expert is the Library’s responsibility or something the City will do. Mayor Koomar stated that they have not had discussions on this yet.

Mr. Winzig noted that it is listed to be done in the month of June, which will move quickly.

There being no further discussion, the meeting adjourned at 9:13 p.m.

___________________________________         __________________________________
Dwight A. Clark, President of Council         Joan T. Kemper, Clerk of Council
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
AUTHORIZING THE FILING OF A COMMUNITY DEVELOPMENT MUNICIPAL
GRANT APPLICATION, AND DECLARING AN EMERGENCY.

WHEREAS, Cuyahoga County is offering a Community Development Municipal Grant
up to $150,000 which would benefit the seniors in the community by facilitating the renovation of
the kitchen at Dwyer Memorial Senior Center; and

WHEREAS, the application has been prepared for submission with Cuyahoga County;

NOW, THEREFORE, be it resolved by the Council of the City of Bay Village, Ohio;

SECTION 1. That this Council hereby authorizes the application and acceptance of a
Community Development Municipal Grant to facilitate the renovation of the Dwyer Kitchen.

SECTION 2. That this Council finds and determines that all formal actions of this Council
concerning and relating to the passage of this resolution were taken in an open meeting of this
Council, and that all deliberations of this Council and of any committee that resulted in those
formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution is hereby declared to be an emergency measure
immediately necessary for the preservation of the public peace, health, safety and welfare, and for
the further reason that it is necessary to authorize the filing of said application in a timely manner,
wherefore this resolution shall be in full force and take effect immediately upon its passage and
approval by the Mayor.

PASSED:

_____________________________________
PRESIDENT OF COUNCIL

_____________________________________
CLERK OF COUNCIL

APPROVED:

_____________________________________
MAYOR

060118 kek
RESOLUTION
ADOPTING A TAX BUDGET FOR THE CITY OF BAY VILLAGE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2019, SUBMITTING SAME TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

WHEREAS, there has been prepared a tentative tax budget for the City of Bay Village for the fiscal year beginning January 1, 2019, showing detailed estimates of all balances that will be available at the beginning of the year 2019 for the purpose of such year and of all revenues to be received for such fiscal year, including all general and special taxes, fees, costs, percentages, penalties, allowances, prerequisites and all other types or classes of revenues; also estimates of all said revenues or balances; and otherwise conforming with the requirements of law; and

WHEREAS, the budget will be available for public inspection; and

NOW, THEREFORE, be it resolved by the Council of the City of Bay Village, Ohio:

SECTION 1. That the tax budget of the City of Bay Village for the fiscal year beginning January 1, 2019 as prepared and submitted to Council, copies of which are on file in the offices of the Finance Director and Clerk of Council, is hereby adopted as the official tax budget for the City of Bay Village for the fiscal year beginning January 1, 2019.

SECTION 2. That the Clerk of Council is hereby directed to certify a copy of said tax budget and a copy of this Resolution to the Cuyahoga County Fiscal Officer, Ohio.

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

SECTION 4. That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to adopt such tax budget to provide funds for 2019, wherefore this Resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

ADOPTED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK OF COUNCIL

APPROVED:

__________________________
MAYOR
051718 kek
To make appropriations for the current and other expenditures of the City of Bay Village for the fiscal year 2018 as previously appropriated in annual appropriations 17-96, 18-5, 25 and 18-30.

NOW, THEREFORE, be it ordained by the Council of the City of Bay Village, State of Ohio:

Section 1: That to provide for the current expenses and other expenditures of the City of Bay Village during the fiscal year ending December 31, 2018, the following sums are hereby set aside and appropriated from the funds herein specified as follows:

Section 2: That there be appropriated, transferred, and advanced from the following funds, as further detailed in the Schedules attached hereto as Exhibit "A" and Exhibit "B" and incorporated herein:

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<th>Fund #</th>
<th>Fund Activity</th>
<th>Personal Service</th>
<th>Other</th>
<th>Capital Improvement</th>
<th>Transfers/Advances</th>
<th>Total</th>
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<td>$3,775,120</td>
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<td>$886,390</td>
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<td>- $5,176,806</td>
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<th>Fund #</th>
<th>Fund Activity</th>
<th>Personal Service</th>
<th>Other</th>
<th>Capital Improvement</th>
<th>Transfers/Advances</th>
<th>Total</th>
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<tbody>
<tr>
<td>210 Emergency Paramedic</td>
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<td>230 Parks and Recreation</td>
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</tbody>
</table>
## Capital Project Fund Group - 400

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>400 General Capital Improvement</td>
<td>$ -</td>
</tr>
<tr>
<td>480 Walker Road Park</td>
<td>-</td>
</tr>
<tr>
<td>490 Public Improvement</td>
<td>-</td>
</tr>
<tr>
<td>494 Infrastructure Improvements</td>
<td>-</td>
</tr>
<tr>
<td>495 Municipal Building Improvements</td>
<td>-</td>
</tr>
<tr>
<td>496 Public Building Roof Improvements</td>
<td>-</td>
</tr>
<tr>
<td><strong>400 Total Capital Project Fund Group</strong></td>
<td>$ -</td>
</tr>
</tbody>
</table>

## Enterprise Fund Group - 500

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>520 Pool</td>
<td>$ -</td>
</tr>
<tr>
<td>580 Sewer</td>
<td>231,730</td>
</tr>
<tr>
<td></td>
<td>899,565</td>
</tr>
<tr>
<td><strong>500 Total Enterprise Fund Group</strong></td>
<td>$ 1,131,295</td>
</tr>
</tbody>
</table>

## Internal Service Fund Group - 600

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>600 Health Insurance</td>
<td>$ -</td>
</tr>
<tr>
<td>601 General Insurance</td>
<td>-</td>
</tr>
<tr>
<td>602 Workers Compensation</td>
<td>109,020</td>
</tr>
<tr>
<td><strong>600 Total Internal Service Fund Group</strong></td>
<td>$ 1,448,720</td>
</tr>
</tbody>
</table>

## Trust Fund Group - 800

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>801 Unclaimed Monies</td>
<td>-</td>
</tr>
<tr>
<td>820 Cahoon Memorial</td>
<td>-</td>
</tr>
<tr>
<td>830 Cahoon Library</td>
<td>-</td>
</tr>
<tr>
<td>840 Waldeck</td>
<td>-</td>
</tr>
<tr>
<td>860 Dwyer</td>
<td>-</td>
</tr>
<tr>
<td><strong>800 Total Trust Fund Group</strong></td>
<td>$ -</td>
</tr>
</tbody>
</table>

## Deposit Fund Group - 900

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>930 Building Deposits</td>
<td>$ -</td>
</tr>
<tr>
<td>931 Security Deposits</td>
<td>-</td>
</tr>
<tr>
<td><strong>900 Total Deposit Fund Group</strong></td>
<td>$ -</td>
</tr>
<tr>
<td><strong>Grand Total All Funds</strong></td>
<td>$ 13,420,885</td>
</tr>
</tbody>
</table>

### Itemized list of Transfers and Advances by Fund

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund to Parks and Recreation</td>
<td>$ 400,000</td>
</tr>
</tbody>
</table>
General Fund to Community Gym 8,812
General Fund to Street Construction 425,000
General Fund to Bay Family Services 46,361
General Fund to Fire Pension 100,000
Total Transfers $ 980,173

Total Transfers and Advances $ 980,173

Section 3: That the City Director of Finance be and is hereby authorized and directed to draw warrants against the appropriations set forth upon presentation of proper vouchers.

Section 4: That all expenditures within the fiscal year ending December 31, 2018 shall be made in accordance with the code accounts set forth above, and shall be made within the appropriations herein provided ("Appropriations" as used means the total amount appropriated for an individual fund). For any Capital Project Funds (400 Series) the appropriation herein approved shall lapse only upon completion of all specified projects; therefore, any appropriation balance unexpended at the end of the fiscal year shall be carried forward to subsequent fiscal years.

Section 5: That Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

Section 6: That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare, and for the reason that it is necessary for the current operation of the City, and therefore shall take effect immediately upon its enactment and approval by the Mayor.

PASSED:

President of Council

Clerk of Council

Mayor
### Schedule of Budgets by Department for General Fund

<table>
<thead>
<tr>
<th>Department</th>
<th>Personal Service</th>
<th>Other</th>
<th>Equipment Replacement</th>
<th>Transfers</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council</td>
<td>64,400.00</td>
<td>12,650.00</td>
<td>5,058.00</td>
<td>-</td>
<td>82,108.00</td>
</tr>
<tr>
<td>Clerk of Council</td>
<td>58,230.00</td>
<td>875.00</td>
<td>-</td>
<td>-</td>
<td>59,105.00</td>
</tr>
<tr>
<td>Mayor</td>
<td>243,200.00</td>
<td>10,000.00</td>
<td>1,000.00</td>
<td>-</td>
<td>254,200.00</td>
</tr>
<tr>
<td>Law</td>
<td>156,783.00</td>
<td>92,950.00</td>
<td>-</td>
<td>-</td>
<td>249,733.00</td>
</tr>
<tr>
<td>Finance</td>
<td>247,500.00</td>
<td>29,450.00</td>
<td>1,200.00</td>
<td>-</td>
<td>278,150.00</td>
</tr>
<tr>
<td>Taxation</td>
<td>-</td>
<td>192,000.00</td>
<td>-</td>
<td>-</td>
<td>192,000.00</td>
</tr>
<tr>
<td>General Administration</td>
<td>209,585.00</td>
<td>499,082.00</td>
<td>5,500.00</td>
<td>980,173.00</td>
<td>1,694,340.00</td>
</tr>
<tr>
<td>Civil Service</td>
<td>-</td>
<td>20,150.00</td>
<td>-</td>
<td>-</td>
<td>20,150.00</td>
</tr>
<tr>
<td>Planning Commission</td>
<td>5,200.00</td>
<td>800.00</td>
<td>-</td>
<td>-</td>
<td>6,000.00</td>
</tr>
<tr>
<td>Zoning Board of Appeals</td>
<td>2,600.00</td>
<td>700.00</td>
<td>-</td>
<td>-</td>
<td>3,300.00</td>
</tr>
<tr>
<td>Service</td>
<td>1,849,176.00</td>
<td>2,118,438.00</td>
<td>25,500.00</td>
<td>-</td>
<td>3,993,114.00</td>
</tr>
<tr>
<td>Fire</td>
<td>1,394,540.00</td>
<td>104,000.00</td>
<td>14,000.00</td>
<td>-</td>
<td>1,512,540.00</td>
</tr>
<tr>
<td>Police</td>
<td>2,827,439.00</td>
<td>357,600.00</td>
<td>20,000.00</td>
<td>-</td>
<td>3,205,039.00</td>
</tr>
<tr>
<td>Central Dispatch</td>
<td>-</td>
<td>128,000.00</td>
<td>-</td>
<td>-</td>
<td>128,000.00</td>
</tr>
<tr>
<td>Building</td>
<td>165,400.00</td>
<td>190,700.00</td>
<td>-</td>
<td>-</td>
<td>356,100.00</td>
</tr>
<tr>
<td>Architecture Board of Review</td>
<td>-</td>
<td>25.00</td>
<td>-</td>
<td>-</td>
<td>25.00</td>
</tr>
<tr>
<td>Community Services</td>
<td>259,533.00</td>
<td>17,700.00</td>
<td>-</td>
<td>-</td>
<td>277,233.00</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>7,483,586.00</strong></td>
<td><strong>3,775,120.00</strong></td>
<td><strong>72,258.00</strong></td>
<td><strong>980,173.00</strong></td>
<td><strong>12,311,137.00</strong></td>
</tr>
</tbody>
</table>
### EXHIBIT "B"
#### SCHEDULE OF CAPITAL PROJECTS AND EQUIPMENT APPROPRIATIONS BY FUND

<table>
<thead>
<tr>
<th>Fund</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Equipment Replacement (240)</strong></td>
<td>Computer Replacements (Including City Wide Server)</td>
<td>108,265.00</td>
</tr>
<tr>
<td></td>
<td>Community Service-Dodge Caravan</td>
<td>30,000.00</td>
</tr>
<tr>
<td></td>
<td>Fire - Completion of Ambulance</td>
<td>15,050.00</td>
</tr>
<tr>
<td></td>
<td>Police - Cars 1152 and 1191</td>
<td>83,000.00</td>
</tr>
<tr>
<td></td>
<td>Police - CAD/RMS System</td>
<td>14,575.00</td>
</tr>
<tr>
<td></td>
<td>Service - Pick up Truck-2</td>
<td>62,000.00</td>
</tr>
<tr>
<td></td>
<td>Service - Super Duty Dump</td>
<td>65,000.00</td>
</tr>
<tr>
<td></td>
<td>Service - Asphalt Hauler</td>
<td>35,000.00</td>
</tr>
<tr>
<td></td>
<td>Service - Five Ton Dump-2</td>
<td>350,000.00</td>
</tr>
<tr>
<td></td>
<td>Service - Compact Tractor</td>
<td>40,000.00</td>
</tr>
<tr>
<td><strong>Total Equipment Replacement (240)</strong></td>
<td></td>
<td>802,890.00</td>
</tr>
<tr>
<td><strong>Tennis Court Maintenance (238)</strong></td>
<td>Bradley Tennis Courts</td>
<td>21,000.00</td>
</tr>
<tr>
<td>**Total Tennis Court Maintenance (238)</td>
<td>**</td>
<td>21,000.00</td>
</tr>
<tr>
<td><strong>Street Improvement (270)</strong></td>
<td>Lake Road Resurfacing</td>
<td>30,000.00</td>
</tr>
<tr>
<td><strong>Total Street Improvement (270)</strong></td>
<td></td>
<td>30,000.00</td>
</tr>
<tr>
<td><strong>General Capital (400)</strong></td>
<td>Street Improvements</td>
<td>750,371.00</td>
</tr>
<tr>
<td></td>
<td>Lake Road Sanitary</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total General Capital (400)</strong></td>
<td></td>
<td>750,371.00</td>
</tr>
<tr>
<td><strong>Public Improvements (490)</strong></td>
<td>Bradley Tennis Courts</td>
<td>24,000.00</td>
</tr>
<tr>
<td></td>
<td>Bradley Park Playground</td>
<td>20,000.00</td>
</tr>
<tr>
<td><strong>Total Public Improvements (490)</strong></td>
<td></td>
<td>44,000.00</td>
</tr>
<tr>
<td>**Municipal Building Improvements (495)</td>
<td>**</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dwyer Portico Pillars</td>
<td>20,000.00</td>
</tr>
<tr>
<td></td>
<td>Fire Building Renovation</td>
<td>30,000.00</td>
</tr>
<tr>
<td></td>
<td>Police Information Technology Room</td>
<td>31,000.00</td>
</tr>
<tr>
<td></td>
<td>Rose Hill Engineering</td>
<td>10,500.00</td>
</tr>
<tr>
<td>**Total Municipal Building Improvements (495)</td>
<td>**</td>
<td>91,500.00</td>
</tr>
<tr>
<td><strong>Pool (520)</strong></td>
<td>Diving Board Replacement</td>
<td>15,000.00</td>
</tr>
<tr>
<td><strong>Total Pool (520)</strong></td>
<td></td>
<td>15,000.00</td>
</tr>
<tr>
<td>Sewer (580)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------</td>
<td>-----------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Nantucket Remote Monitoring</td>
<td>5,500.00</td>
<td></td>
</tr>
<tr>
<td>Huntington Pump Station Pump</td>
<td>80,000.00</td>
<td></td>
</tr>
<tr>
<td>Total Sewer (580)</td>
<td></td>
<td>85,500.00</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td></td>
<td>$1,840,261.00</td>
</tr>
</tbody>
</table>

Total amount appropriated by fund may not be exceeded.
AN ORDINANCE

PROVIDING THE COMPENSATION OF THE DIRECTOR OF LAW, PROSECUTOR, AND SPECIAL COUNSEL COMMENCING JANUARY 1, 2018 AND ENDING DECEMBER 31, 2018

WHEREAS, the Mayor desires to set forth the compensation for Law Director, Prosecutor, and Special Counsel;

NOW, THEREFORE, BE IT ORDAINED by the Council and the City of Bay Village, Ohio, that:

SECTION 1. That the salary of the Director of Law shall be Seventy-Five Thousand Four Hundred and One Dollars ($75,401.00) for the year commencing January 1, 2018 and ending December 31, 2018, for which he will serve the Mayor, the administrative officers and departments, Council, officers, and boards of the Municipality as legal counsel and attorney, and represents the City in all proceedings in court or before any administrative body.

SECTION 2. That the salary of the Prosecutor shall be Thirty-Five Thousand Three Hundred Seventy-Nine Dollars ($35,379.00) for the year commencing January 1, 2018 and ending December 31, 2018, for which he will prosecute all cases brought before the courts having criminal jurisdiction of violation of ordinances or statutes committed within the City or any appeal therefrom, and to perform the duties, as they are applicable thereto, as required of the prosecuting attorney of the County.

SECTION 3. That the salary of the Special Counsel, Gary A. Ebert, shall not exceed Three Thousand Five Hundred Dollars ($3500.00) per month for up to ten (10) hours per week for the time period commencing June 11, 2018 and ending December 31, 2018, for which he will serve the Mayor and the Law Director providing professional advice and opinion to assist the Law Director in the execution of his duties, as may be requested by the City through the Mayor, Council or the Law Director. Hours worked by Special Counsel above ten (10) hours per week will be compensated at eighty seven dollars and fifty cents per hour ($87.50).

SECTION 4. That it is found and determined that all formal actions concerning and relating to the adoption of this ordinance were adopted in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.
Ordinance – Law Department Compensation

PASSED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK OF COUNCIL

APPROVED:

__________________________
MAYOR

05/24/2018 JD
ORDINANCE NO.
INTRODUCED BY:

ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
MCGOWAN INSURANCE AGENCY AS AGENTS OF
ARGONAUT INSURANCE, AND DECLARING AN EMERGENCY.

WHEREAS, the current agreement between the City of Bay Village and McGowan
Insurance Agency as agents of Argonaut Insurance for the City’s general liability and property
insurance coverage expires on June 15, 2018;

NOW THEREFORE, be it ordained by the Council of the City of Bay Village, Ohio:

SECTION 1. That the Mayor is hereby authorized to enter into a participating
agreement with McGowan Insurance Agency as agents of Argonaut Insurance which will provide
insurance coverage for the City in accordance with their proposal, incorporated herein by reference,
for a three-year period beginning June 15, 2018. The annual premium is $138,516.00. Payments
shall be made from the appropriate account.

SECTION 2. That this Council finds and determines that all formal actions of this
Council concerning and relating to the passage of this ordinance were taken in an open meeting of
this Council, and that all deliberations of this Council and of any committees that resulted in those
formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure
immediately necessary for the preservation of the public peace, health, safety and welfare, and for
the further reason that it is immediately necessary to provide uninterrupted insurance coverage to
protect the assets of the City, wherefore this ordinance shall be in full force and take effect
immediately upon its passage and approval by the Mayor.

PASSED:

____________________________________
PRESIDENT OF COUNCIL

____________________________________
CLERK OF COUNCIL

APPROVED:

____________________________________
MAYOR
060618 kek
AN ORDINANCE ENACTING NEW CHAPTER 907 “USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES” OF STREETS AND PUBLIC SERVICES CODE.

WHEREAS, Substitute House Bill 478 (Sub. H.B. 478) will go into effect on July 31, 2018; and

WHEREAS, Sub. H.B. 478 amends Ohio Revised Code Chapter 4939 to provide, among other things, that municipalities permit wireless service providers, cable providers, video service providers, and their designated agents to construct, maintain, modify, operate, or replace small cell facilities and poles/support structures therefor in the public right-of-ways and also to attach small cell wireless facilities to certain municipally owned support structures located in the right-of-way; and

WHEREAS, this Council desires to regulate small cell facilities, new wireless support structures, and the persons and entities who desire to construct, operate, and maintain such facilities in the City; and

WHEREAS, this Council finds that enacting new Chapter 907 “Use of Public Ways For Small Cell Wireless Facilities and Wireless Support Structures” of the Streets and Public Services Code of the Codified Ordinances of the City of Bay Village promotes the public health, safety and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Cuyahoga County, State of Ohio, that:

Section 1. New Chapter 907 “Use of Public Ways For Small Cell Wireless Facilities and Wireless Support Structures” of the Streets and Public Services Code, of the Codified Ordinances of the City of Bay Village is enacted to read as follows:

“CHAPTER 907
USE OF PUBLIC WAYS FOR SMALL CELL WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES

907.01 PURPOSE, DEFINITIONS AND AUTHORITY TO PROMULGATE DESIGN GUIDELINES.

(a) The purpose of this Chapter is to:

(1) Provide standards for the construction, installation, modification, operation, and removal of Facilities and Wireless Support Structures in the City’s Right-of-Way to protect the health, safety, and welfare of the citizens of the City;

(2) Preserve the character of the City, including the City’s neighborhoods, downtown, and historic districts and protect property values;

(02607339 -2)
(3) Give guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe, and aesthetically-pleasing installation of Facilities and Wireless Support Structures; and

(4) To exercise the City’s home rule authority and, to the extent legally permitted, not to conflict with or preempt applicable state and federal laws.

(b) For the purpose of this Chapter, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

(1) "Applicant" means any person or entity who submits an Application pursuant to this Chapter.

(2) "Application" means all necessary documentation submitted by an Applicant to obtain a Small Cell Use Permit from the City to Collocate a Small Cell Facility and/or to construct, maintain, modify, operate, or replace a Wireless Support Structure.

(3) "Accessory Equipment" means equipment used in conjunction with a Small Cell Facility and generally at the same location of the Small Cell Facility, including, but not limited to, electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs.

(4) "City" means City of Bay Village.

(5) "Collocation" or "Collocate" means to install, mount, maintain, modify, operate, or replace wireless Facilities on a Wireless Support Structure.


(7) "Eligible Facilities or Eligible Support Structure Request" means any request for modification of an existing support structure or base station that does not substantially change the physical dimension of such support structure involving Collocation of new Facilities; removal of Facilities; or replacement of Facilities. A substantial change means:

(A) A modification that changes the physical dimension of a Wireless Support Structure by increasing the height of the Wireless Support Structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater; and/or by adding an appurtenance to the body of the Wireless Support Structure that would protrude from the edge of the Wireless Support Structure by more than six (6) feet;
(B) The installation of more than the standard number of equipment cabinets for the technology involved or the installation of more than (4) cabinets, whichever is less;

(C) The installation for any new ground-mounted equipment cabinets if there are no existing ground-mounted equipment cabinets;

(D) Any excavation or deployment outside of the current site of the Facility;

(E) Removal of any concealment elements of the Facilities or the Wireless Support Structure; and

(F) Any change that does not comply with this Chapter, the Design Guidelines, or state or federal law and regulations.

The threshold for measuring increases that may constitute a substantial change are cumulative, measured from the Facilities as originally permitted (including any modifications that were reviewed and approved by the City prior to the enactment of the federal Spectrum Act on February 22, 2012.)


(9) "Facilities Operator" means the person or entity responsible for the installation, operation, maintenance, replacement, and modification of Facilities. Facilities Operator includes:

(A) Operators;

(B) Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to Ohio Revised Code. Section 4939.031(E) and who have obtained a Small Cell Use Permit; and

(C) Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to Ohio Revised Code. Section 4939.033 and who have obtained a Small Cell Use Permit.

(10) "Operator" means a wireless service provider, cable Operator, or a video service provider that operates a Small Cell Facility and provides wireless service, including a wireless service provider, cable operator, or a video service provider that provides information services as defined in the federal "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20), and services that are fixed in nature or use unlicensed spectrum.
(11) "Public Way" or "Right-of-Way" means the surface of, and the space within, through, on, across, above or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a comparable public use, which is owned or controlled by the City or other public entity or political subdivision.

(12) "Small Cell Facility" means 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 with exposed elements, the antenna and all of its exposed elements can fit within an enclosure of not more than six (6) cubic feet in volume; and

(B) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight 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.

(13) "Small Cell Equipment" means a Small Cell Facility and all Accessory Equipment.

(14) "Small Cell Use Permit" means the permit granted by the City authorizing the Applicant to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a Wireless Support Structure in the Right-of-Way.

(15) "Wireless Support Structure" means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting Small Cell Facilities. As used in this Chapter, "Wireless Support Structure" excludes all of the following:

(A) A utility pole or other facility owned or operated by a municipal electric utility; and

(B) A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

(c) The Chief Building Official is authorized and directed to promulgate written Design Guidelines with objective, technologically feasible criteria.
907.02  CONSENT REQUIRED.

(a) Any person or entity seeking to Collocate a Small Cell Facility in the Right-of-Way, or to construct, maintain, modify, operate, or replace a Wireless Support Structure in the Right-of-Way, shall first file a written Application for a Small Cell Use Permit with the Chief Building Official in accordance with the requirements in this Chapter, Design Guidelines, Ohio Revised Code. Chapter 4939, and all applicable state and federal laws and regulations.

(b) Applicants are strongly encouraged to contact the Chief Building Official and request a pre-Application conference. This meeting will provide an opportunity for early coordination regarding proposed Facilities, locations, design, Application submittal, and the approval process in order to avoid any potential delays in the processing of an Application and deployment of Facilities in the City.

(c) A Small Cell Use Permit granted under this Chapter shall not convey any right, title or interest in the Right-of-Way, but shall be deemed a permit only to use and occupy the Public Ways for the limited purposes and term stated in the permit, this Chapter, and the Design Guidelines promulgated by the Chief Building Official. No Small Cell Use Permit shall be construed as any warranty of title.

907.03  PERMIT APPLICATION TYPES.

Applicants shall classify their Application as one of the following types:

(a) Type 1: Eligible Facilities Requests.

(b) Type 2: Application for Collocation of Small Cell Equipment on a Wireless Support Structure that does not constitute an Eligible Facilities Request.

(c) Type 3: New Wireless Support Structure. Such applications address construction, modification, replacement, or removal of a Wireless Support Structure within the Right-of-Way. At the time of Application, Applicants shall certify that Small Cell Equipment will be placed on the Wireless Support Structure within 180 days from the date the Small Cell Use Permit is issued.

907.04  CONSOLIDATED CONSENT APPLICATIONS.

(a) Pursuant to Ohio Revised Code. Section 4939.0312, an Applicant may file one consolidated application for up to thirty (30) individual small cell Facilities or thirty (30) individual Wireless Support Structures as long as the facilities or structures for which consent is requested are substantially similar.

(1) Small Cell Facilities shall be considered substantially similar when the Small Cell Equipment is identical in type, size, appearance and function.
(2) Wireless Support Structures shall be considered substantially similar when the Wireless Support Structures are identical in type, size, appearance and function and are to be located in a similar location.

(3) Applications for Facilities and Wireless Support Structures cannot be commingled.

(b) The City may, at its discretion, require separate Applications for any Small Cell Facilities or Wireless Support Structures that are not substantially similar.

907.05 APPLICATION FEE.

(a) The fee for each application is Two Hundred Fifty Dollars ($250.00). The fee is adjusted upward by ten percent (10%) every five years, rounded to the nearest Five (5) Dollars, beginning in the year 2023.

(b) An Application shall not be deemed complete until the fee is paid.

(c) If Applications are consolidated, then the fee shall be the sum resulting from the fee set forth in subsection (a) multiplied by the total number of Facilities or Wireless Support Structures included in the consolidated Application.

907.06 ATTACHMENT FEE.

(a) In addition to the Application Fee, an annual fee shall be paid to the City for each Small Cell Facility attached to a municipally-owned Wireless Support is Two Hundred Dollars ($200.00). The fee is adjusted upward by ten percent (10%) every five years, rounded to the nearest five (5) dollars, beginning in the year 2023.

(b) The first-year attachment fee shall be paid when the collocation is complete, and no later than January 1 each year thereafter. The first-year attachment fee shall not be prorated, regardless of the date that the collocation is complete.

907.07 REQUIRED APPLICATION MATERIALS.

The Applicant must submit the following documentation with each Application.

(a) Completed Application form including the identity, legal status and federal tax identification number of the Applicant, as well as all affiliates and agents of the Applicant that will use or be, in any way, responsible for the Facilities.

(b) The name, address, and telephone number of the local officer, agent, or employee responsible for the accuracy of the application to be notified in case of emergency.
(c) Fully dimensional scaled site plan (scale no smaller than one inch equals forty (40) feet). The site plan must include:

(1) The exact proposed location of the Facilities within the Right-of-Way;
(2) All existing Facilities with all existing transmission equipment;
(3) The location of all overhead and underground public utilities, telecommunications, cable, water, sanitary sewer, and storm water drainage utilities in the Public Way within one hundred (100) feet surrounding the proposed Facilities.
(4) The legal property boundaries within one hundred (100) feet surrounding the proposed Facilities;
(5) Indication of distance between the Facilities and existing curbs, driveways, sidewalks, trees, utilities, other poles, and existing buildings within one hundred (100) feet surrounding the proposed Facilities; and
(6) Access and utility easements within one hundred (100) feet surrounding the proposed Facilities.

(d) Elevation drawings (scale no smaller than one inch equals ten (10) feet) of the proposed Facilities.

(e) Evidence that the Applicant provided notice by mail to all property owners within 300 feet of the proposed Facilities prior to submitting the Application. The notice shall include:

(1) Name of the Applicant;
(2) Estimated date Applicant intends to submit the Application;
(3) Detailed description of the proposed Facilities and the proposed location; and
(4) Accurate, to-scale photo simulation of the proposed Facilities. Scale shall be no smaller than one inch equals forty (40) feet.

(f) A preliminary installation/construction schedule and completion date.

(g) Structural calculations prepared, stamped and signed by an engineer licensed and registered by the State of Ohio showing that the Wireless Support Structure can accommodate the weight of the proposed small cell equipment.

(h) Analysis demonstrating that the proposed Facilities do not interfere with the City’s public safety radio system, traffic and emergency signal light system, or other City safety communications components. It shall be the responsibility of the
Applicant to evaluate, prior to making the Application for a Small Cell Use Permit, the compatibility between the existing City infrastructure and Applicant’s proposed Facilities.

(i) A landscape plan that demonstrates screening of proposed small cell equipment.

(j) Drawings of the proposed Facilities. For all equipment depicted, the Applicant must also include, if applicable:

(1) The manufacturer’s name and model number;

(2) Physical dimensions, including, without limitation, height, width, depth and weight with mounts and other necessary hardware; and

(3) The noise level generated by the equipment, if any.

(k) If the Applicant is not an Operator, then the Applicant must provide proof that the Applicant has been engaged by a wireless service provider who will be the end-user of the Facilities.

907.08 APPLICATION REVIEW.

(a) Applications shall be evaluated in the timeframes as follows:

(1) Type 1 Applications 60 days

(2) Type 2 Applications 90 days

(3) Type 3 Applications 120 days

(b) Applications shall be reviewed for completeness. If the Application is incomplete, then the Applicant will be notified of the insufficiency, and the timeframes set forth in subsection (a) shall be tolled until the Application is made complete.

(c) The timeframes set out in subsection (a) may also be tolled as follows:

(1) If the City receives between fifteen (15) and thirty (30) applications in a thirty-day period, then the City may toll for an additional twenty (20) days.

(2) If the City receives more than thirty (30) applications in a thirty-day period, then the City may toll for an additional fifteen (15) days for every fifteen (15) applications received.

(3) By mutual agreement between the Applicant and the City.

(4) When an Applicant submits an underground area waiver pursuant to the Design Guidelines, in which case the City may toll for an additional thirty (30) days.
(d) If two Applicants request to Collocate on the same Wireless Support Structure or two Wireless Support Structures are proposed within a distance that would violate the spacing requirements set forth in Section 907.16, then the Chief Building Official may resolve the conflict in any reasonable and nondiscriminatory manner.

(e) If a request for consent is denied, the City shall provide, in writing, its reasons for denying the request, supported by substantial, competent evidence. The denial of consent shall not unreasonably discriminate against the Applicant. Grounds for denying an Application may include, but are not limited to:

(1) Failure to provide information required under Section 907.07;
(2) Failure to comply with Design Guidelines;
(3) Failure to provide financial surety pursuant to Section 907.15;
(4) Failure to remove abandoned Facilities as required under Section 907.12;
(5) Conflict with the historic nature or character of the surrounding area;
(6) Conflict with planned future improvements in the Right-of-Way; and/or
(7) Failure to comply with generally applicable health, safety, and welfare requirements.

907.09 PERMITTING PROCESS, DURATION, AND TERMINATION.

(a) Upon approval of its Application, an Applicant shall receive a Small Cell Use Permit indicating that the City has granted the Applicant consent to occupy the Right-of-Way.

(b) A Small Cell Use Permit issued to an Operator shall have duration of no longer than ten (10) years. Permits may be renewed for five year terms.

(c) A Small Cell Use Permit issued to a Facilities Operator who is not an Operator shall have a term or ten (10) years or the duration of the Facilities Operator’s agreement with a wireless service provider provided pursuant to Section 907.06(k), whichever is shorter.

(d) A Small Cell Use Permit shall not be renewed if the Facilities Operator or the Facilities are not in compliance with all applicable laws and regulations.
Pursuant to Ohio Revised Code. Section 4939.0314(E), a Small Cell Use Permit shall be deemed terminated if the Facilities Operator has not completed construction of the Facilities or has failed to attach Small Cell Equipment to a Wireless Support Structure within 180 days of issuance of the Permit, unless the delay is caused by:

(1) Make-ready work for a municipally-owned Wireless Support Structure; or

(2) The lack of commercial power or backhaul availability at the site, provided that the Operator has made a request for commercial power or backhaul services within sixty (60) days after the Small Cell Use Permit was granted.

If the additional time to complete the installation exceeds three hundred sixty days (360) after the issuance of the Permit, then the Permit shall be deemed terminated regardless of the cause of the delay.

A Small Cell Use Permit for a new Wireless Support Structure shall be deemed terminated if the Facilities Operator fails to attach Small Cell Equipment to the new Wireless Support Structure within 180 days of issuance of the Small Cell Use Permit.

If the Facilities Operator fails to remit the annual attachment fee required pursuant to Section 907.10, then the Small Cell Use Permit will expire on the ninetieth (90th) day from the date the annual attachment fee was due.

At any time and upon service of a sixty (60)-day advance written notice to City, a Small Cell Use Permit may be terminated by the Facilities Operator.

Upon termination of a Small Cell Use Permit, the Facilities Operator shall restore and rehabilitate all City-owned Wireless Support Structures and the Right-of-Way to their former condition and utility.

The City shall not issue any refunds for any amounts paid by the Facilities Operator upon termination of the Permit.

907.10 ANNUAL REGISTRATION.

All Facilities Operators with consent to occupy or use the Right-of-Way shall register with the City each calendar year between January 1 and January 31 on a form provided by the City. The form will allow the Facilities Operator to indicate when there is no change in the information required, and when such indication is submitted, previously provided information will be considered current and will be relied upon. Facilities Operators who obtain consent to occupy the Right-of-Way after September 30 of any year need not file an Annual Registration for next calendar year.
(b) The purpose of registration under this Section is to:

(1) Compile, update and supplement the City’s database so that the City has accurate and current information concerning the Facilities Operators that own or operate Facilities in the City/Village's public Right-of-Way;

(2) Assist the City in monitoring the usage of the public Right-of-Way in order to ensure that the public receives the maximum possible benefit from that use, and the use is consistent with the best management and care of the public Right-of-Way;

(3) Assist the City in the collection and enforcement of any municipal taxes, fees, or other charges that may be due the City; and

(4) Assist the City in monitoring compliance with local, state and federal laws.

(c) Registration forms will be provided by the City and shall require the following information:

(1) Any material changes to the information the Facilities Operator provided to the City in the Application for Small Cell Use Permit including, but not limited to:

(A) The identity, legal status, and federal tax identification number of the Facilities Operator, including any affiliates or agents.

(B) The name, address and telephone number of the local officer, agent or employee responsible for the accuracy of the Facilities Operator’s registration statement and available at all reasonable times to be notified in case of emergency.

(C) Evidence that the Facilities Operator is in compliance with the insurance, indemnity and financial surety requirements pursuant to this Chapter.

(D) Such other information as the Chief Building Official may reasonably require.

(d) In addition to the annual registration requirement, each Facilities Operator shall keep all required registration information current at all times and shall provide the City with notice of changes to the required information within fifteen (15) days following the date on which the Facilities Operator has notice of the need for such change.
907.11  NONCONFORMING FACILITIES.

(a) Facilities in the Right-of-Way that are legally in existence on the date of the adoption of this Chapter but that do not comply with the requirements of this Chapter may remain in the Right-of-Way but shall be considered a "Nonconforming Facility."

(b) Any person or entity who owns or operates a Nonconforming Facility shall register such facility pursuant to Section 907.10 within ninety (90) days of the date this ordinance takes effect.

(c) If a Nonconforming Facility is damaged or destroyed beyond repair, any replacement Facility must be designed in accordance with all provisions of this Chapter, the Design Guidelines, and state and federal law and regulations.

907.12  ABANDONED AND DAMAGED FACILITIES.

(a) A Facilities Operator shall provide written notice to the City of its intent to discontinue use of any Facilities. The notice shall include the date the use will be discontinued. If Facilities are not removed within three hundred sixty five (365) days from the date the use was discontinued, the Facilities shall be considered a nuisance and the City may remove the Facilities at the expense of the Facilities Operator.

(b) In the event that Facilities are damaged, the Facilities Operator shall promptly repair the damaged Facilities. Damaged Facilities shall be repaired no later than thirty (30) days after obtaining written notice that the Facilities are damaged. If the damaged Facilities are not repaired within thirty (30) days, then the damaged Facilities shall be considered a nuisance and the City may repair or remove the Facilities at the expense of the Facilities Operator.

907.13  INSURANCE REQUIREMENTS.

(a) As a condition of the City’s consent to occupy the Right-of-Way, a Facilities Operator must secure and maintain the following liability insurance policies insuring both the Facilities Operator and as additional insureds the City, its elected and appointed officers, officials, agents and employees:

(1) Comprehensive general liability insurance with limits not less than:

(A) Five Million Dollars ($5,000,000.00) for bodily injury or death to each person;

(B) Five Million Dollars ($5,000,000.00) for property damage resulting from any one (1) accident; and

(C) Five Million Dollars ($5,000,000.00) for all other types of liability.
(2) Automobile liability for owned, non-owned and hired vehicles with a limit of Three Million Dollars ($3,000,000.00) for each person and Three Million Dollars ($3,000,000.00) for each accident.

(3) Worker’s compensation within statutory limits and employer’s liability insurance with limits of not less than One Million Dollars ($1,000,000.00).

(4) Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than Three Million Dollars ($3,000,000.00).

(b) Each such insurance policy shall contain the following endorsement:

“It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until ninety (90) days after receipt by the City, by registered mail, of a written notice addressed to the Chief Building Official of such intent to cancel or not to renew.”

(c) Within sixty (60) days after receipt by the City of the notice provided for in subsection (b) above, and in no event later than thirty (30) days prior to the cancellation of the policy, the Facilities Operator shall obtain and furnish to the City replacement insurance policy meeting the requirements of this Section.

907.14 INDEMNIFICATION.

A Facilities Operator 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, maintaining or removing Facilities in the Right-of-Way.

907.15 FINANCIAL SURETY.

(a) Each Facilities Operator must procure and provide to the City a bond, escrow, deposit, letter of credit, or other financial surety to ensure compliance with this Chapter and Chapter 4939. The financial surety must be in an amount sufficient to cover the cost of removal of all Facilities owned or operated by the Facilities Operator.

(b) The City may, in its sole discretion, draw on the financial surety to remove abandoned Facilities, remove or repair damaged Facilities, or to repair damage to any City property caused by the Facilities Operator or its agent. In such event, the Facilities Operator shall cause the financial surety be replenished to its prior
amount within ten (10) business days after City notifies the Facilities Operator that it has drawn on the financial surety.

907.16 RESERVED SPACE.

The City reserves the right to install, and permit others to install, Facilities in the Right-of-Way. The City may reserve space in the Right-of-Way and on Wireless Support Structures for future utility, safety, or transportation uses. Such space may be reserved in an ordinance or plan approved by the Mayor, City Council, Chief Building Official, Building Commissioner, or Planning Commission.

907.17 REMOVAL OR RELOCATION OF FACILITIES.

(a) The City may require a Facilities Operator to remove or relocate Facilities to accomplish construction and maintenance activities. The Facilities Operator shall remove or relocate the Facilities at no cost to the City. If the Facilities Operator fails to remove or relocate the Facilities within ninety (90) days of receiving a request to do so from the City, then the City may remove the Facilities at Facilities Operator’s sole cost and expense, without further notice to the Facilities Operator.

(b) If the Facilities are placed in a location other than the location approved by the City, the Facilities Operator shall relocate the Facilities within thirty (30) days of receiving notice that the Facilities are located improperly.

907.18 NOTICE OF WORK.

A Facilities Operator shall notify the Chief Building Official of all nonemergency work within ten (10) calendar days prior to performing any upgrades or maintenance on any Facilities, regardless of whether the work requires any permit or consent from the City.

907.99 PENALTIES; EQUITABLE REMEDIES.

(a) Any person or entity found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this Chapter shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for each offense. A separate and distinct offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) Nothing in this Chapter shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Chapter.”

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.
Section 3. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.
SMALL CELL DESIGN GUIDELINES

SECTION 1  OVERVIEW AND PURPOSE, DEFINITIONS.

(a) The purpose of these Design Guidelines is to:

(1) Protect the health, safety, and general welfare of the citizens of the City;

(2) Preserve the character of the City's neighborhoods and historic districts and to protect property values;

(3) Give guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe, and aesthetically-pleasing installation of Facilities; and

(4) To exercise the City's home rule authority and, to the extent legally permitted, not to conflict with or preempt applicable state and federal laws.

(b) For the purpose of these regulations, and the interpretation and enforcement hereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

(1) "Applicant" means any person or entity who submits an Application pursuant to these design guidelines and Chapter 907 of the Code.

(2) "Application" means the form issued by Chief Building Official, to be submitted by an Applicant to obtain a Small Cell Use Permit from the City to Collocate a Small Cell Facility and/or to construct, maintain, modify, operate, or replace a Wireless Support Structure.

(3) "Accessory Equipment" means equipment used in conjunction with a Small Cell Facility and generally at the same location as, or in proximity to, the Small Cell Facility including, but not limited to, electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs.

(4) "City" means City of Bay Village.

(5) "Collocation" or "Collocate" means to install, mount, maintain, modify, operate, or replace wireless Facilities on a Wireless Support Structure.

(6) "Design Guidelines" means the standards established in these regulations promulgated by the Chief Building Official.

(8) “Facilities Operator” means the person or entity responsible for the installation, operation, maintenance, replacement, and modification of Facilities. Facilities Operator includes:

(A) Operators;

(B) Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to OHIO REVISED CODE Section 4939.031(F) and who have obtained a Small Cell Use Permit; and

(C) Applicants who applied for consent to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a new Wireless Support Structure pursuant to OHIO REVISED CODE Section 4939.033 and who have obtained a Small Cell Use Permit.

(9) “Historic district” means 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 Ohio Revised Code.

(10) “Operator” means a wireless service provider, cable operator, or video service provider that operates a Small Cell Facility and provides wireless service, including 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.

(11) “Public Way” or “Right-of-Way” means the surface of, and the space within, through, on, across, above or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a comparable public use, which is owned or controlled by the City or other public entity or political subdivision.
(12) “Small Cell Facility” means 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 with exposed elements, the antenna and all of its exposed elements can fit within an enclosure of not more than six (6) cubic feet in volume; and

(B) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight 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 “Small Cell Equipment” means a Small Cell Facility and all Accessory Equipment.

(13) “Small Cell Equipment” means a Small Cell Facility and all Accessory Equipment.

(14) “Small Cell Use Permit” means the permit granted by the City authorizing an Applicant to Collocate a Small Cell Facility or to construct, maintain, modify, operate, or replace a Wireless Support Structure in the Right-of-Way.

(15) “Underground Area” means an area in the Right-of-Way where existing electric utilities, cable facilities, telecommunications facilities and other facilities, other than structures and facilities owned by the City or a transit authority, are located underground.

(16) “Wireless Support Structure” means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting Small Cell Facilities. “Wireless Support Structure” excludes all of the following:

(A) A utility pole or other facility owned or operated by a municipal electric utility; and

(B) A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

SECTION 2 GENERAL STANDARDS

(a) Facilities shall not be installed unless the Facilities are compliant with these Design Guidelines, Chapter 907 of the Codified Ordinances and any Application requirements, and all applicable local, state, and federal laws.
(b) A Facilities Operator shall not construct, maintain, modify, operate, or replace any Facilities not clearly depicted in an Application for a Small Cell Use Permit.

(c) All work shall be performed in a professional manner consistent with the highest standards of workmanship.

(d) Facilities shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

(e) Facilities shall not be installed in any location that causes any interference with the City's public safety radio system, traffic and emergency signal light system, or other City safety communications systems or system components.

(f) The City may propose an alternative location for proposed Facilities up to one hundred (100) feet from the proposed location or within a distance that is equivalent to the width of the Public Way, whichever is greater. The Facilities Operator shall utilize the alternative location unless the Facilities Operator shows that the alternative location is not technically feasible.

(g) Facilities shall not interfere with existing or planned street trees.

(h) Signage shall be mounted on all new Facilities providing the Facilities Operator's name, an emergency contact phone number, an informational contact number, and all other information required by law. Unless otherwise prohibited by law, signage shall be discreet in color and shall match the Facilities and surrounding area and font size used on the sign shall be no smaller than 9 point font and no larger than 14 point font.

(i) Unless otherwise required by law, all manufacturer stickers and decals shall be removed from Facilities.

(j) Facilities shall be camouflaged using existing land forms, vegetation, and structures to screen the Facilities from view and to blend in with the surrounding built and natural environment.

(k) The City may require the Facilities Operator to incorporate additional concealment elements before approving an Application. Concealment elements may include, but shall not be limited to, fencing, public art, strategic placement, and placement within existing or replacement street furniture.

(l) Facilities shall not have any flashing lights, sirens or regular noise other than a cooling fan that may run intermittently.

(m) All hardware, including antenna mounting brackets and hardware, antenna mounting posts, cables, shrouds and other equipment mounted shall be painted in a color designated by the City, and the color shall match the Facilities. The City may require the Facilities Operator use a different, non-matching color on a case-
by-case basis when the City determines a non-matching color would better fulfil
the purposes of these Design Guidelines.

(n) A Facilities Operator shall remove or paint over any graffiti on the Facilities at
Facility Operator's sole expense as soon as practicable, but no later than ten (10)
days from the date the Facilities Operator receives notice of the graffiti.

SECTION 3 SPECIFICATIONS FOR COLLOCATION

(a) Small Cell Equipment shall not interfere with the primary purpose of a Wireless
Support Structure.

(b) Small Cell Equipment to be attached to a Wireless Support Structure shall be
attached at least six (6) feet above ground level. If Small Cell Equipment is
projecting toward the street then the Small Cell Equipment shall be installed no
less than sixteen (16) feet above ground level.

SECTION 4 ANTENNAS

(a) Antennas and Accessory Equipment must be capable of fitting within an
enclosure not larger than six (6) cubic feet in volume.

(b) Antennas and Accessory Equipment shall not increase the overall height of an
existing Wireless Support Structure by more than five (5) feet.

(c) Antennas mounted on a Wireless Support Structure shall be enclosed inside the
Wireless Support Structure whenever possible and otherwise within a canister,
shroud, or other enclosure. All Accessory Equipment associated with the antenna
shall be concealed and shall not visibly protrude from the shroud or canister.

(d) The width of the canister or other shroud encasing the antenna and Accessory
Equipment shall not exceed the width of the narrowest portion of the Wireless
Support Structure.

(e) The enclosure or shroud shall be painted to match or complement the Wireless
Support Structure.

(f) Antennas shall be installed in a manner that minimizes the visual impact to the
general public.

(g) Antennas shall not impair light or views from adjacent window(s).

(h) Antennas located on the exterior of a Wireless Support Structure shall be top-
mounted on a Wireless Support Structure. The City may approve a side-mounted
antenna if, in the City's discretion, the side-mounted antenna would be more
appropriate given the built environment, neighborhood character, overall site
appearance or would promote the purposes in these Design Guidelines.
SECTION 5 WIRELESS SUPPORT STRUCTURE-MOUNTED EQUIPMENT

(a) All Wireless Support Structure-mounted Small Cell Equipment other than the antenna(s) and electric meter must be concealed within an equipment cabinet.

(b) Equipment cabinets shall be mounted flush to the Wireless Support Structure.

(c) Equipment cabinets shall be stacked together on the same side of the Wireless Support Structure and oriented away from any windows and doorways to minimize visual impacts thereupon.

(d) The equipment cabinets must be non-reflective and painted, wrapped or otherwise colored to match the Wireless Support Structure.

SECTION 6 GROUND-MOUNTED SMALL CELL EQUIPMENT

(a) The City shall not approve the proposed location of ground-mounted Small Cell Equipment unless the Applicant:

(1) Proposes the ground-mounted Equipment in connection with a Collocation; and

(2) Shows that the Equipment cannot be feasibly placed on the Wireless Support Structure or in an underground vault.

(b) If technically feasible, Small Cell Equipment should be located in a vault buried underground rather than being ground-mounted. If underground placement is not technically feasible, ground-mounted Small Cell Equipment shall be contained in a shroud or cabinet.

(c) All ground-mounted Small Cell Equipment shall be installed in a manner that minimizes the visual and ingress/egress impact to the general public.

(d) Ground-mounted Small Cell Equipment shall be placed as far as practicable from pedestrian sidewalks and shall neither block nor be placed within the sidewalk in any way.

SECTION 7 CABLES

(a) All cables, conduit and wiring shall be located inside conduit and inside the Wireless Support Structure or an equipment cabinet.

(b) Excess cables and wiring shall not be spooled, coiled or otherwise stored on the exterior of the Wireless Support Structure unless within an enclosure. Cables shall not be externally visible.
SECTION 8 ELECTRICAL METERS

(a) Facilities Operators shall use flat-rate electric service when available in order to eliminate the need for a meter.

(b) If a meter is required, then Facilities Operators shall use the smallest and least intrusive electric meter available. If not prohibited by the electric service provider, the electric meter shall be painted to match the Wireless Support Structure.

SECTION 9 UTILITY LINES

(a) Service lines shall be undergrounded to avoid additional overhead lines. Undergrounded cables and wires must transition directly into the Wireless Support Structure base without any external junction box.

SECTION 10 SPECIFICATIONS FOR REPLACEMENT OF WIRELESS SUPPORT STRUCTURES

(a) A Facilities Operator shall be required to replace an existing Wireless Support Structure in the following circumstances:

(1) The Wireless Support Structure upon which the Applicant has proposed to Collocate Small Cell Equipment is deemed incapable of bearing the added weight of the Small Cell Equipment; or

(2) An existing Wireless Support Structure is located within 100 feet or less of the proposed site of a new Wireless Support Structure but the existing Wireless Support Structure is incapable of bearing the additional weight of the Small Cell Equipment.

(b) Designs for replacement of Wireless Support Structures shall be as architecturally similar as possible to the existing Wireless Support Structure to be replaced unless otherwise approved by the City.

(1) All luminaire mast arms shall be the same length, arch, and style as the original luminaire arm, unless otherwise specified by the City.

(2) The City may require the Facilities Operator to install a new metal Wireless Support Structure rather than a new wood support structure.

(c) The overall height of a replacement Wireless Support Structure, including proposed Collocated antenna, shall not be greater than forty (40) feet in height above ground level. Notwithstanding the foregoing height limitation, the overall height of a replacement Wireless Support Structure, including proposed Collocated antenna, shall not be more than thirty-five (35) feet in height above ground level in the First Residence District, Family and Group Homes, Third Residence District, Cluster Development District, or any other residential zoning
district in the City so long as there is no Wireless Support Structure or utility pole
taller than thirty feet located within three-hundred (300) feet of the location of the
proposed replacement Wireless Support Structure.

(d) All existing signs, traffic signals, emergency signal detection units, video
detection cameras, video cameras, crosswalk service buttons, crosswalk signals,
and any other pedestrian or traffic devices shall be reinstalled or replaced with
new units by the Facilities Operator and installed at no cost to the City.

(e) The concrete Wireless Support Structure foundation for the original Wireless
Support Structure shall be removed either partially or completely by the Facilities
Operator as instructed by the City.

(1) If partially removed, the original Wireless Support Structure foundation
shall be taken back to a level that is twelve (12) inches below the existing
grade and covered with four (4) inches of one-half (½) inch to three-
quarter (¾) inch composite of rock material. The remaining eight (8) shall
be native soil and landscaped with natural vegetation that is the same as
the surrounding vegetation.

(2) If the entire original Wireless Support Structure foundation must be
removed, then all foundation materials (concrete, rebar, metals, bolts, etc.)
shall be removed. The type of backfill material and compaction required
is: (a) one-half (½) sack slurry for the entire depth in paved areas, and (b)
one-half (1/2) sack slurry for the entire depth except the top twelve (12)
inches will be native soil in landscaped areas with natural vegetation that
is the same as the surrounding vegetation.

SECTION 11 SPECIFICATIONS FOR NEW WIRELESS SUPPORT
STRUCTURES

(a) New Wireless Support Structures shall be designed and constructed to
accommodate Small Cell Equipment from at least two (2) wireless service
providers on the same Wireless Support Structure.

(b) New Wireless Support Structures shall maintain a distance of three hundred (300)
feet from existing monopoles, or utility poles.

(c) In non-residential districts, new Wireless Support Structures shall be located at
the shared property line between two residential parcels where the parcels
intersect the Right-of-Way.

(d) In non-residential districts, new Wireless Support Structures shall be located
between tenant spaces, storefront bays, or adjoining properties at the shared
property lines where the parcels intersect the Right-of-Way.

(e) New Wireless Support Structures shall not interfere with any metered parking
space.
(f) A new Wireless Support Structure shall not be located in front of a building entrance or exit.

(g) The overall height of a new Wireless Support Structure, including proposed Collocated antenna, shall not be greater than forty (40) feet in height above ground level. Notwithstanding the foregoing height limitation, the overall height of a replacement Wireless Support Structure, including proposed Collocated antenna, shall not be more than thirty-five (35) feet in height above ground level in the First Residence District, Family and Group Homes, Third Residence District, Cluster Development District, or any other residential zoning district in the City so long as there is no Wireless Support Structure or utility pole taller than thirty feet located within three-hundred (300) feet of the location of the proposed replacement Wireless Support Structure.

(h) The City may require the Facilities Operator to install a metal Wireless Support Structure rather than a wood Wireless Support Structure. Unless otherwise specified by the City, new wood Wireless Support Structures are prohibited in the following zoning districts:

(1) [DESIGNATE DISTRICTS BASED ON PREFERENCE OF CITY/CITY]

SECTION 12 HISTORIC DISTRICT REGULATIONS

Except antennas, all Small Cell Equipment to be located in the Right-of-Way in Cahoon Park, or in any other Historic District in the City, shall be located in an underground vault or shall be subject to such reasonable, technologically feasible, and non-discriminatory design or concealment measures as the City may specify, as long as such measures do not have the effect of prohibiting the Facilities Operator’s provision of reasonable service in the City. Such measures are not considered part of the small cell facility for purposes of facility size restrictions in this Chapter 907 of the Codified Ordinances. A waiver submitted pursuant to Section 13(d) will be considered if it is shown to be technologically infeasible.

SECTION 13 UNDERGROUND AREA REGULATIONS

(a) Whenever any existing electric utilities, cable facilities, telecommunications facilities or other facilities are located underground within a Public Way of the City, the Facilities Operator must also locate its Facilities underground.

(b) A Facilities Operator may replace an existing Wireless Support Structure or Collocate Small Cell Facilities on an Existing Wireless Support Structure even if the Wireless Support Structure is located in an Underground Area.

(c) A Facilities Operator shall not install a new Wireless Support Structure in an Underground Area.
(d) An Operator may apply to the Board of Zoning Appeals for a waiver of the underground placement requirement if the Operator is unable to achieve its service objective and has the effect of prohibiting the provision of reasonable service in the City under the following circumstances:

1. From a location in the public Right-of-Way where the prohibition does not apply;
2. From a utility easement the service provider has the right to access; and
3. From other suitable locations or structures made available by the City at reasonable rates, fees and terms.

(e) Submission of a waiver pursuant to subsection (d) is subject to the Facilities Operator’s agreement to toll the timeframes set forth in Section 907.08(a) of the Codified Ordinances by fourteen (14) days.

SECTION 14 PENALTIES; EQUITABLE REMEDIES

(a) Any person or entity found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of these Design Guidelines shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for each offense. A separate and distinct offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) Nothing in these Design Guidelines shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this the Design Guidelines.

Adopted by: __________________________________________

Chief Building Official

Date adopted: ________________________________________