

Canal Winchester

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



Meeting Minutes - FINAL

November 5, 2018

6:30 p.m.

PUBLIC HEARING

City Council

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

Bob Clark

Bruce Jarvis

Bobbie Mershon

Mike Walker

Jim Wynkoop

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

ORD-18-033

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

D. Staff Report

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

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

E. Public Comments – Five Minute Limit Per Person

F. Council Discussion and Recommendation

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

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

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

G. Adjournment @ 6:57 p.m.

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

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