



CITY COUNCIL
REGULAR MEETING PACKET
May 1, 2023 @ 6:00pm Smith Park Shelter House

1. Call to Order: Mayor Mike Lowrey
2. Roll Call: Clerk of Council
3. Invocation:
4. Pledge of Allegiance:
5. Action on Minutes: 04/17/23 Regular Meeting
6. Communications: BZA Hearing - Temporary Variance(s) for (4) Clark County Land Reutilization / Habitat for Humanity Residential Builds
7. City Manager's Report: Attached
8. Committee Reports:
9. Comments from Members of the Public: *Comments limited to 5 minutes or less

10. RESOLUTIONS: (None)

11. ORDINANCES: (4 - Intro; 1 – Action*)

***A. Ordinance 2023-29 (Introduced on April 17, 2023. Public Hearing & Action Tonight)**

AN ORDINANCE AMENDING ORDINANCE 17-32 REGARDING PROCESSING FEES FOR CREDIT CARD TRANSACTIONS AT THE CITY ADMINISTRATION BUILDING

B. Ordinance 2023-30 (Introduction Tonight. Public Hearing & Action on 05/15/23)

AN ORDINANCE AUTHORIZING THE CITY OF NEW CARLISLE, OHIO TO LEASE A PORTION OF THE CITY'S WATERWORKS PROPERTY TO THE NEW CARLISLE BASEBALL/SOFTBALL ASSOCIATION, INC, AN OHIO NON-PROFIT CORPORATION

C. Ordinance 2023-31 (Introduction Tonight. Public Hearing & Action on 05/15/23)

AN ORDINANCE SUPPLEMENTING CERTAIN APPROPRIATIONS CONTAINED IN NEW CARLISLE CITY ORDINANCE 2022-62

D. Ordinance 2023-32 (Introduction Tonight. Public Hearing & Action on 05/15/23)

AN ORDINANCE EXTENDING THE FRANCHISE FOR THE CURBSIDE COLLECTION AND DISPOSAL OF RESIDENTIAL GARBAGE, REFUSE, AND RECYCLABLES IN THE CITY OF NEW CARLISLE, OHIO

E. Ordinance 2023-33 (Introduction Tonight. Public Hearing & Action on 05/15/23)

AN ORDINANCE AMENDING SECTION 1460.25 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE TO ADDRESS THE PLACEMENT OF RESIDENTIAL TRASH AND RECYCLING CONTAINERS

12. OTHER BUSINESS:

- Additional City Business:
 - Charter Review & Alcohol Ballot Measure Public Campaign Discussion
 - Open for Discussion

13. Executive Session:

14. Return to Regular Session:

15. Adjournment

RECORD OF PROCEEDING

MINUTES: CITY OF NEW CARLISLE, OHIO REGULAR SESSION MEETING @ Smith Park Shelter HELD: Monday, April 17, 2023, @ 6:00 PM

- 1. Call to Order:** Mayor Lowrey calls the meeting to order.
- 2. Roll Call:** Berner calls the roll- Lowrey, Grimm, Bahun, Eggleston, Cook, Lindsey, Rodewald
Staff present: Bridge, Kitko, Harris, Trusty, Dep. OBrian
- 3. Invocation:** Chief Trusty
- 4. Pledge of Allegiance:** All are Welcome to Participate
- 5. Action on Minutes:**
4/3/23 1st Lindsey 2nd Eggleston YES: Cook, Lindsey, Rodewald, Bahun, Eggleston NAY: 0
Abstain 2 Lowrey, Grimm- Absent Accepted 5-0-2
- 6. Communications: Louis Agresta of Clark County-Springfield TCC, Presenting the Clark County-Transportation Active Plan-** urges the council to pay attention to how pedestrians move about the town. Trying to raise awareness and notes his plans to connect many trails and bike paths. Let the city know that when they move forward, stay in contact, and TCC can help find grant funds. Looking for ways to make the area more bicycle and pedestrian friendly. Notes the best times to do this are during planned construction phases such as resurfacing. Lowrey asks if they fund projects for handicap-accessible areas. TCC “chases funds” helps find the funds to cover the costs.
A citizen notes she lives on Lake and can submit information to help where the pedestrians are walking and crossing.
- 7. City Manager’s Report:**
A. DEPARTMENTAL REPORTS- Given at 2nd meeting of the month.

Police Report:

Patrol Division:

The New Carlisle Deputies were dispatched to 157 calls for service during the month of March.

Calls Taken: 157
Reports: 39
Assists: 23
Criminal Arrest: 4
Felony Arrest: 1
Misdemeanor Arrest: 2
Warrants: 1
Traffic Stops: 29

Traffic Warnings: 19
Moving Citations: 11
Business checks: 469
Code Enforcement Follow-ups: 0
Traffic Crashes: 3

Note: By the end of the month we will be having three new deputies assigned to the City of New Carlisle. These deputies are Deputy Arnold, Deputy Bowers, and Deputy O’Brien.

NEW CARLISLE	CALLS	ASSISTS	REPORTS	TRAFFIC STOP	CITATIONS	WARNINGS	ARREST	CODE ENFO	BUSINESS CHE	CRASH
March										
Dep. Majercak	47	1	4	10	6	4	0	0	29	0
Dep. Forrest	33	2	6	2	1	1	2	0	182	0
Dep. McDuffie	5	0	0	1	0	1	0	0	0	0

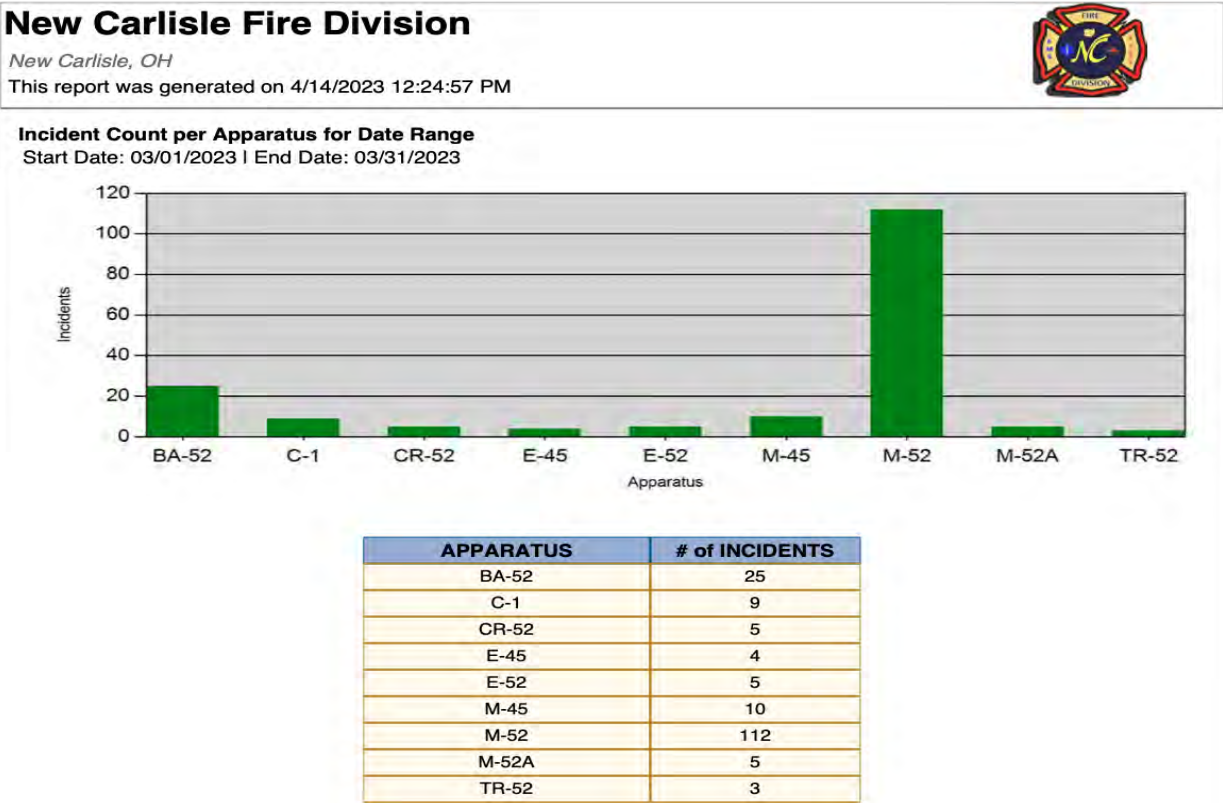
Garman Left 20th	27	14	4	0	1	0	0	0	0	1
Arnold	30	15	5	10	2	8	1	0	237	0
O'Brien Started 20th	45	7	4	6	1	5	1	0	21	2
	157	39	23	29	11	19	4	0	469	3

No comments or questions.

Fire/EMS Report:

City of New Carlisle
City Council Meeting
04-17-2023
Fire-EMS Report

- In the Month of March the New Carlisle Fire Division responded to 117 EMS call in the city and 10 in Elizabeth Township.
- The Division responded to 8 Fire related calls in the city and 4 in Elizabeth Township.
- We had 4 EMS calls answered by mutual aid, either by Pike Township or Bethel Clark, due to medic 52 being on a response.
- We answered 4 mutual aid EMS calls for Pike Township and 4 for Bethel Clark.



Trusty read a report from 10/22 where they were called for mutual aid. Due to the care from all crews, the patient (72, thrown from a horse) is home and doing well. Careflight felt that the crews involved were warranted to be nominated for the Ohio EMS Star Life Award. The crew will receive the award in Columbus.

Grimm asked about the incident at Dayview- Trusty noted a small fire from a faulty light fixture. The sprinkler system was activated as it should have been. No injuries.

Rodewald asked what happened at the BMV- Trusty noted a gas leak, high level.

Lindsey- Asks how many leaks. Trusty notes two leaks in the last six months. Trusty adds multiple tenant buildings and multiple gas lines. Lindsey notes faulty equipment. Lindsey congratulates the department, the chief, and the crew for their award.

Lowrey echoes the same thing, adds a big thank you, and they have done a wonderful job.

Bridge agrees, adds they are a key part of the team, and values the leadership from Chief Trusty.

Finance Report:

COUNCIL FINANCIAL REPORT SUMMARY – MARCH 2023

Estimated Revenue	\$ 6,993,589.00	2023 Original Budget	\$ 9,073,325.00
Amended Est. Resources		1st Q. Supplemental	
Amended Est. Resources		2nd. Q. Supplemental	
Amended Est. Resources	\$ -	3rd. Q. Supplemental	
Amended Est. Resources	\$ -	4th Q. Supplemental	
2023 REVISED TOTAL			
EST. REV.	\$ 6,993,589.00	2022 REVISED TOTAL BUDGET	\$ 9,073,325.00

Month	Revenue Received	Month	Expenses Paid
January	\$ 978,586.95	January	\$ 782,712.86
February	\$ 642,527.07	February	\$ 632,359.22
March	\$ 1,307,302.60	March	\$ 1,099,578.08
April		April	
May		May	
June		June	
July		July	
August		August	
September		September	
October		October	
November		November	
December		December	
Received To Date	\$ 2,928,416.62	Expenses to Date	\$ 2,514,650.16

Statement of Cash from Revenue and Expense

From: 1/1/2023 to 3/31/2023

Fund	Description	Beginning Balance	Net Revenue YTD	Net Expense YTD	Unexpended Balance	Encumbrance YTD	Ending Balance
Grand Total:		\$7,510,472.46	\$2,928,416.62	\$2,514,650.16	\$7,924,238.92	\$951,937.91	\$6,972,301.01

BANK RECONCILIATIONS - MARCH 2023

Bank Accounts	Bank Balance	Outstanding Vendor	Outstanding Employee	Deposits in Transit	NSF Check (s)	Adjustments	Book Balance	Difference
PNC - General	\$ 2,227,754.22	\$ -	\$ -	\$ 1,512.36	\$ -	\$ -	\$ 2,229,266.58	\$ -
PNC - Payroll	\$ 212,049.90	\$ (12,049.90)	\$ -		\$ -	\$ 84.84	\$ 200,084.84	\$ -
Star Ohio	\$ 3,152,931.72	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,152,931.72	\$ -
Park Nat. General	\$ 1,590,198.15	\$ (73,720.56)	\$ -	\$ 257.53	\$ -	\$ -	\$ 1,516,735.12	\$ -
Park Nat. - MMA	\$ 748,980.63	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 748,980.63	\$ -
Park Nat. - Mayor's	\$ 200.00		\$ -	\$ -	\$ -	\$ -	\$ 200.00	\$ -
NCF	\$ 526.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 526.56	\$ -
NCF - CD's	\$ 75,013.47	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,013.47	\$ -
Cash on Hand	\$ 500.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500.00	\$ -
Grand Totals	\$ 8,008,154.65	\$ (85,770.46)	\$ -	\$ 1,769.89	\$ -	\$ 84.84	\$ 7,924,238.92	\$ -



MAYOR'S COURT REPORT FOR MARCH 2023

Total Citations: 24 (24 Traffic)

FUND RECEIVED	CURRENT MONTH	YEAR-TO-DATE
Fines	\$ 2,866.00	\$ 6,420.00
Court Cost	\$ 2,699.00	\$ 6,864.00
Fines- Clark County Municipal (transfer Cases)	\$ -	\$ -
Total Fees Paid (LF, Bounced Cks, BW)	\$ 20.00	\$ 40.00
Other (Bond Forfeiture)	\$ -	\$ -
Misc Fees Paid (Jail Time)	\$ -	\$ -
Bond Collected	\$ -	\$ -
Restitution	\$ -	\$ -
SB 17 Indigent driver interlock & alcohol	\$ -	\$ -
TOTAL FUNDS RECEIVED	\$ 5,585.00	\$ 13,324.00
FUNDS DISBURSED		
Victims of Crime	\$ 212.00	\$ 536.00
Child Safety/Seat Belts	\$ -	\$ -
Indigent Defense Support Fund	\$ 595.00	\$ 1,490.00
Drug Law Enforcement Fund	\$ 80.50	\$ 203.00
Expungement	\$ -	\$ -
State Bond Surcharge (new as of 2010)	\$ -	\$ -
TOTAL REMITTED TO STATE	\$ 887.50	\$ 2,229.00
Indigent Drivers Alcohol Treatment (Springfield)	\$ 34.50	\$ 87.00
Remitted to Computer Fund (Clerk)	\$ 210.00	\$ 550.00
Remitted to Computer Fund (Court)	\$ 63.00	\$ 165.00
Remitted to Court Security Fund	\$ 210.00	\$ 550.00
Remitted to Facility Fee	\$ 105.00	\$ 275.00
Remitted to City GF - Fines	\$ 2,866.00	\$ 6,420.00
Remitted to City GF - Court Court/Misc	\$ 1,209.00	\$ 3,048.00
Remitted to City- Jail Expenses	\$ -	\$ -
Remitted to City- Enforcement & Education	\$ -	\$ -
Remitted to City- Drug Analysis	\$ -	\$ -
SB 17 Indigent Driver Interlock & Alcohol	\$ -	\$ -
TOTAL REMITTED TO CITY	\$ 4,663.00	\$ 11,008.00
Capital Recovery	\$ -	\$ -
Restitution	\$ -	\$ -
Bonds forfeited	\$ -	\$ -
TOTAL DISBURSED	\$ 5,585.00	\$ 13,324.00

Prepared & Submitted By:
Kristy Thome, Clerk of Court

Motion by Egglesotn 2nd by Grimm to accept the financial report YES:7 Bahun, Eggleston, Cook, Lindsey, Rodewald, Lowrey, Grimm NAY: 0 Accepted 7-0

Motion by Lindsey 2nd by Egglesotn to accept the mayor's court report YES:7 Cook, Lindsey, Rodewald, Lowrey, Grimm, Bahun, Eggleston NAY: 0 Accepted 7-0

Service Report:

To: Randy Bridge, City Manager
 From: Howard Kitko, Service Director/Asst. City Manager
 Date: April 17, 2023
 Subject: Council Update

Public Works Departments:

- City wide tree trimming has started and will be ongoing through the winter.
- Dura-patching: Summer blend of emulsion should be available around April 17th, at which time the street crew will be out performing street and pothole repairs.
- Street light proposal signed 1/6 to install cobra light at Smith Park Shelter House. AES approved the installation. Materials on order.
- Street Sweeper proposals, discussed at 3/20 council meeting. Further discussion to come. Scheduling demos of various machines.

Water Department:

- Private well inspection to start April 1st.
- Well #1 is currently being cleaned by a contractor.
- 2 hydrants replaced with more replacements to begin within the next couple of weeks. Delayed due to vac-truck out of service for a short time.
- Pool Operations: Water crew started the week of 4/3, dewatering and preparing the pool for the 2023 season.

Sewer Department:

- Secondary Clarifier #1 and Primary Clarifier #2: Contract awarded to Peterson Construction. Estimated \$286,500 in American Rescue Plan funds and \$98,500 OPWC funds.
- Plant Expansion Study: Ordinance in front of council for approval. Study to be completed in 3-6 months. Study will be utilized for future development needs.

2022 Road Reconstruction/Resurfacing Projects:

- Clark County Resurface Project: Suspended until 2023
- Curb and ADA ramp work this late winter/Spring, prior to resurfacing in 2023. Survey work complete. Engineering is underway.
- Fenwick Dr. Reconstruction Phase II: Engineering complete and bidding to be around April. Construction Cost is estimated to be \$452,792, with the city's share to be an estimate \$60,000 (share + Engineering).

Carlisle Park Phase 1 upgrade Project:

- The City of New Carlisle has been awarded a CDBG grant. Project to remove the existing basketball court and replace it with a new full-size court. A new ADA accessible swing was added to the existing Swing-set. Future phases are to add a parking lot and new ADA accessible sidewalk with picnic tables connecting the open shelter and playset. Estimated Cost of \$80,000 with the city's estimated share to be \$20,000. Agreement has been signed and Survey should be complete any time now.

NatureWorks Grant:

- The City of New Carlisle has been awarded the ODNR NatureWorks grant. Project to add 3 open shelters and replace concrete pad at the city pool. The grant will reimburse 75% of the construction cost. Agreement signed, moving on to the next steps in completing this project.

Lindsey- when will potholes get started? Kitko notes they have a list and will start any day.

Lowrey- paving Main? Kitko notes were done before the Heritage of Flight Festival. Kitko noted some of the areas.

Planning and Zoning Report: submitted at a later date.

B. INFORMATIONAL ITEMS

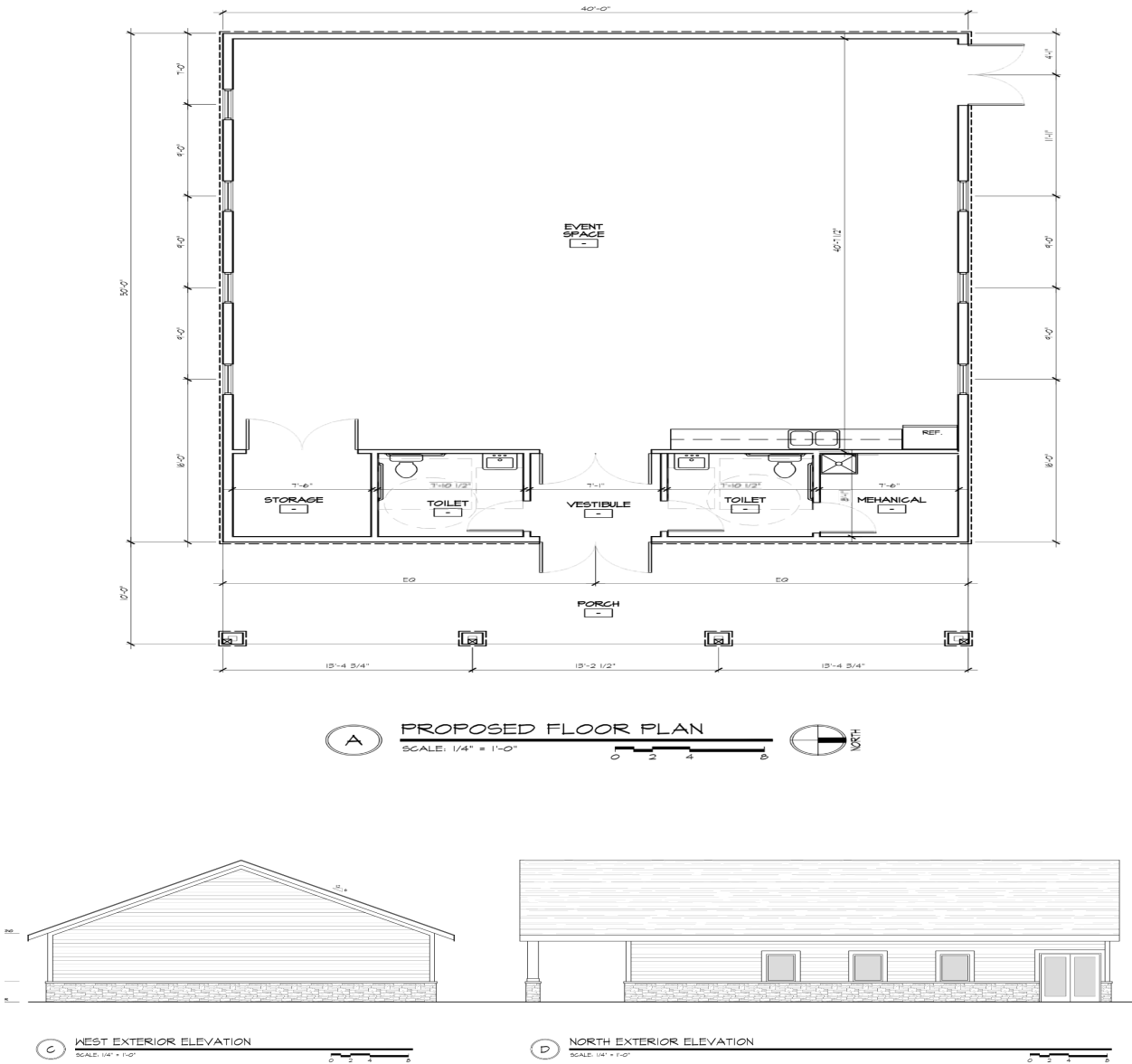
- Discussion Topics
 - Fire/EMS Health Levies Promotion
 - Waste Management Renewal Cost - Attached
 - Hensley Park Sign
 - New Shelter House
 - C & N Contractors, Inc. - Builders
 - Gantt Chart - Attached
 - Floor Plan - Attached
 - Full Site Plan - Soon
 - Board of Zoning Appeals Meeting at the 04/17/23 Meeting
 - Meeting Postponed Until the May 1, 2023, Meeting
 - Notification of Cancellation on FB and City Webpage. Phone calls also made.
 - CARL O1 Alcohol Ballot Measure
 - Discussion on Next Steps
 - Motion Requested - To appoint Councilwoman Eggleston as Petitioner for the Alcohol Ballot Initiative
 - New Carlisle Health Stats - Attached
 - Friendly Reminder:
 - Residential Development Traffic Study Presentation
 - ◇ By Michael Goettmoeller, Project Manager, Choice One Engineering
 - ◇ Monday, May 15, 2023, at Regular Council Meeting

Bridge notes digital promotion for health levy/fire levy. Trusty notes 4/30 @ noon at the station, the department will host an open house. Will hand out Arrow Queen ice cream donuts and grill hot dogs.

Bridge reads the trash renewal figures below. Lowrey asks if putting this out to bid is a gamble. Bridge notes yes, and last time the rates ended higher due to being put back to bid. Cook suggests going out to bid. Lindsey agrees and would like it to go out for bid. Bridge notes they said it last time, and they were not. Lindsey notes, “if by chance,” we can get it cheaper. He adds how people are not very happy with Waste Management. Rodewald reminds everyone WM agreed to go to weekly recycling and did not raise rates. Rodewald notes we may have a little conflict of interest when going for a bid. Lowrey tries to focus on the increase of senior citizens. Cook suggests Waste Management percentage for seniors.

Discussion on the Hensley Park Sign that fell over. Lowrey suggests leaving it down. Lowrey asks about the Smith Park Sign. Bridge notes it will be cleaned up, and signage will be updated over the next few years, along with park signs following. Bridge is getting quotes for reader board signs. Eggleston suggests putting the Founded in 1810 sign. Cook adds he would like to see the sign to go back up and to ask TLS shop class for rehab. Bridge will check with the schools. Bridge agrees, honoring what that park was about, honoring Sheriff Hensley.

Floor plan and elevation of the new shelter being built.





Kitko will keep the Council up to date with the project.

Lindsey motions for Eggleston to be the Petitioner with a 2nd by Cook. YES 6 Lindsey, Rodewald, Lowrey, Grimm, Bahun, Cook NAY: 0 Abstain 1 Eggleston -Lindsey notes she needs to give a reason for abstaining; she can vote, and abstaining is not necessary. Lowrey adds Councilwoman Eggleston can abstain if she chooses. Eggleton chose to abstain due to being nominated and not voting for herself. Accepted 6-0-1

No additional questions from the council.

Waste Management Contract
Renewal Figures

Service	Size	Current Monthly	Year 1 Renewal Monthly	Year 2 Renewal Monthly	Current Quaterly	Year 1 Renwal Quaterly	Year 2 Renewal Quaterly
Standard	96 Gal.	\$19.52	\$22.75	\$23.88	\$58.56	\$68.25	\$71.64
Low Volume	64 Gal.	\$16.11	\$19.17	\$20.12	\$48.33	\$57.51	\$60.36
Senior	35 Gal.	\$13.23	\$13.89	\$14.58	\$39.69	\$41.67	\$43.74

Year 1 Increase Monthly	Year 2 Increase Monthly	Total Increase Monthly	Year 1 Increase Quaterly	Year 2 Increase Quaterly	Total Increase Quaterly
\$3.23	\$1.13	\$4.36	\$9.69	\$3.39	\$13.08
\$3.06	\$0.95	\$4.01	\$9.18	\$2.85	\$12.03
\$0.66	\$0.69	\$1.35	\$1.98	\$2.07	\$4.05

8. Comments from Members of the Public:

John Krabacher- 307 N. Henry- comments on the trash can ordinance. On his way to Arrow Queen, he counted over 20 cans out or in the street on Saturday. He noted multiple pieces of furniture needing to be properly wrapped up for pickup. He adds he leaves his can next to the garage near the house. His lid broke and was told to place it by the road to be fixed. Took two weeks to get fixed. He suggests having it up by the house with the 24/48 hr time span. Notes Garden has new plots and raised beds accessible by many and up for rental. Asks if the items from Madison will come to the new garden site. Bridge notes they will help move but need help to deconstruct the items. Adds a touch base with Kitko and Bridge to coordinate things. Bridge thanks everyone involved with the garden. Krabacher notes a kudos to the “young deputy” who helped find the wallet of an older citizen and offered to take her to church.

Janelle Zimmerman- 219 Prentice Dr- would be wonderful to take the trail to Park Layne. She comments on the state of the sidewalks in New Carlisle. Some areas could be more evenly when she walks, and a crosswalk on Funston across Main St. would be helpful. Thanks, Mr. Agresta, for the presentation. Lowrey asks about those trees that cause the buckling of the sidewalk. Kitko notes it is the homeowner's responsibility to repair sidewalks and maintain and trim trees. Kitko adds they have looked at mid crosswalks, lots of in and out traffic by Funston and Main.

Charlotte Farley- 1204 Hemlock Way- she likes Waste Management and likes how they recycle. She has an issue with the minutes she reads online and suggests using the same Times New

Roman 12 pt font throughout the entire set of minutes. Ms. Farley adds she takes neighbors' cans up to the homes of her neighbors who have yet to return them to the house.

9. Committee Reports: None

10. RESOLUTIONS: None

11. ORDINANCES:

Ordinance 2023-23E (Introduction, Public Hearing & Action Tonight)AN ORDINANCE AMENDING THE CITY OF NEW CARLISLE'S ESTIMATED RESOURCES AVAILABLE TO APPROPRIATE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND DECLARING AN EMERGENCY 1st Eggleston 2nd Lindsey ex: amend estimated resources YES: 7 Rodewald, Lowrey, Grimm, Bahun, Eggleston, Cook, Lindsey NAY: 0 Accepted 7-0

Ordinance 2023-24E (Introduction, Public Hearing & Action Tonight)AN ORDINANCE SUPPLEMENTING CERTAIN APPROPRIATIONS CONTAINED IN NEW CARLISLE CITY ORDINANCE 2022-62, AND DECLARING AN EMERGENCY 1st Lindsey 2nd Eggleston ex: amend section 7.09 YES: 7 Cook, Lindsey, Rodewald, Lowrey, Grimm, Bahun, Eggleston Cook NAY: 0 Accepted 7-0

Ordinance 2023-25E (Introduction, Public Hearing & Action Tonight)AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AND TO SIGN THE ONEOHIO SUBDIVISION PARTICIPATION FORM, AND DECLARING AN EMERGENCY 1st Eggleston 2nd Rodewald 1st ex: steps in accepting opioid settlements YES: Lowrey, Grimm, Bahun, Eggleston, Cook, Lindsey, Rodewald NAY: 0 Accepted 7-0

Ordinance 2023-26E (Introduction, Public Hearing & Action Tonight)AN ORDINANCE ESTABLISHING A SPECIAL REVENUE FUND FOR ONEOHIO SETTLEMENT PROCEEDS, AND DECLARING AN EMERGENCY 1st Lindsey 2nd Eggleston ex: setting up a pass-thru fund for settlement funds YES: Cook, Lindsey, Rodewald, Lowrey, Grimm, Bahun, Eggleston NAY: 0 Accepted 7-0

Ordinance 2023-27E (Introduction, Public Hearing & Action Tonight)AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT PROPOSED OPIOID SETTLEMENTS WITH TEVA, ALLERGAN, CVS, WALGREENS, AND WALMART, AND DECLARING AN EMERGENCY 1st Eggleston 2nd Lindsey ex: opioid settlement funds YES: 7 Rodewald, Lowrey, Grimm, Bahun, Eggleston, Cook, Lindsey NAY: 0 Accepted 7-0

Ordinance 2023-28E (Introduction, Public Hearing & Action Tonight)AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSED OPIOID SETTLEMENT WITH JANSSEN PHARMACEUTICALS, INC. AND ITS RELATED ENTITIES, AND DECLARING AN EMERGENCY 1st Lindsey 2nd Eggleston YES: 7 Cook, Lindsey, Rodewald, Lowrey, Grimm, Bahun, Eggleston, Cook NAY: 0 Accepted 7-0

Ordinance 2023-29 (Introduction Tonight. Public Hearing & Action on 05/01/23)AN ORDINANCE AMENDING ORDINANCE 17-32 REGARDING PROCESSING FEES FOR CREDIT CARD TRANSACTIONS AT THE CITY ADMINISTRATION BUILDING

Additional City Business:

Additional City Business:

Residential Trash Can Placement - Ordinance 2022-59.

Council discussions on the trashcan placements and where they should be stored. Current ordinance notes must be off-road within 24/48 hrs. Lindsey and Rodewald are ok with cans near the home, on the side. Lindsey motions to have the cans stored near or close to home. Bridge notes citizens should be free to place the cans where they want. Continued discussions on the wording and how to uniformly apply the ordinance. Bridge thinks it should be as black and white as possible. Continued discussions, but the goal is to get it off the road. Bahun notes could be impossible to enforce and need to be precise without overreach. Continued discussions on the wording and how to “change the way some live.” Lowrey adds he notes “we are not an HOA” but.... there are ordinances to keep things from happening. Bridge adds comments on the exterior property maintenance codes. Rodewald notes it is the same as a mailbox placement. Rodewald notes these ordinances are ways to be proactive and keep the city clean. Cook agrees with Bahun and needs to be clear. Cook adds the cans by Howards are a bigger mess than these cans. Bridge adds he has had discussions on these and will be bringing legislation to the council. Bridge adds it should be “manned,” possibly. Note it is time the city does something about those donation bins. Lindsey notes the motion is: to have the cans within 1ft of the house or other structure on the property on a solid base with a 2nd by Eggleston Various discussions on the wording by the Council YES: 4 Lindsey, Rodewald, Eggleston NAY: 3 Cook, Grimm, Bahun Accepted 4-3

Charter Review & Alcohol Ballot Measure Public Campaign Discussion at the 5/1/23 Council Meeting.

Open for Discussion: Rodewald- 22% of citizens use the low volume/ senior citizen cans.

Move to EX 1st at 8:10 pm Lindsey 2nd Eggleston YES:7 Cook, Lindsey, Rodewald, Lowrey, Grimm, Bahun, Eggleston NAY: 0 Accepted 7-0

13. Executive Session: To Consider the Sale or Donation of City Property

Move to regular session 1st Lindsey 2nd Eggleston YES: Cook, Lindsey, Rodewald, Lowrey, Grimm, Bahun, Eggleston NAY: 0 Accepted 7-0

14. Adjournment: 1st Lindsey 2nd Eggleston 8:46 pm YES: Cook, Lindsey, Rodewald, Lowrey, Grimm, Bahun, Eggleston NAY: 0 Accepted 7-0

Mayor Mike Lowrey

Clerk of Council Emily Berner



Board of Zoning Appeals Staff Report

Case Name: Clark Land Reutilization Habitat Home Builds

Hearing Date: May 1, 2023

Hearing Location: Smith Park Shelter House

Hearing Time: Hearing will be held during a regularly scheduled City Council meeting.
Meeting begins at 6:00PM.

I. General Information and Case Description

<i>Case Type:</i>	Temporary Various Residential Variances	
<i>Applicant:</i>	Clark County Land Reutilization Corp	
<i>Property Location:</i>	600 W. Madison Street	
<i>Owner:</i>	City of New Carlisle	
<i>Parcel Number:</i>	Not Yet Determined	
<i>Adjacent Properties:</i>	Zoning	Use
<i>North:</i>	R4 – One & Two Family Residential	Residential
<i>South:</i>	R2 – Low Density Residential	Residential
<i>East:</i>	R7 – High Density Residential	Residential
<i>West:</i>	R5 – Medium Density Residential	Residential
<i>Parcel Size:</i>	(4) 70'x155" Lots (10,850 SF)	
<i>Current Zoning:</i>	R2 – Low Density Residential	
<i>Planning Board:</i>	Planning Board tentatively approved the splitting of the 4 lots above	

II. Exhibits and Attachments

Item	Purpose
BZA Staff Report	Details the BZA Case
Site Plan Drawing	Measurements of Proposed Addition & Impact on Setback Distances
Zoning Aerial	Aerial Photo Visualizing Adjacent Zoning Classifications
Zoning District Standards	Details the Zoning Standards of Each Zone in the City
Legal Advertisement	Required by City Code
Mailing Address	Of Property Owners Within 500ft. of 600 W. Madison

III. Variances Requested

Req. Variance	Code	Lots	Minimum	Actual	Variance Needed
Min. Lot Size	1252.07	1,2,3,4	21,780 SF	10,850 SF	10,930 SF
Min. Lot Width	1252.07	1,2,3,4	100'	70'	30'
Side Setbacks	1252.08	1	15' Side 1; 35' Total	15.6' Side 1 / 11.3' Side 2 = 26.9' Total	8.1'
		2	15' Side 1; 35' Total	18.5' Side 1 / 7' Side 2 = 25.5' Total	9.5'
		3	15' Side 1; 35' Total	3' Side 1 / 3' Side 2 = 6' Total	29'
		4	15' Side 1; 35' Total	10.9' Side 1 / 17.2' Side 2 = 28.1' Total	6.9'

IV. Staff Notes

- Tonight's discussion should only be around the variances requested.
- The variances requested tonight are based off R-2 Zoning Standards.
- These requested variances will temporary and shall permit the residential builds to be constructed while the city is in the process of changing the zoning, which is a timely process. Future zoning will change as indicated below.
- The Planning Board will be reviewing the site plans and elevations at the May 16, 2023, meeting.
- Both the Planning Board and the City Council will have the opportunity to vote on the actual Zoning Classification change later.
- Lot Information:

	<u>Lot 1</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Lot 4</u>	<u>R-2 Zoning Standards</u>
Lot Size	10,850 SF	10,850 SF	10,850 SF	10,850 SF	21,780 SF
Front Setback	45'	45'	50'	45'	40'
Rear Setback	56.3'	55'	65.2'	56.3'	50'
Side Setback 1	15.6'	18.5'	3'	10.9'	15'
Side Setback 2	11.3'	7'	3'	17.2'	X
Side Setback Total	26.9'	25.5'	9'	28.1'	35'
Floor Area	2,218 SF	1,634 SF	1,984 SF	2,218 SF	1,500
Floor Coverage	2,074 SF	1,490 SF	1,880 SF	2,074 SF	N/A
Lot Coverage	19%	14%	17%	19%	20%
Lot Width	70'	70'	70'	70'	100'

V. Staff Recommendation

- The Board of Zoning Appeals should grant the variances to allow the project to move onto the next steps which is Planning Board Site Plan approval then both the Planning Board and City Council changing the zoning on these spilt parcels. This is a timely process that can take upwards of a 60 to 90 days.

CLARK COUNTY
NEW CARLISLE LOTS

PROJECT NO	100181
DATE ISSUED	5/1/
DESIGNED BY	RM
DRAWN BY	GT
CHECKED BY	M

SHEET NAME
SITE PLAN

SHEET NO **C-100**





ISSUANCE SCHEDULE	
NUMBER	DATE DESCRIPTION

CLARK COUNTY
NEW CARLISLE LOTS

W. MADISON STREET
NEW CARLISLE, OHIO 45344

PROJECT NO:	10018119
DATE ISSUED:	5/1/23
<hr/>	
DESIGNED BY:	RMN
DRAWN BY:	GTW
CHECKED BY:	MTF

SHEET NAME:
SITE PLAN

SHEET NO:

C-100





Zoning District Standards												
Zoning District	Zoning District Expanded	Minimum Zoning Acres	Minimum Lot Size (Sq. Ft.)	Lot Size Converted to Acres	Minimum Lot Width (Feet)	Minimum Front Setback (Feet)	Minimum Side Setback (Feet) One-Side	Minimum Side Setback (Feet) Total	Minimum Rear Setback (Feet)	Minimum Floor Area (Sq. Ft.)	Maximum Lot Coverage	Maximum Building Height (Feet)
SER	Suburban Estate Residential	25	43,560	1	150	50	25	50	75	1,500	15%	40
R-2	Low Density Residential	20	21,780	1/2	100	40	15	35	50	1,500	20%	40
R-4	1 and 2 Family Residential	10	10,000		70	25	5	15	40	1,000	30%	30
R-5	Medium Density Residential	8	8,000		70	25	5	15	40	1,000	30%	30
R-7	High Density Residential	8	6,000		60	25	3	10	30	1,000	33%	24
R-12	Multi-Family Residential	2	3,600		80	25	10	25	20	750	40%	36
A	Agriculture	5	87,120	2	3 to 1	50	25	50	25	N/A	15%	36
OA	Office-Apartment	3.5	8,000*		60	15	5	15	5	600**	40%	35
GB	General Business	6	20,000		3 to 1	100	50	100	50	N/A	25%	35
CB	Central Business	30	1,000		3 to 1	N/A	N/A	N/A	5	N/A	50%	125
I-1	Light Industrial	10	43,560	1	3 to 1	50	25	75	25	N/A	50%	N/A
R-PUD	Residential - Planned Unit Dev.	Dependent on Application										

* 2,000 Square Feet per unit for each additional dwelling unit over three dwelling units

** This refers to a one-bedroom dwelling, 600 Sq. Ft.
 ** Two-Bedroom dwelling, minimum 800 Sq. Ft.

Accessory Buildings				
Zoning District	Zoning District Expanded	Side Setback (Feet)	Rear Setback (Feet)	Building Height (Feet)
SER	Suburban Estate Residential	25	10	24
R-2	Low Density Residential	15	10	24
R-4	1 and 2 Family Residential	5	10	18
R-5	Medium Density Residential	5	10	18
R-7	High Density Residential	3**	5	18
R-12	Multi-Family Residential	10	10	18
OA	Office-Apartment	5	5	18
R-PUD	Residential - Planned Unit Dev.	5	10	18*

* Cannot exceed height of principal building
 ** Cannot be closer than 10 feet to the nearest structure



Order Confirmation

Ad Order Number

0000791183

Customer

New Carlisle, City of

Payor Customer

New Carlisle, City of

PO Number

hearing Madison St School

Sales Rep.

amy.kirby

Customer Account

16724

Payor Account

16724

Ordered By

RANDY BRIDGE

Order Taker

andrea.feltner

Customer Address

PO Box 419

NEW CARLISLE OH 45344 USA

Payor Address

PO Box 419

NEW CARLISLE OH 45344 USA

Customer Fax

Customer EMail

rbridge@newcarlisle.net

Order Source

Non Web

Customer Phone

9378459492

Payor Phone

9378459492

Special Pricing

Invoice Text

Ad Order Notes

Net Amount

\$52.90

Tax Amount

\$0.00

Total Amount

\$52.90

Payment Amount

\$0.00

Amount Due

\$52.90

Ad Number

0000791183-01

Ad Type

Legal

Production Method

AdBooker

Production Notes

External Ad Number

Ad Attributes

Ad Released

No

Pick Up

Ad Size

1 X 22 li

Color

<u>Run Date</u>	<u>Product</u>	<u>Placement</u>	<u>Sched Cst</u>	<u>Disc/Prem</u>	<u>Color</u>	<u>Pickup</u>	<u>Tax</u>	<u>Subtotal</u>
04/23/2023	O-Springfield News Sun	Legals	\$52.90	\$0.00	\$0.00	\$0.00	\$0.00	\$52.90
04/23/2023 -	O-Web	Legals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
05/01/2023								

Ad Content

Notice is hereby given that the City of New Carlisle Board of Zoning Appeals will hold a public hearing on Monday, May 1, 2023, to review, here comments, and vote on set-back variances for the potential building of 4 residential homes on the frontage of the Madison Street School Property. The public hearing will take place during a City Council meeting that will begin at 6:00PM and be held at the Smith Park Shelter House, 801 West Jefferson Street, New Carlisle, Ohio 45344.
4-23/2023

0000791183-01

208 S HENRY ST	NEW CARLISLE, OH 45344
208 TAL SHROYER DR	NEW CARLISLE, OH 45344
209 S HENRY ST	NEW CARLISLE, OH 45344
210 TAL SHROYER DR	NEW CARLISLE, OH 45344
211 OHIO ST	NEW CARLISLE, OH 45344
213 OHIO ST	NEW CARLISLE, OH 45344
213 OHIO ST	NEW CARLISLE, OH 45344
300 LINDEN AVE	NEW CARLISLE, OH 45344
301 OHIO ST	NEW CARLISLE, OH 45344
303 S SCOTT ST	NEW CARLISLE, OH 45344
307 S SCOTT ST	NEW CARLISLE, OH 45344
309 S SCOTT ST	NEW CARLISLE, OH 45344
310 OHIO ST	NEW CARLISLE, OH 45344
311 OHIO ST	NEW CARLISLE, OH 45344
312 OHIO ST	NEW CARLISLE, OH 45344
313 S SCOTT ST	NEW CARLISLE, OH 45344
315 S CLAY ST	NEW CARLISLE, OH 45344
317 S SCOTT ST	NEW CARLISLE, OH 45344
319 S SCOTT ST	NEW CARLISLE, OH 45344
320 OHIO ST	NEW CARLISLE, OH 45344
321 S SCOTT ST	NEW CARLISLE, OH 45344
323 S SCOTT ST	NEW CARLISLE, OH 45344
336 OHIO ST	NEW CARLISLE, OH 45344
404 W MADISON ST	NEW CARLISLE, OH 45344
405 W MADISON ST	NEW CARLISLE, OH 45344
410 W JEFFERSON ST	NEW CARLISLE, OH 45344
410 W MADISON ST	NEW CARLISLE, OH 45344
411 W MADISON ST	NEW CARLISLE, OH 45344
414 W JEFFERSON ST	NEW CARLISLE, OH 45344
415 W MADISON ST	NEW CARLISLE, OH 45344
500 W MADISON ST	NEW CARLISLE, OH 45344
502 W JEFFERSON ST	NEW CARLISLE, OH 45344
503 W MADISON ST	NEW CARLISLE, OH 45344
504 W JEFFERSON ST	NEW CARLISLE, OH 45344
506 W MADISON ST	NEW CARLISLE, OH 45344
507 W MADISON ST	NEW CARLISLE, OH 45344
510 W JEFFERSON ST	NEW CARLISLE, OH 45344
514 W JEFFERSON ST	NEW CARLISLE, OH 45344
515 W MADISON ST	NEW CARLISLE, OH 45344
601 W MADISON ST	NEW CARLISLE, OH 45344
604-604 1/2 JEFFERSON ST	NEW CARLISLE, OH 45344
606 W JEFFERSON ST	NEW CARLISLE, OH 45344
607 W MADISON ST	NEW CARLISLE, OH 45344
610 W JEFFERSON ST	NEW CARLISLE, OH 45344
611 W MADISON ST	NEW CARLISLE, OH 45344
612 W MADISON ST	NEW CARLISLE, OH 45344
614 W JEFFERSON ST	NEW CARLISLE, OH 45344
614 W MADISON ST	NEW CARLISLE, OH 45344

615 W MADISON ST
616 W MADISON ST
618 W JEFFERSON ST
619 W MADISON ST
700 W JEFFERSON ST
702 W JEFFERSON ST

NEW CARLISLE, OH 45344
NEW CARLISLE, OH 45344
NEW CARLISLE, OH 45344
NEW CARLISLE, OH 45344
NEW CARLISLE, OH 45344
NEW CARLISLE, OH 45344

City Manager Report

May 1, 2023

A. DEPARTMENTAL REPORTS

- The Following Departmental Reports will be given at the next City Council meeting that will be held on Monday, May 15, 2023
 - Finance, Public Service, Fire/EMS, and Police

B. INFORMATIONAL ITEMS

- Discussion Topics
 - Land Conservation Grant and City Swimming Pool
 - CARL O1 Alcohol Ballot Measure
 - Update
 - The Reserves at Honey Creek
 - Planning Board Preliminary Plat; Hearing on 5/16/23, 6PM, Smith Park Shelter House
 - TIF Legislation # 1 - Timeline *Attached*
 - Friendly Reminder:
 - Residential Development Traffic Study Presentation
 - ◇ By Michael Goettemoeller, Project Manager, Choice One Engineering
 - ◇ Monday, May 15, 2023, at Regular Council Meeting

Attachment Summary:

TIF Timeline

Motion Summary:

None

**City of New Carlisle, Ohio
Honey Creek TIF
Estimated Schedule of Events**

<u>Event</u>	<u>Date</u>	<u>Status</u>
Finalize Incentive District Maps	By April 10, 2023	Complete
Deliver Property Owner Notice (must be delivered at least 30 days prior to public hearing)	By April 14, 2023	Delivered
Deliver County Notice (must be delivered at least 45 business days prior to passage of TIF Ordinance unless waived)	By May 5, 2023	
Deliver School District Notices (must be delivered at least 14 business days prior to passage of TIF Ordinance unless waived)	By June 5, 2023*	
First reading of the TIF Ordinance and Public Hearing	May 15, 2023, City Council Meeting	
Second reading of the TIF Ordinance	June 5, 2023, City Council Meeting	
Third reading and passage of TIF Ordinance (Note – Council must wait at least 30 days after the public hearing before voting on the TIF Ordinance)	July 17, 2023, City Council Meeting	
TIF Ordinance filed with Ohio Department of Development (Note – TIF Ordinance must be delivered no later than 15 days after the adoption of the TIF Ordinance)	By August 16, 2023	
Effective Date of TIF Ordinance (30 days after adoption)	August 16, 2023	

* Although the School District Notice is not technically required until June 5th, it is best practice to provide notice to the school district prior to the first reading of the TIF Ordinance.

ORDINANCE 2023-29

AN ORDINANCE AMENDING ORDINANCE 17-32 REGARDING PROCESSING FEES FOR CREDIT CARD TRANSACTIONS AT THE CITY ADMINISTRATION BUILDING

WHEREAS, through Ordinance 17-32, City Council for the City of New Carlisle, Ohio authorized and established a processing fee for in-person credit card payments made at the City Administration Building for fees, fines and other charges; and

WHEREAS, City Council desires to increase the processing fee for in-person credit card payments from \$1.95 to \$2.25 per \$100.00 paid, which is the same processing fee for online utility payments, so that all credit card transactions are treated equally regardless of whether the payments are made in person or online; and

WHEREAS, the processing fee will only be charged when a person pays with a credit card and will help to eliminate unnecessary City expenses.

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

SECTION 1. The credit card processing fee shall be increased from \$1.95 to \$2.25 per \$100.00 paid for all credit card payments made in person at the City Administration Building.

SECTION 2. The Director of Finance shall deposit the credit card processing fees into the City's General Fund.

SECTION 3. Any future increase(s) to credit card processing fees will be discussed with City Council but will not require an ordinance per Sections 4.13 and 5.02 of the City of New Carlisle Charter.

Passed this _____ day of _____, 2023.

Mike Lowrey, Mayor

Emily Berner, Clerk of Council

APPROVED AS TO FORM:

Jake Jeffries, Director of Law

1st _____

2nd: _____

Eggleston	Y	N
Bahun	Y	N
Lindsey	Y	N
Mayor Lowrey	Y	N
Vice Mayor Grimm	Y	N
Rodewald	Y	N
Cook	Y	N

Totals:

Pass

Fail

Intro: 04/03/2023

Action: 04/17/2023

Effective: 05/02/2023

ORDINANCE 2023-30

AN ORDINANCE AUTHORIZING THE CITY OF NEW CARLISLE, OHIO TO LEASE A PORTION OF THE CITY'S WATERWORKS PROPERTY TO THE NEW CARLISLE BASEBALL/SOFTBALL ASSOCIATION, INC, AN OHIO NON-PROFIT CORPORATION

WHEREAS, it has been determined that it would be in the City's best interest for it to continue leasing a portion of the City's waterworks property to the New Carlisle Baseball/Softball Association, Inc; and

WHEREAS, subsection (e) of Section 4.13 of the Municipal Charter requires an ordinance for the leasing of any City land.

**NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY
ORDAINS**, that:

Section 1. The City Manager is hereby granted the authority, on behalf of the City of New Carlisle, to lease a portion of the City's waterworks property to the New Carlisle Baseball/Softball Association, Inc. subject to the covenants contained in the attached Lease Agreement.

Passed this _____ day of _____, 2023.

Mike Lowrey, Mayor

Emily Berner, Clerk of Council

APPROVED AS TO FORM:

Jacob M. Jeffries, DIRECTOR OF LAW

1st _____

2nd: _____

Eggleston	Y	N
Bahun	Y	N
Lindsey	Y	N
Mayor Lowrey	Y	N
Vice Mayor Grimm	Y	N
Rodewald	Y	N
Cook	Y	N

Totals:

Pass

Fail

Intro: 05/01/2023

Action: 05/15/2023

Effective: 05/30/2023

LEASE AGREEMENT

The CITY OF NEW CARLISLE, OHIO, hereinafter referred to as "CITY" and/or "Lessor", in consideration of the covenants herein, does hereby grant, demise, let and lease unto the NEW CARLISLE BASEBALL/SOFTBALL ASSOCIATION, INC., an Ohio non-profit corporation, hereinafter referred to as "ASSOCIATION" and/or "Lessee", a strip of land that is approximately six hundred (600) feet off the North end of the Waterworks property of the City of New Carlisle, Ohio and which is commonly known as Haddix Field ("leased premises").

TO HAVE AND TO HOLD the same with all appurtenances thereunto belonging to said ASSOCIATION for and during the period of time commencing on the 1st day of January through the 31st day of December of each year for the years 2023, 2024 and 2025, subject to each parties' rights to early termination herein. The annual rent, in the amount of One Dollar (\$1.00), is to be paid by the ASSOCIATION to the CITY by January 1st of each lease year. The ASSOCIATION may prepay the annual rent for any of the lease years. Prepaid rent for any lease year subsequent to early termination of this lease shall be returned to the ASSOCIATION. The parties acknowledge that the annual rent for 2023 has already been paid as of the effective date of this agreement.

In the event the ASSOCIATION remains in possession of the leased premises after the expiration of the term of this lease and without execution of a new lease, it shall be deemed to be occupying the leased premises as a month-to-month tenant, subject to all provisions of this lease in so far as the same are applicable to a month-to-month tenancy.

As further consideration, the parties agree:

1. The ASSOCIATION shall maintain upon the leased premises suitable facilities for the encouragement and playing of baseball and softball in conformity with the purposes for which the ASSOCIATION was organized, subject to approval by the CITY.
2. The ASSOCIATION shall not use or occupy the leased premises or permit the same to be used or occupied for any purpose other than for the sport of baseball/softball and/or related activities except as otherwise agreed to by the CITY.

3. This Lease may not be assigned, nor may said leased premises be subleased, without the prior written consent of the CITY.
4. The ASSOCIATION shall make no alterations or additions in or to said leased premises without the prior written consent of the CITY.
5. The CITY shall maintain, during the term of this Lease, the following property currently located at the leased premises: white garage, six cinder block dugouts, light poles and their attachments and accessories, the concession stand (specifically, the building only), cement bleachers, and flagpole. The ASSOCIATION shall be responsible for all other maintenance at the leased premises including, but not limited to, maintaining a roadway suitable for ingress and egress by users thereof and all fences erected at the leased premises.
6. The CITY is offering the leased premises “as is” with no promises or guarantees of fitness for a particular purpose. The ASSOCIATION shall maintain the leased premises in a nuisance-free condition and be responsible for mowing all portions of the leased premises during the term of the lease.
7. The ASSOCIATION shall not use any fertilizer, pesticide, herbicide or any other chemical application at the leased premises without the prior written consent of the CITY, which likely will not be granted.
8. The ASSOCIATION shall do all things necessary to protect the leased premises and nearby municipal property from damage by all persons who enter upon the leased premises.
9. Each ASSOCIATION league participant shall sign a waiver of responsibility form, reviewed and approved by the City Law Director, which releases the CITY from all claims resulting from any and all injuries sustained while participating in ASSOCIATION sponsored activities. The ASSOCIATION shall maintain and keep on file the forms of all league participants who have not yet attained the age of twenty-one (21) years. A league participant’s waiver of responsibility form must be signed prior to participation in ASSOCIATION events at the leased premises. Copies of such forms must be made available to the CITY promptly upon request. The ASSOCIATION shall be solely responsible for ensuring participant compliance under this paragraph.
10. The ASSOCIATION agrees to hold the CITY and the CITY’S officials, employees, agents and staff harmless from any and all liability arising out of ASSOCIATION activities at the leased premises.

11. The ASSOCIATION shall maintain in force and effect for the term of this Lease a policy of comprehensive general liability insurance in the minimum amount of Two Million Dollars (\$2,000,000) aggregate with the CITY designated as an additional named insured. The Policy shall cover liability for occurrences in or on the leased premises, including structures, parking areas, entranceways and injury to persons and/or property. The ASSOCIATION shall provide the City with a current Certificate of Insurance by January 1st of each year during the aforesaid term.
12. The ASSOCIATION shall surrender and deliver the leased premises at the end of said term in as good as or better condition as it existed at the beginning of the term, reasonable wear and tear and unavoidable casualty excepted.
13. The CITY shall be responsible for the ASSOCIATION'S electric utility expense for the leased premises, and shall add the leased premises to the CITY'S current IGS agreement, if permitted by IGS. The ASSOCIATION understands that the CITY does not warrant this service will be free from interruption. The ASSOCIATION acknowledges that this service may be suspended by reason of accident or repair, alteration, or improvement necessary to be made, or by operation of law, or causes beyond the control of the CITY. Any such interruption or discontinuance of services shall never be deemed to be an eviction or disturbance of the ASSOCIATION'S use and occupancy of the leased premises or any part thereof, render the CITY liable to the ASSOCIATION for damages, or relieve the ASSOCIATION from performance of its obligations under this Lease. In the event of any such interruption, the CITY shall take reasonable efforts to restore services as soon as reasonably possible.
14. It is expressly understood that the leased premises is located on the CITY'S water well fields. It could, therefore, be necessary for the CITY to require the ASSOCIATION to immediately vacate all or part of the leased premises. The CITY reserves the right, in its sole and absolute discretion, to require the ASSOCIATION to immediately vacate the leased premises notwithstanding any other provision of this lease to the contrary.
15. Either party, upon sixty (60) days prior written notice to the other party, may terminate this Lease for any reason. During any such sixty (60) day period, the ASSOCIATION shall have the right to remove any improvements such as fences, lights or buildings which it may have erected or installed thereon if those improvements will not be needed by the CITY for its future use of the leased premises. At the expiration of said sixty (60) day period, the CITY shall have the right to re-enter said leased premises for any purpose without resorting

to any further proceedings of any kind. The ASSOCIATION shall be entitled to the return of a pro-rata share of rent paid but shall have no other recourse or claim against the CITY by reason of early termination.

16. The effective date of this agreement is January 1, 2023.
17. The CITY reserves the right to place, maintain, repair or replace utility lines, pipes, tunneling and the like, on, under or over the leased premises as may be reasonably necessary or desirable, at the discretion of the CITY. The CITY shall have the right to enter onto the leased premises at all reasonable times.
18. The failure of either party to enforce any provision of these terms and conditions will not constitute a waiver of such provision nor diminish the right of either party to the remedies of such provision.
19. All personal property, equipment and inventory belonging to the ASSOCIATION, its agents, or its guests, located on or about the leased premises shall be at the sole risk of the ASSOCIATION, and the CITY shall not be liable for theft or misappropriation, or any damage or injury thereto.
20. This Lease contains the entire agreement between the parties, and any agreement hereafter or heretofore made shall not operate to change, modify, terminate or discharge this Lease, in whole or in part, unless such agreement is in writing and signed by each party to this Lease.
21. This Agreement shall be interpreted according to the laws of Ohio. If any portion of this Agreement is found to be void, unenforceable, or against public policy, the remaining portions of this Agreement shall not be affected, and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

IN WITNESS WHEREOF, the CITY OF NEW CARLISLE, OHIO, Lessor herein, by its City Manager,
and the NEW CARLISLE BASEBALL/SOFTBALL ASSOCIATION, INC., Lessee herein, by its President
and its Secretary, have set their hands below to duplicate originals hereof, on this
_____ day of _____, 2023.

CITY OF NEW CARLISLE, OH:

Randy Bridge, City Manager

APPROVED AS TO FORM:

Jake Jeffries, Director of Law

NEW CARLISLE BASEBALL/SOFTBALL ASSOCIATION, INC:

PRESIDENT

SECRETARY

ORDINANCE 2023-31

AN ORDINANCE SUPPLEMENTING CERTAIN APPROPRIATIONS CONTAINED IN NEW CARLISLE CITY ORDINANCE 2022-62

WHEREAS, Ordinance 2022-62 is the Annual Appropriations Ordinance for the City of New Carlisle for the fiscal year ending December 31, 2023; and

WHEREAS, it is necessary to amend certain appropriations contained therein pursuant to subsections (a) and (c) of Section 7.09 of the Municipal Charter.

NOW, THEREFORE THE CITY OF NEW CARLISLE HEREBY ORDAINS that the annual appropriations shall be supplemented as follows:

SECTION 1. To bring the City's appropriations in line with the required expenses of the City of New Carlisle for the fiscal period ending December 31, 2023, the 2023 appropriations are hereby increased for the following fund/fund types by the amounts shown:

FUND	DESCRIPTION	INCREASE	REASON
501	Water Fund		
	501.5300.53501	\$ 50,000.00	Additional Infrastructure Expenses
502	Wastewater Fund		
	502.5400.55000	\$ 106,500.00	Additional Clarifier Expenses
TOTAL REVENUE		\$ 156,500.00	

SECTION 2. The Finance Director is hereby authorized and directed to enter the foregoing supplemental appropriations upon the books and accounts of the City of New Carlisle, and issue warrants pursuant to such authorization.

Passed this _____ day of _____, 2023.

Mike Lowrey, Mayor

Emily Berner, Clerk of Council

APPROVED AS TO FORM:

Jake Jeffries, Law Director

1st _____

2nd: _____

Eggleston	Y	N
Bahun	Y	N
Lindsey	Y	N
Mayor Lowrey	Y	N
Vice Mayor Grimm	Y	N
Rodewald	Y	N
Cook	Y	N

Totals:

Pass

Fail

Intro: 05/01/2023

Action: 05/15/2023

Effective: 05/30/2023

ORDINANCE 2023-32

AN ORDINANCE EXTENDING THE FRANCHISE FOR THE CURBSIDE COLLECTION AND DISPOSAL OF RESIDENTIAL GARBAGE, REFUSE AND RECYCLABLES IN THE CITY OF NEW CARLISLE, OHIO

WHEREAS, the City has established specifications regarding the collection and disposal of the garbage, refuse and recyclables of its residents; and

WHEREAS, on September 8, 2020, City Council approved a 3-year contract with Waste Management for the collection and disposal of residential garbage, refuse and recyclables; and

WHEREAS, on May 31, 2022, the City and Waste Management increased the collection costs and changed the frequency of recyclable collection from bi-weekly to weekly through an amendment to the contract; and

WHEREAS, the term of the contract is from December 2, 2020 to December 1, 2023 with an option for an extension of 2 years at rates mutually agreed upon by the parties; and

WHEREAS, the City may exercise its option by notifying Waste Management of the City's intention to do so at least 60 days in advance of the expiration of the current term of the contract; and

WHEREAS, Waste Management has submitted its proposed rates for the potential 2-year extension; and

WHEREAS, subsection (c) of Section 4.13 of the Municipal Charter requires an ordinance in order to grant, renew or extend a franchise.

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

Section 1. The contract with Waste Management for the collection and disposal of residential garbage, refuse and recyclables, as amended, shall be extended for an additional two years at the rates indicated in Exhibit A.

Section 2. The City Manager is hereby authorized and empowered to sign any and all documents necessary to extend the City's contract with Waste Management.

SIGNATURE PAGE TO FOLLOW

Passed this _____ day of _____, 2023.

Mike Lowrey, Mayor

Emily Berner, Clerk of Council

APPROVED AS TO FORM:

Jake Jeffries, DIRECTOR OF LAW

1st _____

2nd: _____

Eggleston	Y	N
Bahun	Y	N
Lindsey	Y	N
Mayor Lowrey	Y	N
Vice Mayor Grimm	Y	N
Rodewald	Y	N
Cook	Y	N

Totals:

Pass

Fail

Intro: 05/01/2023

Action: 05/15/2023

Effective: 05/30/2023



Exhibit A
Ordinance 2023-32

Waste Management of Ohio, L.L.C.
1700 N. Broad Street
Fairborn, OH 45324

March 23, 2023

City of New Carlisle
331 S. Church Street
New Carlisle, OH 45344

Waste Management of Ohio, L.L.C. (WM) would like to offer the City of New Carlisle the following Two (2) Year Contract Extension Proposal:

Rate Year One

- | | |
|-----------------------------|---------------|
| - Standard 96 Gal: | \$22.75/Month |
| - Low Volume 64 Gal: | \$19.17/Month |
| - Senior 35 Gal: | \$13.89/Month |

Rate Year Two

- | | |
|-----------------------------|---------------|
| - Standard 96 Gal: | \$23.88/Month |
| - Low Volume 64 Gal: | \$20.12/Month |
| - Senior 35 Gal: | \$14.58/Month |

If you have any questions or would like to discuss further, please reach out to me per the contact information below.

Sincerely,

A handwritten signature in black ink, appearing to read 'KD', is written over a horizontal line.

Kirby Dunagan | Public Sector Solutions | (502) 702-4013 | pdunagan@wm.com

ORDINANCE 2023-33

AN ORDINANCE AMENDING SECTION 1460.25 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE TO ADDRESS THE PLACEMENT OF RESIDENTIAL TRASH AND RECYCLING CONTAINERS

WHEREAS, Chapter 1460 of the Codified Ordinances of the City of New Carlisle sets forth the City's Exterior Property Maintenance Code; and

WHEREAS, Section 1460.25 specifically addresses the exterior conditions of residential properties; and

WHEREAS, it has been determined that Section 1460.25 should be amended to provide direction for the placement of trash and recycling containers.

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY ORDAINS that Section 1460.25 of the Codified Ordinances of New Carlisle be amended by adding Subsection (n) as follows:

1460.25 EXTERIOR PROPERTY AND STRUCTURE EXTERIORS; RESIDENTIAL.

(n) Garbage, Refuse and Recycling Receptacles. No garbage, refuse or recycling receptacle may be placed for collection more than 24 hours before collection, and any such receptacle must be removed no later than 24 hours after collection. When not placed for collection, all garbage, refuse and recycling receptacles must be stored within one (1) foot of the dwelling or an accessory structure located on the parcel, and entirely on an approved surface such as cement, asphalt, yard pavers or crushed limestone gravel.

Passed this _____ day of _____, 2023.

Mike Lowrey, MAYOR

Emily Berner, CLERK

APPROVED AS TO FORM:

Jacob M. Jeffries, DIRECTOR OF LAW

1st _____

2nd: _____

Eggleston	Y	N
Bahun	Y	N
Lindsey	Y	N
Mayor Lowrey	Y	N
Vice Mayor Grimm	Y	N
Rodewald	Y	N
Cook	Y	N

Totals:

Pass

Fail

Intro: 05/01/2023
Action: 05/15/2023
Effective: 05/30/2023