

NEW CARLISLE CITY COUNCIL
REGULAR MEETING AGENDA
Monday, July 3, 2017 @ 7:00pm

1. Call to Order: Mayor Mike Lowrey
2. Roll Call: Mr. Kitko – Acting Clerk of Council
3. Invocation: TDB
4. Pledge of Allegiance:
5. Action on Minutes: Regular Meeting: 6/19/17
6. Communications: None
7. City Manager’s Report: Attached
8. Comments from Members of the Public: Please limit comments to 5 minutes or less.
9. Committee Reports: None

10. RESOLUTIONS: (1 – Intro and Action)

A. Resolution 17-13R: (Introduction, Public Hearing and Action Tonight)

A RESOLUTION AMENDING RESOLUTION 17-11R, ADDING A FINANCIAL SIGNATORY, DUE TO A SCRIVENERS ERROR

11. ORDINANCES: (1 – Intro; 3 – Action)

A. Ordinance 17-20: (Public Hearing and Action Tonight)

AN ORDINANCE ADOPTING THE TAX BUDGET FOR THE CITY OF NEW CARLISLE, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2018, AND SUBMITTING SAME TO THE AUDITOR OF CLARK COUNTY, OHIO

B. Ordinance 17-21: (Public Hearing and Action Tonight)

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR DONATED MARCS RADIO UNITS FOR THE NEW CARLISLE POLICE DIVISION

C. Ordinance 17-22: (Public Hearing and Action Tonight)

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR DONATED MARCS RADIO UNITS FOR THE NEW CARLISLE FIRE AND EMS DIVISIONS

D. Ordinance 17-23: (Introduction Tonight, Public Hearing and Action on July 17, 2017)

AN ORDINANCE CHANGING CERTAIN RESIDENTIAL SETBACK REQUIREMENTS TO ALLOW FOR FRONT PORCH ADDITIONS AND/OR EXPANSIONS

12. OTHER BUSINESS:

- A. **Congressman Warren Davidson:** Will hold “Mobile Office Hours” at the City Building on the fourth Tuesday of each month from 1:30PM until 2:00PM.
- B. **City Offices Closed:** Tuesday, July 4th for Fourth of July

13. EXECUTIVE SESSIONS: None

14. Adjournment

Next Regular Meeting of the City Council will be **Monday, July 17, 2017 @ 7:00pm**
Location: Smith Park Shelter House, 801 West Jefferson Street, New Carlisle
(www.newcarlisle.net)

(6/19/17) (3197)

RECORD OF PROCEEDINGS

Minutes of: Council of the City of New Carlisle, Ohio **Regular Meeting**
Held: Monday, June 19, 2017

#1. CALL TO ORDER: This Meeting of Council was called to order at 7pm by Vice Mayor John Krabacher.

#2. ROLL CALL: The Clerk of Council, Gene Collier, then called the Roll:

PRESENT: MR. REYNOLDS; MR. LINDSEY; MR. LEIGHTY; MR. LEATHLEY; VICE MAYOR JOHN KRABACHER.

5 Members Present. ABSENT: MAYOR MIKE LOWREY AND MR. RICK LOWREY,

STAFF PRESENT: Clerk of Council, Gene Collier; City Manager, Randy Bridge; Finance Director, Colleen Harris; Fire Chief Steve Trusty; Sgt. Ralph Underwood; and Law Director, Lynnette Dinkler.

#3. INVOCATION: Presented by Council Member, William Lindsey.

#4. PLEDGE OF ALLEGIANCE.

#5. ACTION ON MINUTES:

A. REGULAR MEETING 6/5/17:

A MOTION WAS MADE BY CM LEATHLEY, TO ADOPT THE MINUTES OF THE REGULAR MEETING OF 6/5/17 AS WRITTEN, WITH A SECOND BY CM REYNOLDS. No comments or questions from Council.

VOTE: YEA 5. MR. LINDSEY; MR. LEIGHTY; MR. LEATHLEY; MR. KRABACHER; MR. REYNOLDS. NAY 0. MINUTES PASSED 5-0.

#6. COMMUNICATIONS: NONE

#7. CITY MANAGER'S REPORT:

ACTION REPORT: CMGR Bridge started his report with the Finance Department Report, as presented by Finance Director, Colleen Harris.

FINANCE REPORT: Finance Director, Colleen Harris, shared the May 2017 Finance Report with Council and the Audience. **THE MAY 2017 FINANCE REPORT IS ATTACHED TO THESE MINUTES AS ATTACHMENT A1.** During Mrs. Harris' report she made it clear with Council and the Audience that the financial figures, especially when reviewing the General Fund Income Tax and Police Income Tax, that she just received the updated figures from CCA this morning; she shared that the total amount of the General Fund Income Tax and Police Tax for the month of May was at a little over \$725,000; she shared that she will have a better report when she gathers all the financial information for May. CM Reynolds asked why we do not have an on-line system for our employees to clock-in, noting that he sees the City has timecards for our employees, stating that it seemed somewhat outdated; Mrs. Harris shared that we do not presently have an on-line system for employees to clock in and out and to track payroll and shared that we should update. CM Leathley asked about a \$12,000 tax return for RD Holder; Mrs. Harris shared that they get a tax rebate from the City for moving their business to the City. CM Leathley asked why our City's monthly electric bill is so high; Mrs. Harris shared that a major part of the electric bill is due to the water treatment plant, waste water treatment plant, etc.

SERVICE REPORT: CMGR Bridge shared that Service Director, Howard Kitko was not present due to taking a personal day. CMRG Bridge shared that his monthly report is included in Council's Packet and asked if Council has any questions he would make note and ask Mr. Kitko to respond to Council. **MR. KITKO'S JUNE 16TH REPORT IS ATTACHED TO THESE MINUTES AS ATTACHMENT A2.** CM Leathley asked a question about Mr. Kitko's report pertaining to the replacement of 4 fire hydrant; he asked if that was 4 fire hydrants that were not presently working or ones that are being replaced that are now functional; CMGR Bridge shared that he knows that it is probably a mixture of both; he shared that he would e-mail Mr. Kitko with the question and copy to Council Members. CM Lindsey asked Mr. Bridge is he would ask Mr. Kitko for a time frame for the replacement of those fire hydrants and wanted to know the location of those fire hydrants. CM Lindsey shared that he has heard that the fire hydrant around 301 Villa Drive does not work; Chief Trusty shared that hydrant is one of the older hydrants that has been shut down and ensured the citizens that there is another hydrant in that area that is capable of supplying that area. Chief Trusty provided a brief description of the process for flushing fire hydrants. CM Reynolds asked if the road construction projects listed on Mr. Kitko's report will be a chip and seal or any overlay; CMRG Bridge shared that they would be overlays. CM Linsey asked another question regarding fire hydrants and CMGR

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Bridge responded with saying he has a note to get a report from Mr. Kitko regarding the fire hydrants and he at this time did not have any information to help Council with their questions.

FIRE AND EMS REPORT: Fire Chief, Steve Trusty, shared with Council and the Audience his May 2017 Fire and EMS Report with Council and the Audience. **A COPY OF THE MAY 2017 FIRE AND EMS REPORT IS ATTACHED TO THESE MINUTES AS ATTACHMENT A2 and A3.** Chief Trusty also shared that the Fire Department will hold an automobile extraction training session on June 28th @ 7pm at the Madison Street School; he invited Council to come and watch; CMGR Bridge shared he will put the training on Facebook. CM Reynolds shared that he was pleased that our Fire Department is now responding to Mutual Aid outside of the City. Vice Mayor Krabacher asked if some of the grant money that the Department has received will go toward the monthly costs to operate the Marcs Radios; Chief Trusty responded with the answer, "NO". Clerk of Council, Gene Collier, commented that the City has saved approximately \$80,000 to \$100,000 as estimated from the figures as provided by Chief Trusty on the donated Marcs Radios; the donated radios came from the Ohio Department of Natural Resources. CM Lindsey asked Chief Trusty to discuss the process of getting the Marcs Radios up and running and if that would give the City the capability of communicating with the Sheriff's Department; Chief Trusty shared that it would require the approval of the Fire Department to be on the Sheriff's Department's frequency. City Law Director, Lynnette Dinkler shared that she has noticed a trend on the Fire and EMS Report regarding overdoses in the City; she asked what the age span was for those overdoses and if they were typically related to heroin; Chief Trusty responded with sharing that the Department was seeing an age span early 20's to the 40's, and have even seen someone in their 60's. Mrs. Dinkler asked if it would be a good idea if both Departments, the Sheriff Department and Fire Department, would work together to secure some funding for community outreach to address this serious problem. Council then had a rather detailed discussion regarding the heroin problem and what the community could do to address the issue; Council also addressed some of the issues in the County and the lack of resources to address the issue; Council also addressed the resources that are available in our City; CM Reynolds shared information about some City's charging individuals who overdose with Inducing Panic and the theory and tool is that a having a legal charge allows the Court to force individuals into treatment. Chief Trusty shared that what is really needed is to educate the public. Sgt. Underwood shared that Ohio is a breeding ground for the heroin problem and shared the lack of resources in the County to help the homeless and drug addicts; he shared it is a

huge problem and has advanced more than anyone knows; he shared that we cannot play God and determine who gets Narcan and who does not. New Carlisle Citizen, William Cook, addressed Council and shared that Fairborn has a pretty good program and shared it is called "Fairborn Against Heroin" and shared that he has talked to a number of the individuals coordinating the program; he asked Council if they would like him to talk with an individual he knows and asked if Council would be open to a work session to discuss their program and ideas. Vice Mayor Krabacher asked Mr. Cook if he could speak with the individual and get a couple dates that could be available for a work session with Council; Mr. Cook shared that he would be willing; Vice Mayor Krabacher asked Mr. Cook to contact him personally with some dates and he would get with Council; it was suggested by Mr. Cook that the meeting and discussion occur separate from a Council Meeting.

POLICE DISCUSSION: Sgt. Underwood shared his May 2017 Police Report with Council and the Audience. **A COPY OF THE APRIL 2017 POLICE REPORT IS ATTACHED TO THESE MINUTES AS ATTACHMENT A2 AND A3.** Upon completion of his report Council did not have any further questions for Sgt. Underwood. Vice Mayor Krabacher asked Sgt. Underwood about the bike patrols; Sgt. Underwood shared that the Deputies have not been out as usual on bike patrol; Sgt. Underwood shared that the bike path is being patrolled and shared that the 3rd shift Deputy is taking his patrol car down the bike path.

CITY MANAGER'S INFORMATIONAL ITEMS: CMRG Bridge shared that following projects and activities with Council and the Audience:

- **CAMP GET UP AND GO** will be held on June 26th to June 30th, from 9am to 4pm in Smith Park; he shared that there would be outdoor activities and crafts focused on fitness and nutrition.
- **FOAM FRENZY** will occur on Friday, June 30th in Smith Park from 430pm to 5pm.
- **A COUNCIL WORK SESSION** is needed to discuss the addition of On-line Water Payments; CMRG Bridge will look at some available dates and will e-mail to Council to schedule a date and time; he recommended that Council wait until Mayor Lowrey and CM Rick Lowrey are present at the next meeting.
- **THE CHAUTAUQUA MUSIC SERIES** will begin Sunday, June 25th in Smith Park, beginning at 630pm; the featured band will be the Sauerkraut German Band.
- **CITY BOND REFINANCING:** CMGR Bridge shared that the refinancing of City Bonds is completed and announced that the final documents will be signed on Wednesday, June 21st; he shared the City will save an additional \$116,163.26 on our Twin Creeks Infrastructure Improvement Bonds and on our
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Series 2010 Various Purpose Bonds; he shared that he will have more information to come after the meeting and signing of documents on June 21st.

#8. COMMENTS FROM MEMBERS OF THE PUBLIC: NONE

#9. COMMITTEE REPORTS: NONE

#10. RESOLUTIONS:

CM REYNOLDS MADE A MOTION TO SUSPEND THE RULES OF COUNCIL TO ALLOW RESOLUTION 17-12R TO BE ADDED TO THE AGENDA FOR ACTION THIS EVENING, WITH A SECOND BY CM LINDSEY. CMGR Bridge shared that he was working with the City of Springfield on this last week and did not receive the final contract until 11:45am today; he did share that he originally had this Resolution on the agenda on Friday, but decided to take it off because he did not have the contract in hand; this is why we are suspending the Rules of Council so we can get it on for action this evening. **VOTE: YEA 5. MR. LEIGHTY;**

MR. LEATHLEY; VICE MAYOR KRABACHER; MR. REYNOLDS; MR. LINDSEY. NAY 0. MOTION TO SUSPEND THE RULES OF COUNCIL PASSED 5-0.

RESOLUTION 17-11R: The Clerk of Council then read Resolution 17-11R by title only.

A RESOLUTION ADDING VICKY L. TAYLOR AS AN AUTHORIZED SIGNATORY ON ALL FINANCIAL ACCOUNTS OF THE CITY OF NEW CARLISLE, OHIO. A MOTION TO ADOPT RESOLUTION 17-11R AS WRITTEN WAS MADE BY CM REYNOLDS, WITH A SECOND BY CM LINDSEY. CMRG Bridge shared that the departure of Amy Garmin created a need to add a signatory on financial matters and this allows our current Tax Administrator, Vicky Taylor to be a second signatory and take Amy Garman's place. CM Leathley asked if he as an employee of Security National Bank, would constitute a conflict of interest; the City Law Director, Mrs. Dinkler responded with "NO", he would not create a conflict of interest; Council was also in agreement. **VOTE: YEA 5. MR. LEIGHTY; MR. LEATHLEY; VICE MAYOR KRABACHER; MR. REYNOLDS; MR. LINDSEY. NAY 0. RESOLUTION 17-11R PASSED 5-0.**

RESOLUTION 17-12R: The Clerk of Council then read Resolution 17-12R by title only.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE CITY OF SPRINGFIELD, OHIO FOR THE PURPOSE OF CONTINUING TO PROVIDE DISPATCHING SERVICES TO THE CITY OF NEW CARLISLE, OHIO. A MOTION WAS MADE BY CM LINDSEY TO ADOPT RESOLUTION 17-12R AS WRITTEN, WITH A SECOND BY CM REYNOLDS. CMRG Bridge shared that the City has historically went with the City of Springfield for Fire and EMS dispatching services; he shared they did increase the cost this year by 3%, but they have not increased the cost for the last 2 to 3 years and asked Council to not quote him on the 2 or 3 years; he shared we do have an out; when we get all of our Marcs Radios on line we will be looking at switching over to Clark County Dispatching; we have to give a 60 to 90 day notice to get out of the contract. CM Reynolds read a portion of the contract of which read, "Whereas, the City of Springfield has performed dispatching services for the citizens of New Carlisle with improved services and reduced costs"; he asked what were the reduced costs?. CMGR Bridge shared that it was a copy and paste and you could argue that the City of Springfield has reduced the City's cost since 2007. Law Director, Lynnette Dinkler, commented that the purpose of contracting with the City of Springfield is to reduce the cost of the City providing the service itself.

A MOTION WAS MADE BY CM LEATHLEY TO AMEND RESOLUTION 17-12R AND STRIKE OUT THE SECTION OF THE RESOLUTION THAT READS, WHEREAS, THE COST OF THE CONTRACT WILL NOT INCREASE FROM LAST YEAR", WITH A SECOND BY CM REYNOLDS.

VOTE ON MOTION TO AMEND RESOLUTION 17-12R: YEA 5. MR. LINDSEY; MR. LEIGHTY; MR. LEATHLEY; VICE MAYOR KRABACHER; MR. REYNOLDS; NAY 0. MOTION TO AMEND RESOLUTION 17-12R PASSED 5-0.

VOTE ON RESOLUTION 17-12R: YEA 5. MR. LINDSEY; MR. LEIGHTY; MR. LEATHLEY; VICE MAYOR KRABACHER; MR. REYNOLDS; NAY 0. RESOLUTION 17-12R PASSED 5-0.

11. ORDINANCES:

ORDINANCE 17-20: The Clerk of Council then read Ordinance 17-20 by title only.

AN ORDINANCE ADOPTING THE TAX BUDGET FOR THE CITY OF NEW CARLISLE, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2018, AND SUBMITTING SAME TO THE AUDITOR OF CLARK COUNTY, OHIO. (Public Hearing and Action on July 3, 2017)

(6/19/17) (3200)

ORDINANCE 17-21: The Clerk of Council then read Ordinance 17-21 by title only.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR DONATED MARCS RADIO UNITS FOR THE NEW CARLISLE POLICE DIVISION.

(Public Hearing and Action on July 3, 2017)

ORDINANCE 17-22: The Clerk of Council then read Ordinance 17-22 by title only.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR DONATED MARCS RADIO UNITS FOR THE NEW CARLISLE FIRE AND EMS DIVISIONS. (Public Hearing and Action on July 3, 2017)

12. OTHER BUSINESS:

CONGRESSMAN WARREN DAVIDSON: Will hold "Mobile Office Hours" at the City Building on the fourth Tuesday of each month from 130pm to 2pm.

COMMUNITY GARAGE SALE will be held on Saturday, June 24th – all day – rainout day will be July 1st.

THE FARMERS MARKET will begin on Saturday, June 24th from 9am to Noon – in the downtown area on Main Street.

CITY OFFICES WILL BE CLOSED on Tuesday, July 4th for the Fourth of July.

A MOTION WAS MADE BY CM REYNOLDS TO EXCUSE MAYOR MIKE LOWREY AND CM RICK LOWREY FROM TONIGHT'S MEETING, WITH A SECOND BY CM LEATHLEY. YEA 5. VICE MAYOR KRABACHER; MR. REYNOLDS; MR. LINDSEY; MR. LEIGHTY; MR. LEATHLEY. NAY 0. MOTION TO EXCUSE PASSED 5-0.

13. EXECUTIVE SESSIONS: NONE

14: ADJOURNMENT: CM REYNOLDS

Mayor, City of New Carlisle

Clerk of Council, City of New Carlisle

City Manager's Report

TO: Mayor, Vice Mayor, City Council, Residents, and Business Owners
FROM: Randy Bridge, City Manager
DATE: June 30, 2017 for July 3, 2017

- Items that should be reported to or discussed with Council are indicated with an asterisk (*) and organized under separate headings.
- Council members may bring any other item up for discussion.

A. ACTION REPORT

B. FINANCE DISCUSSION

C. SERVICE DISCUSSION

D. PLANNING/ZONING DISCUSSION

E. FIRE DISCUSSION

F. POLICE DISCUSSION

*G. INFORMATIONAL ITEMS

- Council Work Session Needed: To discuss adding Online Water Payments
- Fire Hydrant Report: Email Attached

Randy Bridge

From: Howard Kitko <hkitko@newcarlisle.net>
Sent: Friday, June 30, 2017 1:52 PM
To: 'Randy Bridge'
Cc: 'steve trusty'; 'Jason Rose'
Subject: Fire Hydrant Information

Mr. Bridge,

There are 244 fire hydrants throughout the City. There are currently 14 hydrants designated "Out of Service". There is not an area, that I'm aware of, where there are 2 hydrants back to back "Out of Service. If a second hydrant breaks next to another one, we make emergency repairs, to avoid back to back "out of service" situations.

We currently have 5 hydrants on order. The first 3 hydrants being replaced are located at: Drake & Kennison, Funston & Scott, Henry Cul-de-sac. We are looking at replacing 1 on Villa and 1 on Main St.

1 fire hydrant(all new) with a storz connection is \$2230, this does not include excavation or valves fittings and pipes if needed. Sometimes we may only replace 1 or 2 (Non-Insurance covered) hydrants because, the hydrant valve may not operate and we may have a \$5000 added expense for a valve insertion in order to shut the hydrant down for repair or replacement.

As a first step, we will try to rebuild the hydrant for a lesser cost, which can be as low as \$300 to around \$1000 if more parts are needed.

The current standard is 5" steamer with (2ea.) 2 ½ side ports. When we can upgrade a 4" steamer or smaller up to a 5" steamer, we will do that.

I hope this email answers all of Council's and your questions. I will be happy to elaborate further, if need be.

Regards,

*Howard Kitko
Director of Public Service
City of New Carlisle
(937)845-9492
hkitko@newcarlisle.net*

RESOLUTION 17-13R

A RESOLUTION AMENDING RESOLUTION 17-11R, ADDING A FINANCIAL
SIGNATORY, DUE TO A SCRIVENERS ERROR

WHEREAS, Resolution 17-11R was approved by City Council on June 19, 2017 which added Vicki Taylor as an authorized signature on the City of New Carlisle Financial Documents; and

WHEREAS, it has been determined that Vicki Taylor's first name was misspelled, resulting in a scrivener's error; and

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY RESOLVES that the incorrect name be amended and the Resolution reads as follows:

WHEREAS, it is the desire of the City to designate signatories for its financial accounts; and

WHEREAS, City Manager Randy Bridge, Finance Director Colleen Harris, and Service Director Howard Kitko are currently authorized as signatories; and

WHEREAS, it is the desire of the City to add ~~Vieky~~ **VICKI** Taylor as a signatory for financial documents; and

WHEREAS, it is necessary to designate duly authorized signatories on all financial accounts of the City of New Carlisle by resolution;

THE CITY OF NEW CARLISLE HEREBY RESOLVES that Council confirms that, insofar as two authorized signatures are required on every negotiable instrument of the City, City Manager Randall S. Bridge and Finance Director Colleen P. Harris are hereby authorized to act as signatories on all financial accounts of the City of New Carlisle, including, without intending limitation, accounts now held or to be held in the future at the following institutions, to-wit: National City Bank, New Carlisle Federal Savings Bank, Security National Bank, and Star Ohio, and one of their two signatures must appear on every negotiable instrument of the City.

Council hereby authorizes Service Director Howard Kitko and the Tax Administrator ~~Vieky~~ **VICKI L.** Taylor signatures to be used in lieu of either City Manager Randall S. Bridge or Finance Director Colleen P. Harris but not both, on any negotiable instrument of the City EXCEPT changes too financial accounted for the City of New Carlisle.

Only Manager Randall S. Bridge and Finance Director Colleen P. Harris, together, are named to have sole Resolution Power to make changes to any financial accounts of the City of New Carlisle. This Resolution does not change or alter that existing stipulation.

Passed this _____ day of _____, 2017.

Mike Lowrey, Mayor

Gene Collier, Clerk of Council

APPROVED AS TO FORM:

Lynette Dinkler., DIRECTOR OF LAW

ORDINANCE 17-20

**AN ORDINANCE ADOPTING THE TAX BUDGET FOR THE CITY OF NEW
CARLISLE, OHIO FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2018, AND
SUBMITTING SAME TO THE AUDITOR OF CLARK COUNTY, OHIO**

WHEREAS, the City Manager has heretofore prepared a tentative budget for the City of New Carlisle, Ohio, for the fiscal year beginning January 1, 2018, showing detailed estimates of all balances that will be available at the beginning of 2018, for the purposes of such fiscal year, including all general and special taxes, fees, costs, percentages, penalties, allowances, prerequisites, and all other classes or types of revenues; also estimates of all expenditures or charges in or for the purposes of such fiscal year to be paid or met from said revenues or balances; and otherwise conforming with the requirements of the law; and

WHEREAS, said budget has been made conveniently available for public inspection for at least ten (10) days having at least two (2) copies thereof on file in the Offices of the City Manager and the Finance Director.

NOW, THEREFORE, THE MUNICIPALITY OF NEW CARLISLE HEREBY ORDAINS that:

Section 1. The tax budget of the City of New Carlisle, Ohio, for the fiscal year beginning January 1, 2018, heretofore, prepared by the City Manager and submitted to this Council, copies of which are on file in the Office of the City Manager and Finance Director, be and it is hereby adopted as the official tax budget of the City of New Carlisle, for the fiscal year beginning January 1, 2018.

Section 2. The Clerk of Council be, and hereby is, authorized and directed to certify two (2) copies of said budget and one (1) of this Ordinance, and to transmit same to the Auditor of Clark County, Ohio.

Passed this _____ day of _____, 2017

MIKE LOWREY, Mayor

GENE COLLIER, Clerk of Council

APPROVED AS TO FORM:

LYNNETTE DINKLER, Director of Law

ORDINANCE 17-21

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING FOR DONATED MARCS RADIO UNITS FOR
THE NEW CARLISLE POLICE DIVISION

WHEREAS, The City of New Carlisle has a unique opportunity to secure donated MARCS Radio Units for our Police Division; and

WHEREAS, this donation is made possible by the Ohio Division of Natural Resources (ODNR) who has purchased brand new MARCS Radios for their operations; and

WHEREAS, ODNR has graciously donated their older MARCS Radios to various counties across this great state of Ohio; and

WHEREAS, the cost to purchase a MARCS Portable Radio is between \$4,000-\$6,000, and the cost to purchase a MARCS Mobile Radio is between \$8,000-\$10,000; and

WHEREAS, The City will acquire (3) three portable and (1) one mobile MARCS Radio Units for our Police Division; and

WHEREAS, the City will be required to pay a \$10.00 per unit, per month fee to the Ohio MARCS Office as each unit is turned on to the system; and

WHEREAS, the City will have to pay a programming fee of \$50.00 per mobile unit and \$35.00 per portable unit.

NOW, THEREFORE, THE MUNICIPALITY OF NEW CARLISLE HEREBY ORDAINS that:

Section 1. The City Manager be, and hereby is, authorized and directed to sign the attached Memorandum of Understanding to accept the donation of MARCS Radio Units to the City of New Carlisle Police Division.

Passed this _____ day of _____, 2017

MIKE LOWREY, Mayor

GENE COLLIER, Clerk of Council

APPROVED AS TO FORM:

LYNNETTE DINKLER, Director of Law

**Letter of Agreement
And
Transfer of Equipment**

1. The equipment listed below hereto ("Equipment") has been secured from Ohio Department of Natural Resources (ODNR) by Clark County Emergency Management Agency (EMA) under the Board of Clark County Commissioners (BCCC) for distribution to City of New Carlisle ("Agency"). EMA hereby agrees to transfer possession of the equipment to the Agency. By accepting the Equipment, the Agency agrees to the following terms and conditions:
 - 1.1. The Equipment is the property of ODNR, and is also listed on the EMA equipment inventory, is insured by Clark County, and is subject to a bi-annual verification.
 - 1.2. The proper usage of the Equipment, as well as the regular maintenance and replacement of consumable parts/supplies is the responsibility of the Agency. If maintenance or replacement of consumable parts/supplies is required, the Agency must complete a Property Activity Notification (PAN) report and return to the EMA Director within 48 hours of said maintenance.
 - 1.3. If any Equipment is lost, stolen, or destroyed, the Agency shall immediately contact the EMA Director and the Agency's local law enforcement agency. The Agency must also complete a PAN report and return to the EMA Director within 48 hours of such loss, theft, or destruction.
 - 1.4. The Agency is to pay the depreciated replacement value of any radio stolen or broken through the Agency's negligence, excluding deterioration due to normal wear and tear of the equipment. The depreciated value of the radio will be determined using industry standards.
 - 1.5. The Agency is to pay the Ohio MARCS Office the monthly MARCS service fee of \$10.00 per unit, per month as each unit is turned on to the system. The MARCS Service Fee is dictated by the Department of Administrative Services.
 - 1.6. Agency shall ensure that all FCC Rules and Regulations are followed as outlined in the FCC's guidebooks and laws.
 - 1.7. EMA shall maintain all accounting records and supporting documents, papers, and other evidence related to the equipment received under this agreement
 - 1.8. Agency agrees to reimburse EMA for all costs and expenses incurred if an audit, monitoring visit, or investigation reveals the Agency to be in violation of the terms of this Grant Agreement.
2. EFFECTIVE DATE; TERMINATION
 - 2.1. This MOU shall commence upon valid execution by all parties and shall expire on June 30, 2018. The parties shall have the right and option to renew and extend the initial term of this MOU for successive two-year periods, each by giving written notice to the other party.

2.2. ODNR may request the return of all radios from BCC with 60 days written notice prior to July 1st of each year. Upon such notice, the Agency will ensure termination payment of activation fee following the return of all radios.

2.3. The Agency may return the radios to EMA by June 1st of each year and terminate the monthly MARCS service fee payment to MARCS.

3. GENERAL PROVISIONS

3.1. The parties agree that the rights granted under this MOU shall be used solely by each other and that such rights are non-transferable or assignable without the express written consent of all parties.

3.2. This MOU shall be construed and interpreted and the rights of the parties determined in accordance with the laws of the State of Ohio.

3.3. This MOU constitutes the entire agreement between the parties, and any changes or modifications to this MOU shall be made and agreed to by Agency, BCCC, and ODNR in writing.

3.4. This MOU shall be amended by a separate writing signed by both parties. Each amendment shall be incorporated as if fully rewritten into this agreement.

3.5. Each party to this agreement shall be responsible for its own negligent acts or omissions, whether committed by that party or through its agents, employees, or contracted servants, and each party further agrees to defend itself and pay any judgments and costs arising out of such negligent acts or omissions. Nothing in this Agreement shall impute or transfer any such responsibility from one party to the other.

4. POINTS OF CONTACT:

Clark County Emergency Management Agency
Lisa D'Allessandris, Director
3130 East Main Street, Suite 1E, Springfield, Ohio 45505
Phone: 937-521-2176 E-Mail: ldallessandris@clarkcountyohio.gov

Agency: _____
Address: _____
Name: _____
Phone: _____ E-Mail: _____

5. EQUIPMENT:

Equipment: MARCS Radio
Make/Model: XTS 5000 – Type III - Portable
Serial #: 721CDJ1020

Equipment: MARCS Radio
Make/Model: XTS 5000 – Type III - Portable
Serial #: 721CDS3547

Equipment: MARCS Radio
Make/Model: XTS 5000 – Type III - Portable
Serial #: 721CDJ1193

Equipment: MARCS Radio
Make/Model: XTL 5000 – Type III - Mobile
Serial #: 500CDQ0360

6. SIGNATURES:

Approved as to Form: _____
Thaddius A. Townsend Date: _____

County Administrator: _____
Jennifer Hutchinson Date: _____

EMA Director: _____
Lisa D'Allessandris Date: _____

City of New Carlisle: _____
Randy Bridge
City Manager Date: _____

Approved as to Form: _____
Lynnette Dinkler
Law Director
City of New Carlisle_ Date: _____

ORDINANCE 17-22

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING FOR DONATED MARCS RADIO UNITS FOR
THE NEW CARLISLE FIRE AND EMS DIVISIONS

WHEREAS, The City of New Carlisle has a unique opportunity to secure donated MARCS Radio Systems for our Fire and EMS Divisions; and

WHEREAS, this donation is made possible by the Ohio Division of Natural Resources (ODNR) who has purchased brand new MARCS Radios for their operations; and

WHEREAS, ODNR has graciously donated their older MARCS Radios to various counties across this great state of Ohio; and

WHEREAS, the cost to purchase a MARCS Portable Unit is between \$4,000-\$6,000, and the cost to purchase a MARCS Mobile Unit is between \$8,000-\$10,000; and

WHEREAS, The City will acquire (8) eight portable and (4) four mobile MARCS Radio Units for our Fire and EMS Divisions; and

WHEREAS, the City will be required to pay a \$10.00 per unit, per month fee to the Ohio MARCS Office as each unit is turned on to the system; and

WHEREAS, the City may have to pay a programming fee of \$50.00 per mobile unit and \$35.00 per portable unit, but shall not pay any programming fees if Bethel-Clark Fire and EMS can program the units at no cost to the City.

NOW, THEREFORE, THE MUNICIPALITY OF NEW CARLISLE HEREBY ORDAINS that:

Section 1. The City Manager be, and hereby is, authorized and directed to sign the attached Memorandum of Understanding to accept the donation of MARCS Radio Units to the City of New Carlisle Fire and EMS Divisions.

Passed this _____ day of _____, 2017

MIKE LOWREY, Mayor

GENE COLLIER, Clerk of Council

APPROVED AS TO FORM:

LYNNETTE DINKLER, Director of Law

**Letter of Agreement
And
Transfer of Equipment**

1. The equipment listed below hereto ("Equipment") has been secured from Ohio Department of Natural Resources (ODNR) by Clark County Emergency Management Agency (EMA) under the Board of Clark County Commissioners (BCCC) for distribution to City of New Carlisle ("Agency"). EMA hereby agrees to transfer possession of the equipment to the Agency. By accepting the Equipment, the Agency agrees to the following terms and conditions:
 - 1.1. The Equipment is the property of ODNR, and is also listed on the EMA equipment inventory, is insured by Clark County, and is subject to a bi-annual verification.
 - 1.2. The proper usage of the Equipment, as well as the regular maintenance and replacement of consumable parts/supplies is the responsibility of the Agency. If maintenance or replacement of consumable parts/supplies is required, the Agency must complete a Property Activity Notification (PAN) report and return to the EMA Director within 48 hours of said maintenance.
 - 1.3. If any Equipment is lost, stolen, or destroyed, the Agency shall immediately contact the EMA Director and the Agency's local law enforcement agency. The Agency must also complete a PAN report and return to the EMA Director within 48 hours of such loss, theft, or destruction.
 - 1.4. The Agency is to pay the depreciated replacement value of any radio stolen or broken through the Agency's negligence, excluding deterioration due to normal wear and tear of the equipment. The depreciated value of the radio will be determined using industry standards.
 - 1.5. The Agency is to pay the Ohio MARCS Office the monthly MARCS service fee of \$10.00 per unit, per month as each unit is turned on to the system. The MARCS Service Fee is dictated by the Department of Administrative Services.
 - 1.6. Agency shall ensure that all FCC Rules and Regulations are followed as outlined in the FCC's guidebooks and laws.
 - 1.7. EMA shall maintain all accounting records and supporting documents, papers, and other evidence related to the equipment received under this agreement
 - 1.8. Agency agrees to reimburse EMA for all costs and expenses incurred if an audit, monitoring visit, or investigation reveals the Agency to be in violation of the terms of this Grant Agreement.
2. **EFFECTIVE DATE; TERMINATION**
 - 2.1. This MOU shall commence upon valid execution by all parties and shall expire on June 30, 2018. The parties shall have the right and option to renew and extend the initial term of this MOU for successive two-year periods, each by giving written notice to the other party.

2.2. ODNR may request the return of all radios from BCC with 60 days written notice prior to July 1st of each year. Upon such notice, the Agency will ensure termination payment of activation fee following the return of all radios.

2.3. The Agency may return the radios to EMA by June 1st of each year and terminate the monthly MARCS service fee payment to MARCS.

3. GENERAL PROVISIONS

3.1. The parties agree that the rights granted under this MOU shall be used solely by each other and that such rights are non-transferable or assignable without the express written consent of all parties.

3.2. This MOU shall be construed and interpreted and the rights of the parties determined in accordance with the laws of the State of Ohio.

3.3. This MOU constitutes the entire agreement between the parties, and any changes or modifications to this MOU shall be made and agreed to by Agency, BCCC, and ODNR in writing.

3.4. This MOU shall be amended by a separate writing signed by both parties. Each amendment shall be incorporated as if fully rewritten into this agreement.

3.5. Each party to this agreement shall be responsible for its own negligent acts or omissions, whether committed by that party or through its agents, employees, or contracted servants, and each party further agrees to defend itself and pay any judgments and costs arising out of such negligent acts or omissions. Nothing in this Agreement shall impute or transfer any such responsibility from one party to the other.

4. POINTS OF CONTACT:

Clark County Emergency Management Agency

Lisa D'Allessandris, Director

3130 East Main Street, Suite 1E, Springfield, Ohio 45505

Phone: 937-521-2176 E-Mail: ldallessandris@clarkcountyohio.gov

Agency: City of New Carlisle

Address: 331 South Church Street, New Carlisle, OH 45344

Name: Randy Bridge, City Manager

Phone: 937.845.9492 E-Mail: rbridge@newcarlisle.net

5. EQUIPMENT:

MARCS Radio – XTS 5000 – Type II Portable			
721CDS3279	721CDS3149	721CDS3385	721CDS3315
721CDS3270	721CDS3384	721CDS3421	721CDS3155
MARCS Radio – XTL 5000 – Mobile Remote Mount			
500CDS0212	500CFM2577	500CHF2650	500CDQ0811

6. SIGNATURES:

Approved as to Form: _____
Jason Irick Date: _____

County Administrator: _____
Jennifer Hutchinson Date: _____

EMA Director: _____
Lisa D'Allessandris Date: _____

City of New Carlisle: _____
Randy Bridge
City Manager Date: _____

Approved as to Form: _____
Lynnette Dinkler
Law Director
City of New Carlisle_ Date: _____

ORDINANCE 17-23

**AN ORDINANCE CHANGING CERTAIN RESIDENTIAL SETBACK
REQUIREMENTS TO ALLOW FOR FRONT PORCH ADDITIONS AND/OR
EXPANSIONS**

WHEREAS, The City of New Carlisle has residential setbacks set at a minimum of 25 feet for homes located within R-4, R-5 and R-7 zones in the City;

WHEREAS, a residential setback is the distance between the front of the home to the back of the sidewalk or other right-of-way measures; and

WHEREAS, the current 25-foot setback requirement presents challenges to homeowners if they should choose to expand their front porch because most of the homes in these zones currently sit 25 feet back from the public right-of-way, which automatically defers the citizen to the Board of Zoning Appeals (BZA) for a variance; and

WHEREAS, the cost to obtain a variance from the BZA is \$125.00, placing financial burden on most residents and presents multiple challenges for our residents to rightfully enjoy their property in the absence of any health and/or safety concerns.

NOW, THEREFORE, THE MUNICIPALITY OF NEW CARLISLE HEREBY ORDAINS that the following sections of the New Carlisle Zoning Code are amended as follows:

1254.08 YARDS.

Yard requirements for an R-4 One and Two-Family Residential District are as follows:

(a) Front. There shall be a minimum depth of twenty-five feet **FOR THE PRINCIPAL STRUCTURE, BUT WILL ALLOW FRONT PORCH PROJECTION OF NOT MORE THAN 10 FEET. SUCH FRONT PORCH PROJECTIONS SHALL REQUIRE THE PORCH TO BE PERMANENTLY ATTACHED TO THE PRINCIPAL STRUCTURE.**

1256.08 YARDS.

Yard requirements for an R-5 Medium Density Residential District are as follows:

(a) Front. There shall be a minimum depth of twenty-five feet **FOR THE PRINCIPAL STRUCTURE, BUT WILL ALLOW FRONT PORCH PROJECTION OF NOT MORE THAN 10 FEET. SUCH FRONT PORCH PROJECTIONS SHALL REQUIRE THE PORCH TO BE PERMANENTLY ATTACHED TO THE PRINCIPAL STRUCTURE.**

1260.08 YARDS.

Yard requirements for an R-7 High Density Single-Family Residential District are as follows:

(a) Front. There shall be a minimum depth of twenty-five feet **FOR THE PRINCIPAL STRUCTURE, BUT WILL ALLOW FRONT PORCH PROJECTION OF NOT MORE THAN 10 FEET. SUCH FRONT PORCH PROJECTIONS SHALL REQUIRE THE PORCH TO BE PERMANENTLY ATTACHED TO THE PRINCIPAL STRUCTURE.**

Passed this _____ day of _____, 2017

Submitted for Approval by
Councilmen Ethan Reynolds

Ethan Reynolds

MIKE LOWREY, Mayor

GENE COLLIER, Clerk of Council

APPROVED AS TO FORM:

LYNNETTE DINKLER, Director of Law