July 5, 2018

A Special Meeting of the Bay Village City Council will be held on Tuesday, July 10, 2018 at 6:30 p.m., following the Committee Meeting of Council at 6:00 p.m., 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 Councilwoman-at-large Nancy Stainbrook.

2. Motion to approve the Minutes of Regular Meeting of Council held June 18, 2018.*Tadych*

3. Motion to approve the Minutes of Meeting of the Cahoon Memorial Park Trustees held June 18, 2018.*Tadych*

4. Motion acknowledging receipt of June 2018 Financial Reports of the City of Bay Village as prepared by Renee Mahoney, Director of Finance.*Tadych*

5. Motion approving the sale of a Service Department Vehicle in an amount in excess of $5,000.*Tadych*

6. Ordinance 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 1796, 18-5, 18-26, 18-30, and 18-49, and declaring an emergency.*Tadych*

7. Ordinance amending Chapter 125 of the Codified Ordinances by enacting Section 125.58 relating to the establishment of a Grant Fund, and declaring an emergency.*Tadych*

8. Ordinance amending Chapter 125 of the Codified Ordinances by enacting Section 125.59 relating to the establishment of a Gift Card Fund, and declaring an emergency.*Tadych*

10. Ordinance enacting new Chapter 1337 “Small Cell Design Guidelines” of the Building Standards Code, and declaring an emergency.*Maier*

11. Resolution ordering the repair of the public sidewalks abutting certain premises in the City of Bay Village, and declaring an emergency.*Stainbrook*

12. Ordinance authorizing the Ohio Department of Transportation to replace the Queenswood Drive Bridge, and declaring an emergency.*Stainbrook*

13. Ordinance authorizing the Mayor to enter into an agreement with O.R. Colan Associates for services related to the Queenswood Bridge Replacement, and declaring an emergency. *Stainbrook*

14. Motion to grant the request of the Director of Finance to advertise for bids to replace the City’s Computer Server System.*DeGeorge*

15. Announcements/Audience/Miscellaneous

16. Motion to convene to Executive Session regarding contracts: Republic Waste Management. *Tadych*

17. Adjournment

Dwight Clark
President of Council

Charter Reference 2.11
Agenda
Special Meeting of Council
July 10, 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 18, 2018
Council Chambers 8:30 p.m.

Dwight Clark, President of Council, presiding

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

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

AUDIENCE

The following audience members signed in this evening:

Claire Banasiak, Tom Kelly, Warren Remein.

Mr. Clark called the Regular Meeting of Council to order at 8:30 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Ward 4 Councilman Peter J. Winzig.

Following the roll call, Mr. Clark called for a reading of the Minutes of the Special Meeting of Council held June 11, 2018. Mr. Tadych MOVED to dispense with the reading and accept the minutes of the Special Meeting of Council held June 11, 2018 as prepared and distributed. Motion carried 7-0.

ANNOUNCEMENTS

Mayor Koomar

Reappointment of Warren Remein to the City Planning Commission for a five year term expiring August 17, 2023.

Appointment of Thomas Kelly to the City Planning Commission to fill the unexpired term of Mark E. Barbour, expiring August 17, 2018.

Reappointment of Thomas Kelly to the City Planning Commission for a five year term expiring August 17, 2023.

Mayor Koomar commented that with the appointment of Mark Barbour to the position of Director of Law, there is a vacancy on the City Planning Commission. Mayor Koomar chose to appoint Mr. Thomas Kelly, who is a young attorney with small children and resides in Ward 1. The Mayor feels that Mr. Kelly will bring insight into the planning of the library from the parental perspective of the
needs of children. Additionally, with the many possibilities for changes in Ward 1, his representation from that section of the community will be invaluable.

President of Council Clark reviewed the selection process for Chairman of the Planning Commission, which will be done by ballot by the Planning Commission members at their next meeting.

REPORTS

**Director of Law Barbour** had no report this evening.

**Director of Finance Mahoney** had no report this evening.

**Director of Recreation Enovitch** reported that 2,610 memberships have been sold for the Family Aquatic Center to date this summer.

**Director of Public Service and Properties Liskovec** reported that casting adjustments and curb repairs as part of the 2018 Pavement Resurfacing Project will be completed by Tuesday, June 19. The resurfacing portion of the project will follow.

The Bradley Park Restrooms opened officially today. The automatic locking mechanism will be verified to be in good working order.

A new sandstone walk to the Rose Hill Museum and a walkway to the time capsule are being installed this week in Cahoon Memorial Park.

Mr. Liskovec received a letter from the Ohio Department of Transportation advising that the application for funding made by Mr. Liskovec and Osborn Engineering for the Ashton Lane Bridge has been successful and an award will be granted.

**Human Resource Director Demaline** will be presenting a new employment application form for the City of Bay Village this week. The application will be posted on the City’s website.

The position of Senior Van Driver for Community Services Department has just opened with the resignation of one of the drivers.

**Police Chief Spaetzle** had no report this evening.

**Fire Chief Lyons** reported that the department has received their new ambulance. Chief Lyons expressed appreciation to the Mayor and Council for their support in obtaining this new equipment. The Chief also expressed appreciation to the Apparatus Committee composed of Captain Jim Waltz, and Firefighters Matt Gubanich, Eric Leitner, and Jason Goodwin for their many hours of hard work in the design and specifications of the new vehicle. The representative of the ambulance company, who has been doing this type of work for over 30 years, said it was the most organized committee he has ever experienced.
The Fire Department Open House, as part of Destination Bay, was held this weekend with great success. Chief Lyons thanked the Firefighters who volunteered their time to give back to the community.

Fire Chief Lyons expressed appreciation to Mayor Koomar, President of Council Clark, and Councilman-at-large Marty Mace who are proceeding to put together a committee to review the next apparatus replacement for the Fire Department. Council will be kept informed as to who those committee members will be and the progress they make through the coming months.

Chief Building Official Vogel stated that Liberty Development has tentatively received approval from the Ohio Environmental Protection Agency to begin soil testing of their project site. In response to a question by Mr. Clark of the potential of being too late to begin construction in the building season this year, Mr. Vogel assured Mr. Clark that the construction season has expanded to be year-around.

AUDIENCE

There were no comments from the audience this evening.

COMMUNICATIONS

There were no communications this evening.

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE –Mr. Mace

Mr. Mace read Ordinance No. 18-48 amending Chapter 505 of the Codified Ordinances of the City of Bay Village, entitled “Animals and Fowl,” amending by reading to change Section 505.20 (b) (5) from nuisance dog to dangerous or vicious dog, and moved for adoption. (Third Reading and Adoption) (First Reading June 4, 2018) (Second Reading June 11, 2018)

Mr. Clark commented that the body of work in this document is nothing short of amazing, and thanked the administration, Police Chief Spaetzel, Animal Control Officer Adkins, Mr. Mace and the Environment, Safety and Community Services Committee. Ms. DeGeorge expressed appreciation to the previous Environment, Safety and Community Services Committee as well, recognizing that this effort has been at work for the past two years.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 18-48.

Roll Call on Suspension of the Charter Rules:
   Yeas- Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig
   Nays -None

Roll Call on Suspension of the Council Rules:
   Yeas – Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig
Minutes of Regular Meeting
Bay Village City Council
June 18, 2018

Nays – None
Roll Call on Inclusion of the Emergency Clause:
  Yeas – Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig
  Nays – None
Roll Call on Adoption:
  Yeas– Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig
  Nays –None.

Mr. Barbour announced the passage of Ordinance No. 18-48, an emergency measure, with a vote of 7-0.

Mr. Mace introduced and read Resolution No. 18-53 approving use by Robert P. Ellis, Jr., Trustee, of Submerged Lands of Lake Erie for shoreline improvements, and declaring an emergency.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 18-53.

Roll Call on Suspension of the Charter Rules:
  Yeas- DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark
  Nays -None
Roll Call on Suspension of the Council Rules:
  Yeas –DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark
  Nays – None
Roll Call on Inclusion of the Emergency Clause:
  Yeas –DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark
  Nays – None
Roll Call on Adoption:
  Yeas– DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Clark
  Nays –None.

Mr. Barbour announced the passage of Resolution No. 18-53, an emergency measure, with a vote of 7-0.

Mr. Mace introduced and read Resolution No. 18-54 approving use by Steven and Laura Sozio of Submerged Lands of Lake Erie for shoreline improvements, and declaring an emergency.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 18-54.

Roll Call on Suspension of the Charter Rules:
  Yeas- Mace, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge
  Nays -None
Roll Call on Suspension of the Council Rules:
  Yeas –Mace, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge
Minutes of Regular Meeting  
Bay Village City Council  
June 18, 2018

Nays – None  
Roll Call on Inclusion of the Emergency Clause:  
Yeas – Mace, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge  
Nays – None  
Roll Call on Adoption:  
Yeas – Mace, Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge  
Nays – None.

Mr. Barbour announced the passage of Resolution No. 18-54, an emergency measure, with a vote of 7-0.

**Mr. Mace** introduced and read Resolution No. 18-55 declaring the City as a Hybrid Entity; Designating the City’s Health Care Components; Designating a HIPAA Privacy and Security Officer; Directing and Authorizing Certain Parties to carry out this Resolution and providing an effective date.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 18-55.

Roll Call on Suspension of the Charter Rules:  
Yeas- Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace  
Nays -None  
Roll Call on Suspension of the Council Rules:  
Yeas – Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace  
Nays – None  
Roll Call on Inclusion of the Emergency Clause:  
Yeas – Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace  
Nays – None  
Roll Call on Adoption:  
Yeas– Maier, Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace  
Nays –None.

Mr. Barbour announced the passage of Resolution No. 18-55, an emergency measure, with a vote of 7-0.

**FINANCE AND CLAIMS-Mr. Tadych**

Motion by Tadych to acknowledge receipt of May 2018 Financial Reports of the City of Bay Village, Ohio as prepared by Finance Director Renee Mahoney.

Motion carried 7-0.

**PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE–Ms. Maier**
Ms. Maier read by title only, Ordinance No. 18-46, as amended, adding Chapter 907 to the Codified Ordinances of the City of Bay Village, entitled “Small Cell Facilities and Wireless Support Structures within the Right-of-Way,” and declaring an emergency. (Second Reading June 11, 2018) (First Reading May 14, 2018).

Ms. Maier requested that Ordinance No. 18-46 remain on second reading. The Planning, Zoning, Public Grounds and Buildings Committee met earlier this evening to review the ordinance and will be having another draft of the ordinance submitted to Council within the next week or ten days.

Mr. Clark commented that this legislation must be in place by the end of July. Being respectful of schedules, a special meeting will be called at a date to be announced in July for the adoption of this Ordinance.

Mr. Barbour announced that Ordinance No. 18-46 will remain on second reading.

Motion by Maier to confirm the reappointment by Mayor Koomar of Warren Remein to the City Planning Commission for a five year term expiring August 17, 2023.

Motion carried 6 Yeas, 0 Nays, and 1 Abstention, by Mr. Tadych.

Motion by Maier to confirm the appointment by Mayor Koomar of Thomas Kelly to the City Planning Commission to fill the unexpired term of Mark E. Barbour, expiring August 17, 2018.

Motion carried 7-0.

Motion by Maier to confirm the reappointment by Mayor Koomar of Thomas Kelly to the City Planning Commission for a five year term expiring August 17, 2023.

Motion carried 7-0.

Motion by Maier to permit the installation of a Banner for the Bay Boat Club announcing their 75th Anniversary from June 18, 2018 through September 30, 2018, in accordance with Codified Ordinance No. 1179.09 (4).

Motion carried 7-0.

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

Mrs. Stainbrook had no report this evening. The Public Improvements, Streets, Sewers and Drainage Committee will meet at 6:30 p.m. on Monday, June 25, 2018 at the Bay Village City Hall.
Minutes of Regular Meeting  
Bay Village City Council  
June 18, 2018

RECREATION AND PARK IMPROVEMENTS COMMITTEE –Mr. Winzig

Mr. Winzig had no report this evening.

SERVICES, UTILITIES & EQUIPMENT COMMITTEE –Ms. DeGeorge

Ms. DeGeorge introduced and read Resolution No. 18-56 authorizing the purchase of a Service Department Vehicle, and declaring an emergency.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 18-56.

- Roll Call on Suspension of the Charter Rules:
  - Yeas- Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace, Maier
  - Nays - None
- Roll Call on Suspension of the Council Rules:
  - Yeas – Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace, Maier
  - Nays – None
- Roll Call on Inclusion of the Emergency Clause:
  - Yeas – Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace, Maier
  - Nays – None
- Roll Call on Adoption:
  - Yeas– Stainbrook, Tadych, Winzig, Clark, DeGeorge, Mace, Maier
  - Nays – None.

Mr. Barbour announced the passage of Resolution No. 18-56, an emergency measure, with a vote of 7-0.

MISCELLANEOUS

Motion by Mace to remove review of Chapter 505, Animals and Fowl, from the Matters Pending before Council Committee.

Motion carried 7-0.

Motion to adjourn Regular Meetings of Bay Village City Council during the months of July and August in accordance with City Charter Section 2.10. Meetings, with Special Meetings called as necessary.

Motion carried 7-0.

Mr. Winzig thanked President of Council Clark, Vice President of Council Tadych, Councilwoman Stainbrook and Councilman Mace for their leadership and patience with the new members of Council. The first six month time period has ended and they are officially absorbed into Council. Mr. Winzig expressed appreciation, also, to the Mayor and Directors, stating that they are a terrific
group of professionals, everyone is responsive, and an outstanding group of people with which to work.

Mr. Clark stated that the three new members of Council and Mrs. Stainbrook have brought a lot of vitality and interest back to Council and a great breadth of skill to the table.

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: Jefferson Group, Lakeview Cemetery, and Personnel: Compensation, and Labor Contracts Negotiations.

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

Motion passed 7-0.

Also in attendance in Executive Session were Mayor Koomar, Law Director Barbour, Finance Director Mahoney, and Human Resource Director Demaline.

Council reconvened in an open meeting at 9:53 p.m. Present were: Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig. Nays – None.

There being no further discussion, the meeting adjourned at 9:59 p.m.
President of Council Clark called the meeting to order at 8:22 p.m. in the Conference Room of Bay Village City Hall.

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

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

AUDIENCE

The following audience members signed in this evening:

Claire Banasiak, Tom Kelly, Warren Remein, George Christ representing the Bay Boat Club, John Suter, Jeff Gallatin, Tara Wendell.

Motion by Mr. Winzig to permit the installation of a banner for the Bay Boat Club, 2 feet by 8 feet, announcing their 75th Anniversary and located at the entrance of the Boat Club, from June 18, 2018 to September 30, 2018, in accordance with Codified Ordinance No. 1179.09 (4).

Motion carried 8-0.

Meeting adjourned at 8:25 p.m.
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, 18-30 and 18-49.

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:

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
<th>General Fund - 100</th>
<th>Special Revenue Fund Group - 200</th>
<th>Debt Service Fund Group - 300</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Fund Activity</td>
<td>Personal Service</td>
<td>Other</td>
<td>Capital Improvement</td>
</tr>
<tr>
<td>100</td>
<td>Total General Fund</td>
<td>$7,483,586</td>
<td>$3,775,120</td>
<td>$72,258</td>
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<tr>
<td>210</td>
<td>Emergency Paramedic</td>
<td>$1,097,780</td>
<td>$92,075</td>
<td>$12,000</td>
</tr>
<tr>
<td>230</td>
<td>Parks and Recreation</td>
<td>$589,940</td>
<td>$307,750</td>
<td>$15,500</td>
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<tr>
<td>231</td>
<td>Community Gym Capital Improvement</td>
<td></td>
<td>-</td>
<td>$5,000</td>
</tr>
<tr>
<td>235</td>
<td>Bay Family Services</td>
<td>-</td>
<td>$46,400</td>
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</tr>
<tr>
<td>236</td>
<td>Community Diversion</td>
<td>-</td>
<td>$6,000</td>
<td>-</td>
</tr>
<tr>
<td>238</td>
<td>Tennis Court Maintenance</td>
<td>-</td>
<td>-</td>
<td>$21,000</td>
</tr>
<tr>
<td>240</td>
<td>Equipment Replacement</td>
<td>-</td>
<td>$802,890</td>
<td>-</td>
</tr>
<tr>
<td>245</td>
<td>Private Property Maintenance</td>
<td>$34,234</td>
<td>$30,500</td>
<td>-</td>
</tr>
<tr>
<td>250</td>
<td>State Highway</td>
<td>-</td>
<td>$50,000</td>
<td>-</td>
</tr>
<tr>
<td>270</td>
<td>Street Construction</td>
<td>$616,430</td>
<td>$261,850</td>
<td>$30,000</td>
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<td>280</td>
<td>Police Pension</td>
<td>$374,100</td>
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<td>-</td>
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<tr>
<td>281</td>
<td>Fire Pension</td>
<td>$504,800</td>
<td>-</td>
<td>-</td>
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<tr>
<td>282</td>
<td>Accrued Benefits</td>
<td>$140,000</td>
<td>-</td>
<td>-</td>
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<tr>
<td>284</td>
<td>Endowment Trust</td>
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<td>$25,507</td>
<td>-</td>
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<tr>
<td>290</td>
<td>Senior Programs</td>
<td>-</td>
<td>$49,500</td>
<td>-</td>
</tr>
<tr>
<td>292</td>
<td>Law Enforcement</td>
<td>-</td>
<td>$26,000</td>
<td>-</td>
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<tr>
<td>293</td>
<td>Drug Fine/Bail Forfeiture</td>
<td>-</td>
<td>$1,750</td>
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<td>294</td>
<td>Alcohol Intervention</td>
<td>-</td>
<td>$5,800</td>
<td>-</td>
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<tr>
<td>297</td>
<td>Federal Equitable Sharing</td>
<td>-</td>
<td>$25,000</td>
<td>-</td>
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<tr>
<td>289</td>
<td>Grants</td>
<td>-</td>
<td>$30,000</td>
<td>-</td>
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<tr>
<td>300</td>
<td>Total Special Revenue Funds</td>
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<td>$963,132</td>
<td>$866,390</td>
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<tr>
<td>300</td>
<td>General Bond Retirement</td>
<td>$5,264,941</td>
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CITY OF BAY VILLAGE, OHIO
ORDINANCE NO. 18-

By: Mr. Tadych

Appropriation Ordinance 1 of 5
<table>
<thead>
<tr>
<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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<tr>
<td>400</td>
<td>General Capital Improvement</td>
<td>- $</td>
<td>- $</td>
<td>- $</td>
<td>774,721 $</td>
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<tr>
<td>480</td>
<td>Walker Road Park</td>
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<td>220</td>
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<td>490</td>
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<td>- $</td>
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<td>44,000 $</td>
<td>- $</td>
<td>44,000 $</td>
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<tr>
<td>494</td>
<td>Infrastructure Improvements</td>
<td>- $</td>
<td>- $</td>
<td>86,000 $</td>
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<td>110,350 $</td>
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<tr>
<td>495</td>
<td>Municipal Building Improvements</td>
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<td>91,500 $</td>
<td>- $</td>
<td>91,500 $</td>
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<tr>
<td>496</td>
<td>Public Building Roof Improvements</td>
<td>- $</td>
<td>26,624 $</td>
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<td>26,624 $</td>
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<td>400</td>
<td>Total Capital Project Fund Group</td>
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<td>26,844 $</td>
<td>996,221 $</td>
<td>24,350 $</td>
<td>1,047,415 $</td>
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<tr>
<td>520</td>
<td>Pool</td>
<td>231,730 $</td>
<td>131,600 $</td>
<td>- $</td>
<td>- $</td>
<td>398,330 $</td>
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<tr>
<td>580</td>
<td>Sewer</td>
<td>899,565 $</td>
<td>1,459,793 $</td>
<td>- $</td>
<td>- $</td>
<td>2,481,858 $</td>
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<tr>
<td>500</td>
<td>Total Enterprise Fund Group</td>
<td>1,131,295 $</td>
<td>1,591,393 $</td>
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<td>- $</td>
<td>2,880,188 $</td>
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<tr>
<td>600</td>
<td>Health Insurance</td>
<td>1,339,700 $</td>
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<td>- $</td>
<td>1,339,700 $</td>
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<tr>
<td>601</td>
<td>General Insurance</td>
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<td>173,100 $</td>
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<td>- $</td>
<td>173,100 $</td>
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<tr>
<td>602</td>
<td>Workers Compensation</td>
<td>109,020 $</td>
<td>- $</td>
<td>- $</td>
<td>- $</td>
<td>109,020 $</td>
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<tr>
<td>600</td>
<td>Total Internal Service Fund Group</td>
<td>1,448,720 $</td>
<td>173,100 $</td>
<td>- $</td>
<td>- $</td>
<td>1,621,820 $</td>
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<td>801</td>
<td>Unclaimed Monies</td>
<td>2,000 $</td>
<td>- $</td>
<td>- $</td>
<td>- $</td>
<td>2,000 $</td>
</tr>
<tr>
<td>820</td>
<td>Cahoon Memorial</td>
<td>- $</td>
<td>- $</td>
<td>- $</td>
<td>- $</td>
<td>- $</td>
</tr>
<tr>
<td>830</td>
<td>Cahoon Library</td>
<td>- $</td>
<td>- $</td>
<td>- $</td>
<td>- $</td>
<td>- $</td>
</tr>
<tr>
<td>840</td>
<td>Waldeck</td>
<td>- $</td>
<td>6,200 $</td>
<td>- $</td>
<td>- $</td>
<td>6,200 $</td>
</tr>
<tr>
<td>860</td>
<td>Dwyer</td>
<td>- $</td>
<td>5,000 $</td>
<td>- $</td>
<td>- $</td>
<td>5,000 $</td>
</tr>
<tr>
<td>800</td>
<td>Total Trust Fund Group</td>
<td>- $</td>
<td>13,200 $</td>
<td>- $</td>
<td>- $</td>
<td>13,200 $</td>
</tr>
<tr>
<td>930</td>
<td>Building Deposits</td>
<td>- $</td>
<td>30,000 $</td>
<td>- $</td>
<td>- $</td>
<td>30,000 $</td>
</tr>
<tr>
<td>931</td>
<td>Security Deposits</td>
<td>- $</td>
<td>22,000 $</td>
<td>- $</td>
<td>- $</td>
<td>22,000 $</td>
</tr>
<tr>
<td>900</td>
<td>Total Deposit Fund Group</td>
<td>- $</td>
<td>52,000 $</td>
<td>- $</td>
<td>- $</td>
<td>52,000 $</td>
</tr>
<tr>
<td></td>
<td><strong>Grand Total All Funds</strong></td>
<td>13,420,885 $</td>
<td>11,859,730 $</td>
<td>2,112,369 $</td>
<td>1,012,023 $</td>
<td>28,405,007 $</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>
<tr>
<td>General Fund to Community Gym</td>
<td>8,812</td>
</tr>
<tr>
<td>General Fund to Street Construction</td>
<td>425,000</td>
</tr>
<tr>
<td>General Fund to Bay Family Services</td>
<td>46,361</td>
</tr>
<tr>
<td>General Fund to Fire Pension</td>
<td>100,000</td>
</tr>
<tr>
<td>General Fund to Grants Fund</td>
<td>7,500</td>
</tr>
<tr>
<td><strong>Total Transfers</strong></td>
<td>987,673</td>
</tr>
</tbody>
</table>

**Infrastructure Improvement to General Capital**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Advances and Advance Repayments</strong></td>
<td>24,350</td>
</tr>
<tr>
<td><strong>Total Transfers and Advances</strong></td>
<td>1,012,023</td>
</tr>
</tbody>
</table>
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

__________________________________________

DATE
### EXHIBIT "A"

**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>499,062.00</td>
<td>5,500.00</td>
<td>987,673.00</td>
<td>1,701,840.00</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>$ 7,483,586.00</td>
<td>$ 3,775,120.00</td>
<td>$ 72,258.00</td>
<td>$ 987,673.00</td>
<td>$ 12,318,637.00</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>Equipment Replacement (240)</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></td>
<td><strong>Total Equipment Replacement (240)</strong></td>
<td>802,890.00</td>
</tr>
<tr>
<td>Tennis Court Maintenance (238)</td>
<td>Bradley Tennis Courts</td>
<td>21,000.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total Tennis Court Maintenance (238)</strong></td>
<td>21,000.00</td>
</tr>
<tr>
<td>Street Improvement (270)</td>
<td>Lake Road Resurfacing</td>
<td>30,000.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total Street Improvement (270)</strong></td>
<td>30,000.00</td>
</tr>
<tr>
<td>General Capital (400)</td>
<td>Street Improvements</td>
<td>750,371.00</td>
</tr>
<tr>
<td></td>
<td>Lake Road Sanitary</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><strong>Total General Capital (400)</strong></td>
<td>750,371.00</td>
</tr>
<tr>
<td>Public Improvements (490)</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></td>
<td><strong>Total Public Improvements (490)</strong></td>
<td>44,000.00</td>
</tr>
<tr>
<td>Municipal Building Improvements (495)</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></td>
<td><strong>Total Municipal Building Improvements (495)</strong></td>
<td>91,500.00</td>
</tr>
<tr>
<td>Pool (520)</td>
<td>Diving Board Replacement</td>
<td>15,000.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total Pool (520)</strong></td>
<td>15,000.00</td>
</tr>
<tr>
<td>Sewer (580)</td>
<td>Nantucket Remote Monitoring</td>
<td>5,500.00</td>
</tr>
<tr>
<td></td>
<td>Huntington Pump Station Pump</td>
<td>80,000.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total Sewer (580)</strong></td>
<td>85,500.00</td>
</tr>
<tr>
<td></td>
<td><strong>GRAND TOTAL</strong></td>
<td>$ 1,840,261.00</td>
</tr>
</tbody>
</table>

Total amount appropriated by fund may not be exceeded.
ORDINANCE NO.
INTRODUCED BY:

ORDINANCE
AMENDING CHAPTER 125 OF THE CODIFIED ORDINANCES BY ENACTING
SECTION 125.58 RELATING TO THE ESTABLISHMENT OF A GRANT FUND, AND
DECLARING AN EMERGENCY

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

SECTION 1. That Chapter 125 of the Codified Ordinances of the City of Bay Village
is hereby amended by enacting new Section 125.58 which shall read as follows:

“125.58 GRANT FUND.
There is hereby established under Ohio R.C. 5705.12, and subject to the approval of the
Bureau of Inspection and Supervision of Public Offices of the State of Ohio, Grant Fund (299).
Such Fund shall be used to account for grant monies.”

SECTION 2. The Director of Finance is hereby instructed to forward a certified copy
of this ordinance to the Bureau of Inspection and Supervision of Public Offices of the State of
Ohio for approval of same.

SECTION 3. 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 committee that resulted in those
formal actions were in meetings open to the public in compliance with law.

SECTION 4. 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 reasons stated in the preamble hereof, 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

070518 kek
ORDINANCE

AMENDINGCHAPTER 125 OF THE CODIFIED ORDINANCES BY ENACTING
SECTION 125.59 RELATING TO THE ESTABLISHMENT OF A GIFT CARD FUND,
AND DECLARING AN EMERGENCY

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

SECTION 1. That Chapter 125 of the Codified Ordinances of the City of Bay Village is hereby amended by enacting new Section 125.59 which shall read as follows:

“125.59 GIFT CARD FUND.
There is hereby established under Ohio R.C. 5705.12, and subject to the approval of the Bureau of Inspection and Supervision of Public Offices of the State of Ohio, Gift Card Fund (232). Such Fund shall be used to account for gift card monies.”

SECTION 2. The Director of Finance is hereby instructed to forward a certified copy of this ordinance to the Bureau of Inspection and Supervision of Public Offices of the State of Ohio for approval of same.

SECTION 3. 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 committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 4. 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 reasons stated in the preamble hereof, 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

070518 kek
ORDINANCE NO. 18-46                                                   First Reading May 14, 2018
INTRODUCED BY: Ms. Maier                                     Second Reading June 11, 2018

ORDINANCE
ENACTING NEW CHAPTER 907 “USE OF PUBLIC WAYS FOR SMALL CELL
WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES” OF THE
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 (O.R.C.) 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;

(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 as 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 the City of Bay Village.

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


(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 O.R.C. 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 O.R.C. Section 4939.033 and who have obtained a Small Cell Use Permit.

(9) “Operator” means a wireless service provider, cable operator, or video service provider that operates a Small Cell Facility and provides wireless information services as defined in the “Telecommunications Act of 1996,” 110 Stat. 59, 47 U.S.C. 153(20), and that are fixed in nature or use unlicensed spectrum.

(10) “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.

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

(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 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.

(14) “Substantial Modification” means a change to existing Facilities, 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, that includes one or more of the following:

(A) Increasing the height of the Wireless Support Structure by more than 10% or more than ten feet, whichever is greater;
(B) Adding an appurtenance to the body of the Wireless Support Structure that would protrude from the edge of the structure by more than six feet;
(C) Installing more than the standard number of new equipment cabinets for the technology involved, not to exceed four cabinets;
(D) Installation of any new equipment cabinets in the ground if there are no pre-existing ground cabinets associated with the structure, or the installation of ground cabinets that are more than 10% larger in height overall volume than other ground cabinets associated with the structure,
(E) Any excavation or deployment outside the current site.
(F) Removal of any concealment elements from the site.

(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 the City’s Design Guidelines as set forth in Chapter 1337 of the Codified Ordinances of the City of Bay Village 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, the City’s Design Guidelines, O.R.C. 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 City’s Design Guidelines. 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: Existing Support Structures Application: Request to install on an existing support structure, both City-owned and privately-owned, that require no change or minimal change to the support structure.

(b) Type 2: Substantial Modification to an Existing Support Structure Application: Request to install on an existing support structure, both City-owned and privately-owned, requiring one or more Substantial Modifications to the support structure.

(c) Type 3: New Wireless Support Structure and Associated Small Cell Facilities Application: Request to install a new wireless support structure and associated small cell facility privately owned by the Facilities Operator (e.g., installation of a new, freestanding small cell facility);

(d) Type 4: Removal of a Wireless Support Structure Application. Request to permanently remove an existing privately-owned wireless support structure.

907.04 CONSOLIDATED CONSENT APPLICATIONS.

(a) Pursuant to O.R.C. 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, the Facilities Operator shall pay an annual attachment fee of Two Hundred Dollars ($200.00) to the City for each Small Cell Facility attached to a municipally-owned Wireless Support Structure. 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 to the Chief Building Official 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 responsible for the Facilities in any way.

(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 and has an agreement with an Operator 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
(4) Type 4 Applications 120 days

(b) Applications shall be reviewed for completeness and compliance with this Chapter, Section 1337 of the Codified Ordinances, and all applicable local, state, and federal laws. 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 an Application 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 include, but are not limited to:

(1) Failure to provide information required under Section 907.07;
(2) Failure to comply with the City’s 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 an Operator provided pursuant to Section 907.07(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.

(e) Pursuant to O.R.C. 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.

(f) 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.

(g) 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.

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

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

907.10 ANNUAL REGISTRATION.

(a) 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’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 or 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 applicable state and federal law. 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 the 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, 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 non-emergency 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.

907.19 APPEAL.

An Applicant may appeal a decision made by the Chief Building Official to the Board of Zoning Appeals per Chapter 1127 of the Planning and Zoning Code.

907.20 SEVERABILITY

Sections and subsections of this chapter and the several parts and provisions thereof are hereby declared to be independent sections, subsections, parts and provisions. The holding of any such section, subsection, part or provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other such section, subsection, part or provision thereof.

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 O.R.C. Section 121.22.

Section 3. 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 reasons stated in the preamble hereof, 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
ORDINANCE NO.
INTRODUCED BY:

ORDINANCE
ENACTING NEW CHAPTER 1337 “SMALL CELL DESIGN GUIDELINES” OF THE BUILDING STANDARDS CODE, AND DECLARING AN EMERGENCY.

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 (O.R.C.) 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 1337 “Small Cell Design Guidelines” of the Building Standards 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 1337 “Small Cell Design Guidelines” of the Building Standards Code of the Codified Ordinances of the City of Bay Village is enacted to read as follows:

“CHAPTER 1337
SMALL CELL DESIGN GUIDELINES

1337.01 OVERVIEW AND PURPOSE, DEFINITIONS.

(a) The purpose of these Design Guidelines 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 general 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;
(3) Strike a balance between preserving the character of the City and enabling wireless telecommunications providers to deploy Small Cell Facilities and Wireless Support Structures so that residents, businesses, and visitors benefit from efficient wireless service availability through careful location, design, siting, landscaping, and camouflaging to blend these Facilities into the environment;

(4) 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

(5) 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 these Design Guidelines and Chapter 907 of the Code.

(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 as 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) “Antenna” means required towers and locations to include, but not limited to:

(A) Tall Sites: lattice towers, monopoles, tall building roof mounts, steeples, bell towers, water towers;

(B) Medium Sites: monopoles, roof mounts, stadium lighting, flag poles, and other required infill structures;

(C) Small Sites: street light poles, building mounts, utility poles, mast antennas, roof mounts, flag poles, and other unique sites (micro cells, nano cells, distributed antenna systems, microcell networks).

(5) “City” means the City of Bay Village.

(6) “Collocation” or “Collocate” means to install, mount, maintain, modify, operate, or replace wireless Facilities on a Wireless Support Structure.
“Design Guidelines” means the standards applicable to Small Cell Equipment and Wireless Support Structures in the Right-of-Way established in this Chapter and promulgated by the Chief Building Official, in accordance with HB 478 and ORC 4939, to describe:

(A) Written design guidelines with objective, technologically feasible criteria that reasonably match the aesthetics and character of the City and City Historic District(s) including location, appearance, and concealment,

(B) Space reserved in the City Public Way or Right-of-Way or on a Wireless Support Structure or pole if owned by the City,

(C) Restrictions for support structures and Collocated Antennas up to 40 feet, or 35 feet or less as required by City zoning laws,

(D) Reasonable requirements for financial surety to ensure removal of abandoned or unused Facilities or damage to City property caused by operator or agent,

(E) Process for withholding, denying, or delaying City consent based on an operator’s failure to possess financial, technical and managerial resources to protect the City’s health, safety and welfare,

(F) Priorities for access to or occupancy of the City Right-of-Way or Public Way when the Right-of-Way or Public Way cannot accommodate all users, so that priorities are not unduly discriminatory and are competitively neutral,

(G) Documentation of existing and planned Facilities, topography, living organisms/tree canopy, structures, utilities, buildings, and infrastructures in place at time of permits.


“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 O.R.C. 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 O.R.C. Section 4939.033 and who have obtained a Small Cell Use Permit.
(10) “Historic District” means a building, property, or site, or group of buildings, properties, or sites that are any 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. l.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 O.R.C. Section 149.311.

(C) An area identified and recognized by the City as a historic area/district, including the property known as Cahoon Memorial Park.

(11) “Operator” means a wireless service provider, cable operator, or video service provider that operates a Small Cell Facility and provides wireless information services as defined in the “Telecommunications Act of 1996,” 110 Stat. 59, 47 U.S.C. 153(20), and that are fixed in nature or use unlicensed spectrum.

(12) “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.

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

(14) “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.

(15) “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.

(16) “Substantial Modification” means a change to existing Facilities, 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) that includes:

(A) Increasing the height of the Wireless Support Structure by more than 10% or more than ten feet, whichever is greater;
(B) Adding an appurtenance to the body of the Wireless Support Structure that would protrude from the edge of the structure by more than six feet;
(C) Installing more than the standard number of new equipment cabinets for the technology involved, not to exceed four cabinets;
(D) Installation of any new equipment cabinets in the ground if there are no pre-existing ground cabinets associated with the structure, or the installation of ground cabinets that are more than 10% larger in height overall volume than other ground cabinets associated with the structure;
(E) Any excavation or deployment outside the current site, and/or
(F) Removal of any concealment elements from the site.

(17) “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.

(18) “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.

1337.02 SMALL CELL FACILITY APPLICATIONS

(a) Requests by Facilities Operators to locate or Collocate Small Cell Facilities and Wireless Support Structures within the City Right-of-Way and on private property fall into four categories:

(1) Type 1: Existing Support Structures Application: Request to install Small Cell Facilities on an existing Wireless Support Structure that requires no change or minimal change to the Wireless Support Structure;

(2) Type 2: Substantial Modification to an Existing Support Structure Application:
Request to install Small Cell Facilities on an existing Wireless Support Structure requiring one or more Substantial Modifications to the Wireless Support Structure;

(3) Type 3: New Wireless Support Structure and Associated Small Cell Facilities Application: Request to install a new Wireless Support Structure and associated Small Cell Facilities (e.g. installation of a new, freestanding pole and facility);


(b) TYPE 1: Existing Support Structures Application

(1) A Facilities Operator requesting an installation of Small Cell Facilities on an existing Wireless Support Structure that requires no change or minimal change to the Wireless Support Structure should complete an Existing Support Structures Application.

(2) Applications are administered by the Chief Building Official pursuant to this Chapter and Section 907 of the Codified Ordinances. The process includes:
   - Pre-application meeting with Chief Building Official and Applicant.
   - Applicant completes and submits the City application form and required fees.
   - Chief Building Official reviews the application and provides Applicant with a decision within 60 days.
   - Applicant completes installation within 180 days or requests a time extension.
   - Chief Building Official and Applicant conduct an inspection to confirm compliance, Applicant remedies any identified issues.
   - Chief Building Official and Applicant conduct a final inspection.

(3) Documentation of owner’s permission to Collocate on privately-owned structures must be included with the application, in the form of a letter or other correspondence from the owner.

(c) TYPE 2: Substantial Modification to an Existing Support Structure Application

(1) A Facilities Operator requesting an installation of Small Cell Facilities on an existing Wireless Support Structure that requires one or more Substantial Modifications to the Wireless Support Structure, at the determination of the Facilities Operator or Chief Building Official, must complete and file a Substantial Modification to an Existing Support Structure Application.

(2) Applications are administered by the Chief Building Official pursuant to this Chapter and Section 907 of the Codified Ordinances. The process includes:
   - Pre-application meeting with Chief Building Official and Applicant.
   - Applicant completes and submits the City application form and required fees.
   - Chief Building Official reviews the application and provides Applicant with a
decision within 90 days.
- Applicant completes installation within 180 days or requests a time extension.
- Chief Building Official and Applicant conduct an inspection to confirm compliance, Applicant remedies any identified issues.
- Chief Building Official and Applicant conduct a final inspection.

(3) Documentation of owner’s permission to Collocate on privately-owned structures must be included with the application, in the form of a letter or other correspondence from the owner.

(d) TYPE 3: New Wireless Support Structure and Associated Small Cell Facilities Application


(2) Applications are administered by the Chief Building Official pursuant to this Chapter and Section 907 of the Codified Ordinances. The process includes:
- Pre-application meeting with Chief Building Official and Applicant
- Applicant completes and submits the City application form and required fees.
- Chief Building Official reviews the application and provides Applicant with a decision within 120 days.
- Applicant completes installation within 180 days or requests a time extension.
- Chief Building Official and Applicant conduct an inspection to confirm compliance, Applicant remedies any identified issues.
- Chief Building Official and Applicant conduct a final inspection.

(e) TYPE 4: Removal of a Wireless Support Structure Application

(1) A Facilities Operator requesting to permanently remove an existing Wireless Support Structure must complete and file a Removal of a Wireless Support Structure Application.

(2) Applications are administered by the Chief Building Official pursuant to this Chapter and Section 907 of the Codified Ordinances. The process includes:
- Pre-application meeting with Chief Building Official and Applicant
- Applicant completes and submits the City application form and required fees.
- Chief Building Official reviews the application and provides Applicant with a decision within 120 days.
- Applicant completes removal within 180 days or requests a time extension.
- Chief Building Official and Applicant conduct an inspection to confirm compliance, Applicant remedies any identified issues.
- Chief Building Official and Applicant conduct a final inspection.

1337.03 GENERAL STANDARDS AND DESIGN GUIDELINES
(a) Facilities shall not be installed unless the Facilities are compliant with these Design Guidelines, Chapter 907 of the Codified Ordinances, any Application requirements, and all applicable local, state, and federal laws.

(b) Facilities Operators 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, planned street and/ or business development.

(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 are not limited to, paint, fencing, public art, strategic placement, and placement within
existing or replacement street furniture.

(1) 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 fulfill 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.

(o) The City reserves the right to reserve space for future public safety, transportation, pathways/walkways and/or building use in the Right-of-Way or on a Wireless Support Structure in a documented plan in place at the time of application filing. If replacement or relocation of a Wireless Support Structure is required to accommodate the collocation of a small cell wireless facility or future use, the operator shall pay for and install the replacement of the Wireless Support Structure, which must accommodate future use.

1337.04 SPECIFICATIONS FOR COLLOCATION

(a) The collocation of Small Cell Facilities on existing support structures, owned by the City or another entity and engineered to accommodate such facilities, is strongly encouraged to minimize the amount of infrastructure visible within the City and Right-of-Way.

(b) Along the City’s southern border, existing wooden utility poles are located in the railroad right-of-way. These support structures are not owned by the City but may be eligible for collocation of small cell facilities, pending permission of the legal owner(s) of the structures. If possible, utilizing these structures will, in the opinion of the City, reduce the visual impact of additional wireless equipment.

(c) The City will not authorize any attachments to City-owned infrastructure that negatively impacts the structural integrity of the associated infrastructure for current or future planned use.

(d) The City may condition approval of Collocation on replacement or modification of the Wireless Support Structure at the operator’s cost if the City determines that replacement or modification is necessary for compliance with City standards. The City may also retain ownership of a modified or replacement Wireless Support Structure.

(e) Small Cell Equipment shall not interfere with the primary purpose of a Wireless Support Structure.
(f) 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. Where possible, Antenna shall be fully enclosed within a shroud, attached to as near possible to the top of a pole, and on the side of the pole opposite the direction of vehicular traffic on the same side as the Right-of-Way.

(g) All cables, wiring, and conduits shall be firmly secured to the pole structure and enclosed within a separate rigid external conduit attached directly to the pole or offset not more than four inches with mounting brackets. Conduit color will be gray, or as specified by the City, to match the required enclosure color.

(h) All Small Cell Facilities, cabinets, shrouds, conduit, and mounting hardware proposed in conjunction with installation on an existing pole or structure shall be as approved by the Chief Building Official.

1337.05 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, at the City’s discretion, if the side-mounted Antenna would be more appropriate given the environment, neighborhood character, or overall site appearance, or if it would promote
the purposes of these Design Guidelines.

1337.06 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.

1337.07 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 installation in connection with a Collocation; and

(2) Shows that the Small Cell Equipment cannot be feasibly placed on a 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 anyway.

1337.08 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.
1337.09 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.

1337.10 UTILITY LINES

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.

1337.11 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 of rock material. The remaining eight (8) inches 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.

### 1337.12 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) Operators 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 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.

1337.13 HISTORIC DISTRICT REGULATIONS

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 or Chapter 907 of the Codified Ordinances. The Facilities Operator may submit a waiver request pursuant to Section 1337.14(d) if the Facilities Operator can demonstrate that underground placement is technologically infeasible.

1337.14 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 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
(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 provide 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;
3. From other suitable locations or structures made available by the City at reasonable rates, fees and terms.

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

1337.15 **REQUIRED SETBACKS**

(a) **Preferred Alignment:** The centerline of new support structures shall be installed in alignment with existing poles where present, or with street trees along the same side of the Right-of-Way, unless otherwise required and approved by Zoning Board.

(b) **Minimum Distance from Travel Way:** So as not to impede or impair public safety or legal use of the Right-of-Way by the traveling public, in no case shall any portion of a new support structure be located less than two feet from the travel way, edge line, face of curb, sidewalk, bike lane or shared path.

(c) **Minimum Distance from Existing Objects in the Right-of-Way:** New Wireless Support Structures shall be located a minimum of twelve (12) feet from any permanent object or existing lawful encroachment in the Right-of-Way to allow for access.

(d) **Minimum Distance from Intersections and Driveway Aprons:** Wireless Support Structures shall be located a minimum of twelve (12) feet from driveway aprons and located outside of intersection sight distance triangles whenever possible.

(e) **Minimum Distance from Street Trees and Protected Trees in the Vicinity:** Wireless Support Structures shall be sited outside of the critical root zone and canopy drip line of existing trees and any existing protected trees having a six (6) inch or greater diameter at breast height (DBH) located in the immediate vicinity, including protected trees on private property. The City Arborists will have final say as to protected trees within the City proper, including any historic areas, foliage, trees, that must remain protected.

(f) **Fall Zone:** Fall-zone requirements for Wireless Support Structures shall be consistent with fall-zone requirements for other structures of similar type and height within the
Right-of-Way.

1337.16 SEVERABILITY

Sections and subsections of this chapter and the several parts and provisions thereof are hereby declared to be independent sections, subsections, parts and provisions. The holding of any such section, subsection, part or provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other such section, subsection, part or provision thereof.

1337.99 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 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.”

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 O.R.C. Section 121.22.

Section 3. 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 reasons stated in the preamble hereof, 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
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
ORDERING THE REPAIR OF THE PUBLIC SIDEWALKS
ABUTTING CERTAIN PREMISES IN THE CITY OF BAY VILLAGE,
AND DECLARING AN EMERGENCY.

WHEREAS, an inspection of certain sidewalks in the City of Bay Village has shown that those sidewalks are in need of repair and are an obstruction to pedestrian traffic;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village:

SECTION 1. That the public sidewalks abutting certain premises are listed below are determined to be in need of repair and to be an obstruction and hazard to safe pedestrian traffic:

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SECTION 2. That pursuant to Section 543.01 of the Codified Ordinances of the City of Bay Village, the Clerk of Council is hereby directed to serve notice by certified mail upon the owner of said premises ordering the repair of said sidewalk and the removal of said obstruction and hazard.

SECTION 3. That if the owner of said premises fails to comply with such notice to repair the sidewalk within 30 days of the delivery of said notice, the Director of Public Service and Properties shall cause the sidewalk to be repaired and the expenses and labor costs incurred in the making of repair will be entered upon the tax duplicate as a lien upon such land pursuant to C.O. Section 543.01.

SECTION 4. 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 5. 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 have said sidewalk repaired to protect pedestrian traffic, 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

062518 kek
ORDINANCE NO.
INTRODUCED BY:
    PID No:  103480
    Cnty-Rte-Sec:  CUY-Queenswood Drive
    Agreement No:  31759

ORDINANCE
AUTHORIZING THE OHIO DEPARTMENT OF TRANSPORTATION TO REPLACE
THE QUEENSWOOD DRIVE BRIDGE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village, Ohio, hereinafter referred to as the Local Public
Agency (LPA), has determined the need for the described project:

Replace the Queenswood Drive bridge over Sperry Creek in the City of Bay Village.

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

SECTION 1. Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to
complete the above described project as detailed in the LPA Federal ODOT-Let Agreement
entered into between the parties, if applicable.

SECTION 2. Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and
construction of the above described project and shall enter into an LPA Federal ODOT-Let Project
Agreement, if applicable, as well as any other agreements necessary to develop and construct the
Project.

The LPA agrees to assume and contribute the entire cost and expense of the
improvement less the amount of Federal-aid funds set aside by the Director of
Transportation for the financing of this improvement from funds allocated by the
Federal Highway Administration, United States Department of Transportation.

The LPA agrees to assume and bear one hundred percent (100%) of the cost of
preliminary engineering, right-of-way and environmental documentation.

The LPA agrees to assume and contribute one hundred percent (100%) of the cost of
any work included in the construction contract, at the request of the LPA, which is
determined by the Director not to be part of or made necessary by the improvement.

The LPA further agrees that change orders and extra work contracts required to
fulfill the construction contracts shall be processed as needed. The State shall not
approve a change order or extra work contract until it first gives notice, in writing,
to the LPA. The LPA shall contribute its share of the cost of these items in accordance
with other sections herein.
The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT’s “Specifications for Consulting Services” as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT’s current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant’s performance through ODOT’s Consultant Evaluation System.

SECTION 3. Authority to Sign

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

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

SECTION 4. Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 5. Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 6. Open Meeting

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 committee that resulted in those formal actions were in meetings open to the public in compliance with law.
SECTION 7. Emergency Measure

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 to expedite the highway project and promote highway safety, 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

__________________________
MAYOR

062718 kek

CERTIFICATE OF COPY
STATE OF OHIO

The City of Bay Village, Cuyahoga County, Ohio

I, ____________________________, as Clerk of the City of Bay Village, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said City of Bay Village on the ______ day of ____________, 2018.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this ______ day of ____________, 2018.

__________________________
Clerk

(City of Bay Village of Cuyahoga County, Ohio)

(If the LPA is designated as a City then the “City Seal” is required. If no Seal, then a letter stating “No Seal is required to accompany the executed legislation.”)
ORDINANCE NO.
INTRODUCED BY:

ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH O.R. COLAN ASSOCIATES FOR SERVICES RELATED TO THE QUEENSWOOD BRIDGE REPLACEMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City is in need of right-of-way acquisition services for the replacement of the Queenswood Drive bridge; and

WHEREAS, the City has received a Cost Proposal for that project from O.R. Colan Associates, 22710 Fairview Center Drive, Fairview Park, Ohio 44126;

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 an agreement with O.R. Colan Associates to proceed with the proposed services at a cost not to exceed Twenty-One Thousand Two-Hundred Fifty Dollars ($21,250.00).

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 committee 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, property and safety, and for the further reason that it is immediately necessary to provide said services, 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

070518 kek