



CITY COUNCIL REGULAR MEETING PACKET

November 4, 2024 @ 6:00pm Heritage Hall in Smith Park

1. Call to Order: Mayor Bill Cook
2. Roll Call: Clerk of Council
3. Invocation:
4. Pledge of Allegiance:
5. Action on Minutes: 10/7/24 Regular Meeting Minutes, 10/10 & 10/15 Work Session Minutes
6. Communications:
7. City Manager 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 2024-52 (Introduction 9/16/24. Public Hearing and Action Tonight)

CREATING THE MONROE MEADOWS TAX INCREMENT FINANCING INCENTIVE DISTRICTS; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN each INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; REQUIRING THE DISTRIBUTION OF A PORTION OF THOSE SERVICE PAYMENTS TO THE Tecumseh Local School District and the Springfield-Clark Career Technology Center; AND SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR SERVE PARCELS IN THE INCENTIVE DISTRICT.

B. Ordinance 2024-57 (Introduction 10/28/24. Public Hearing and Action on 11/12/24) AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DIRECTOR OF PUBLIC SERVICE/ASSISTANT CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE CITY'S WATERMAIN AND SERVICE LINE REPLACEMENT PROJECT (DEV-2021-180945

C. Ordinance 2024-58 (Introduction Tonight. Public Hearing and Action on 11/18/24)

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR THE DIRECTOR OF PUBLIC SERVICE/ASSISTANT CITY MANAGER, TO ENTER INTO A CONTRACT FOR THE PURCHASE OF WATER SOFTENING ROCK SALT

D. Ordinance 2024-59 (Introduction Tonight. Public Hearing and Action on 11/18/24)

AN ORDINANCE AMENDING CHAPTER 276 OF THE CODIFIED ORDINANCES OF NEW CARLISLE FOR THE PURPOSE OF ESTABLISHING PARKS AND RECREATION AND PUBLIC SERVICE COMMISSIONS, AND TO PROVIDE GUIDELINES FOR COMMISSIONS

E. Ordinance 2024-60 (Introduction Tonight. Public Hearing and Action on 11/18/24)

AN ORDINANCE AMENDING THE CITY OF NEW CARLISLE'S ZONING CODE TO ADD SOLAR ENERGY REGULATIONS

12. OTHER BUSINESS:

- Additional City Business:
 - o Open for Discussion on City Related Business

13. Executive Session: To discuss the employment of a public employee and for the purpose of preparing for, conducting, or reviewing collective bargaining strategy.

14. Return to Regular Session:

15. Adjournment

Next Special Meeting is Tuesday, November 12, 2024 @ Heritage Hall in Smith Park 6:00PM.

Town Hall Meeting is Monday, November 18, 2024 @ Heritage Hall in Smith Park 5:30PM.

Next Council Regular Meeting is Monday, November 18, 2024 @ Heritage Hall in Smith Park. 6:00PM.

RECORD OF PROCEEDING
MINUTES: CITY OF NEW CARLISLE, OHIO
REGULAR SESSION MEETING @ Heritage Hall on 10/7/24 @ 6:00 pm

1. **Call to Order:** Mayor Cook calls the meeting to order.
2. **Roll Call:** Stapleton calls the roll – Cook, Grow, Bahun, Shamy, Wright, Lindsey, Eggleston
7 members Present
3. **Invocation:** Trusty
4. **Pledge of Allegiance:** All are welcome to participate
5. **Action on Minutes:**
 Action on 9/23/24 minutes: 1st: Lindsey, 2nd: Shamy. YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy. NAY: 0 – Accepted 7-0
 Action on 9/16/24 minutes: 1st: Lindsey, 2nd: Shamy. YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy. NAY: 0 – Accepted 7-0
6. **Communications:** None
7. **City Manager’s Report:**

City Manager Report
October 7, 2024

A. DEPARTMENTAL REPORTS

- The Following Departmental Reports will be given at the next City Council meeting that will be held on Monday, October 21, 2024.
 - Finance, Public Service, Planning & Zoning, Mayor’s Court, Fire/EMS, and Police

B. INFORMATIONAL ITEMS

- Discussion Topics
 - 2025 Ohio Municipal League Conference
 - “Municipalities Matter”
 - October 23rd – 25th, Columbus, Ohio
 - City Manager is attending along with Councilmembers Wright, Grow, and Lindsey
 - Comprehensive Land Use Plan
 - Early Discussions w/ City Council
 - 10/14/24 Work Session
 - 2025 Capital Improvement Plan (CIP) & Operating Budget Timeline
 - Intro and First Read - 11/18/24; Action - 12/02/24
 - Work Session Dates with City Council @ the Fire Station, 6PM
 - October 28th, 29th, and 30th
 - Reserves at Honey Creek and Monroe Meadows
 - Bonds (Discussions Ongoing Between Parties)
 - Reserves at Honey Creek (Off St. Rt. 235) - Using West Central Ohio Port Authority or a New Community Authority
 - Monroe Meadows - TBD
 - Term Sheets - Non-Binding Document - Not Signed Yet
 - Monroe Meadows - \$1 Million for Addition - New Carlisle / 235 Improvements
 - Reserves at Honey Creek - \$750,000 for Haddix Park and Mill Road Improvements
 - New Community Authority
 - Greg Kowich, TIF Attorney at the 10/15 Work Session
 - New Council Member Packet
 - Documents sent to City Council
 - Next Steps?
 - Policy or Other Items Council is Working On
 - Citizen of the Year
 - Upcoming Legislation
 - The Reserves on Honey Creek TIF Legislation
 - Miami Valley Lighting
 - Health Insurance Renewals
 - 2025 Capital Improvement Plan and Operating Budget
 - Business Continuation Plan
 - 2025 Sheriff’s Contract and 2025 Dispatching Agreement
 - Collective Bargaining Unit Contract
 - Residential Developments
 - Subdivider’s Agreement with Warranty and Performance Bonds
 - Additional Discussion Topics
 - 9/23/24 Work Session
 - Solar Panel Hearing (11/4) and Action (11/18)
 - Clark Cooney Land Bank / Habitat for Humanity Homes
 - Ordinance for LEAD Removal Project (Intro 10/28/24; Action 11/11/24)

Approval Continues:
 * None
 * None

*Mr. Bridge review the budget process, posed question to council for the need of a temporary budget review. Explained ideally like to work with a budget effective as of January 1. With 2 new members would like council to discuss the use of a temporary budget.

Council Discussion on pros and cons of temporary budget and needs for council to review. Motion was made to have only one budget, no need for temporary budget. 1st: Lindsey, 2nd: Shamy. YES: Wright, Lindsey, Grow, Bahun, Shamy. NAY: Eggleston, Cook. Accepted 5-2

*New council member packet discussion – items have been distributed to council, asked to take time to review, and will have more discussion at upcoming meetings.

*Collective Bargaining discussion – Mr. Bridge explains multiple language changes – requesting a couple council members to help support and review. October 21st – look to form a committee.

*Mr. Bridge reviews more information on bonds for swimming pool – Plan to provide details in the future on different types of bonds, and possibility of revenue bonds to reduce the impact on the citizens. Need to plan a better strategy on types of bonds and when to put on ballot.

*Solar Panel details were included in council packets at meeting. Hearing on 11/4, with action on 11/18.

*The Ordinance for LEAD removal will be introduced on 10/28, with action on 11//11. May need to utilize work session to get some ordinances completed. Legal ad to be updated.

*Discussion on Miami Valley Lighting, Grow questioned if ever looked at other suppliers, such as Kendall Electric. Several other cities, and WPAFB use this company. Mr. Bridge appreciates another supplier to investigate, may not be able to switch due to Miami Valley Lighting owning the poles, etc.

8. **Committee Reports:** N/A

9. **Comments from Members of the Public** (Comments less than 5 minutes)

Bob Stevens- No Address given, resident since 2011 -Concerned about an Emergency vehicle traveling on 235 Northbound at a very high rate of speed.

Chief Trusty responded to inform council and resident that this person has already been counseled and reprimanded due to this incident. City Manager to follow up as well.

Kylie Cook – 214 N Adams St. – Issue a complaint due to notices of violation, difficulties to contact city administrators, and issues with driveway being blocked and no action taken.

Council expressed apologies for the passing of her father, and all the hassles to deal with city administration and police during these incidents. City Manager to investigate and follow up on these issues, will inform council of his findings.

Steve Fields – Deerfield – reiterated that city ordinances are not always enforced by police (such as cars blocking driveway, etc.) Discussion between Mr. Fields, Mayor Cook, and Mr. Bridge regarding enforcement of ordinances and the discretion of law enforcement.

10. **Resolutions:**

***A. Resolution 2024-12R (Introduction, Public Hearing and Action Tonight)**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COMMISSIONERS OF CLARK COUNTY REGARDING OPIOID SETTLEMENT FUNDS

1st: Shamy, 2nd: Eggleston. YES: Cook, Grow, Bahun, Shamy, Wright, Lindsey Eggleston, NAY: 0. Accepted 7-0 ex: Passing opioid money to county for appropriate uses, due to not having the resources.

***B. Resolution 2024-13R (Introduction, Public Hearing and Action Tonight)**

A RESOLUTION PROVIDING FOR THE PERMANENT TRANSFER OF FUNDS FROM THE GENERAL, STREET AND AMERICAN RESCUE FUNDS TO THE WATER, BOND RETIREMENT AND CEMETERY FUNDS OF THE CITY OF NEW CARLISLE

1st: Shamy 2nd: Lindsey. YES: Eggleston, Cook, Grow, Bahun, Shamy, Wright, Lindsey NAY: 0. Accepted 7-0. Ex. Anytime we pass a budget and must supplement or transfer money to make a payment, etc. This has to go in front of council for approval.

11. Ordinances:

A. Ordinance 2024-50 (Introduction Tonight. Public Hearing and Action 10/21/24)

AN ORDINANCE AMENDING CHAPTER 278 OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CARLISLE BY REMOVING IT IN ITS ENTIRETY, AND DISSOLVING THE PARKS AND RECREATION BOARD

B. Ordinance 2024-51 (Introduction Tonight. Public Hearing and Action 10/21/24)

AN ORDINANCE AMENDING CHAPTER 276 OF THE CODIFIED ORDINANCES OF NEW CARLISLE FOR THE PURPOSE OF ESTABLISHING PARKS AND RECREATION AND PUBLIC SERVICE COMMISSIONS

C. Ordinance 2024-52(Introduced on 9/16/24 Public Hearing and Action 10/21/24)

CREATING THE MONROE MEADOWS TAX INCREMENT FINANCING INCENTIVE DISTRICTS; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN EACH INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; REQUIRING THE DISTRIBUTION OF A PORTION OF THOSE SERVICE PAYMENTS TO THE TECUMSEH LOCAL SCHOOL DISTRICT AND THE SPRINGFIELD-CLARK CAREER TECHNOLOGY CENTER; AND SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR SERVE PARCELS IN THE INCENTIVE DISTRICT

D. Ordinance 2024-53(Introduction Tonight. Public Hearing and Action 10/21/24)

AN ORDINANCE ADOPTING THE BOARDS AND COMMISSION HANDBOOK FOR THE CITY OF NEW CARLISLE

E. Ordinance 2024-54(Introduction Tonight. Public Hearing and Action 10/21/24)

AN ORDINANCE ADOPTING THE DISASTER RECOVERY AND RESPONSE PLAN FOR THE CITY OF NEW CARLISLE, OHIO

F. Ordinance 2024-55(Introduction Tonight. Public Hearing and Action 10/21/24)

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR INSURANCE WITH USI INSURANCE SERVICES LLC REPRESENTING THE PUBLIC ENTITIES POOL OF OHIO FOR THE ADMINISTRATION OF SAID POLICY

12. Other Business:

1. Mayor Cook – plans to investigate the city pool at St. Henry – gain details on cost, maintenance, etc. A picture of their pool was shared with council, very nice.
2. Mayor Cook – Asked council their thoughts on having the company working near Indian Lake installing solar panels to talk to council about possibilities in New Carlisle. Council agreed to listen and look at the opportunity.
3. Mayor Cook – Discussion on setting up a trailer or drop off point in town to collect donations for Hurricane victims.
4. Councilman Bahun – Currently Wednesday October 9th and Thursday October 10th are scheduled for Executive Session to discuss City Manager’s evaluation – Not sure council is ready to complete this evaluation. Mr. Bridge to submit letter to council to accept and extend the

November deadline and set new deadline (end of year) for completion. Due to only needing Executive session to review forms and templates for evaluation a Motion was made to cancel 10/9/24 meeting, keep the 10/10/24 Executive Session meeting as scheduled to allow council to review templates and forms to be used for the evaluation of the City Manager position.

1st: Lindsey, 2nd: Shamy: YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy, NAY: 0
Accepted 7-0.

5. Councilwoman Wright: Requested that videos of both Regular Sessions and Work Sessions should be shared on YouTube to keep transparency with the residents. Motion made to Record ALL sessions (Regular and Work) and post on YouTube. 1st: Wright, 2nd: Shamy, YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy, NAY: 0. Accepted 7-0

6. Vice Mayor Eggleston: Discussion on new location for fireworks – so they can be more visible to all the city – Plan to investigate new location.

13. **Executive Session:** None

14. **Return to Regular Session:** None

15. **Adjournment: 1st Lindsey 2nd Shamy @ 7:18 pm**

YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy

NAY: 0, Accepted 7-0

Mayor Bill Cook

Clerk of Council Christine Stapleton

RECORD OF PROCEEDING

MINUTES: CITY OF NEW CARLISLE, OHIO Special Meeting / Work Session
@ Heritage Hall held 10/10/24 @ 7:00 pm

- 1. Call to Order:** Mayor Cook calls the meeting to order.
- 2. Roll Call:** Stapleton calls the roll- Cook, Gow, Bahun, Shamy, Wright, Lindsey, Eggleston 7 members present
- 3. Invocation:** Councilman Lindsey
- 4. Pledge of Allegiance:** All are Welcome to Participate
- 5. Action on Minutes:** none
- 6. Communications:** none
- 7. City Manager's Report:** none
- 8. COMMITTEE REPORTS:** none
- 9. COMMENTS FROM MEMBERS OF THE PUBLIC:** none
- 10. RESOLUTIONS:** none
- 11. ORDINANCES:** none
- 12. OTHER BUSINESS:**
 - Discussion of City Manager Evaluation Template*
 - Other City Related Business*Motion to amend agenda to add an executive session to discuss the employment of a public employee
1st: Lindsey with a 2nd by Shamy. YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy NAY:0
Accepted 7-0

13. Executive Session:

- Motion to move to ES 1st: Lindsey with a 2nd by Shamy at 7:14pm
YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy NAY: 0, Accepted 7-0
Motion to return to regular session 1st: Lindsey with a 2nd by Shamy at 8:38pm
YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy NAY: 0. Accepted 7-0

OTHER BUSINESS:

- Motion to plan for the October 15th work session / special meeting to go into Executive session to continue to discuss the evaluation templates to be used for the City Manager. 1st: Lindsey 2nd: Shamy
YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy NAY: 0. Accepted 7-0

- Motion to mail 2 page evaluations to direct reports of the City Manager per charter 5.03. 1st: Lindsey 2nd:
Shamy. YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun. Shamy NAY: 0, Accepted 7-0

- 14. Adjournment:** 1st: Lindsey 2nd: Shamy at 8:44pm YES: Wright, Lindsey, Eggleston, Cook, Grow,
Bahun, Shamy NO:0, Accepted 7-0

Mayor Bill Cook

Clerk of Council Christine Stapleton

RECORD OF PROCEEDING**MINUTES: CITY OF NEW CARLISLE, OHIO Special Meeting / Work Session
@ Heritage Hall held 10/15/24 @ 6:00 pm**

1. Call to Order: Mayor Cook calls the meeting to order.

2. Roll Call: Stapleton calls the roll- Cook, Gow, Bahun, Shamy, Wright, Lindsey, Eggleston 7 members present

3. Invocation: Councilman Lindsey

4. Pledge of Allegiance: All are Welcome to Participate

5. Action on Minutes: none

6. Communications:

- Greg Daniels of Daniels and Rhodes. New Community Authority (NCA) discussion:
 - Presentation provided to discuss NCA Powers, Formation, and Governance
 - Discussion between council and Mr. Daniels related to:
 - pros and cons of forming an NCA to council, residents, and developers
 - Impact on residents of new developments
 - Council's role in NCA
 - As well as other options if NCA is not formed
- Comprehensive Land Use Plan Update – Initial Discussions with Staff and Council
 - Brian Moore, Planning director present for open discussion with council about the growth and sustainability of our community.
 - Brainstorming on Best and Worst things about New Carlisle – these are the items we should focus on, very important questions to help kick off change.
 - Discussed what the mission statement should be for the Comprehensive plan: include core values, strengths, growth, etc.
 - Developed a Mission statement: Creating community togetherness through cultivating growth
 - Mr. Moore summarized the Comprehensive Plan Outline Draft Guidelines. Business survey and Community survey distributed to council. Will be sharing a video about a Comprehensive plan that was implemented in Hilliard.
 - Mr. Moore stated he appreciates the opportunity to present this information, and we can work to plan another meeting for more discussion.

7. City Manager's Report: none

8. COMMITTEE REPORTS: none

9. COMMENTS FROM MEMBERS OF THE PUBLIC: none

10. RESOLUTIONS: none

11. ORDINANCES: none

12. OTHER BUSINESS:

- Discussion on the following:
 - City Related Business

13. Executive Session:

- To discuss the Employment of a Public Employee

Motion to move to Executive Session 1st: Lindsey with a 2nd by Grow at 8:39pm

YES: Bahun, Shamy, Wright, Lindsey, Eggleston, Cook, Grow NAY: 0, Accepted 7-0

Motion to return to regular session 1st: Lindsey with a 2nd by Grow at 9:00pm

YES: Bahun, Shamy, Wright, Lindsey, Eggleston, Cook, Grow NAY: 0. Accepted 7-0

OTHER BUSINESS:

Motion to send out evaluations to the 4 direct reports to the City manager as previous discussed: 1st:

Wright, 2nd: Shamy YES: Wright, Lindsey, Grow, Bahun, Shamy NO: Eggleston, Cook, Accepted 5-2

14. Adjournment: 1st: Lindsey 2nd: Shamy at 9:11pm YES: Wright, Lindsey, Eggleston, Cook, Grow, Bahun, Shamy NO:0, Accepted 7-0

Mayor Bill Cook

Clerk of Council Christine Stapleton

City Manager Report

November 4, 2024

A. DEPARTMENTAL REPORTS

- The Following Departmental Reports will be given at the next City Council meeting that will be held on Monday, November 18, 2024
- Finance, Public Service, Fire/EMS, Police, Planning & Zoning, Mayor's Court Report

B. INFORMATIONAL ITEMS

- Discussion Topics
 - Collective Bargaining Unit Negotiations
 - Comprehensive Land Use Plan
 - 2025 Capital Improvement Plan (CIP) & Operating Budget Timeline
 - Intro and First Read - 11/18/24; Action - 12/02/24
 - Reserves at Honey Creek and Monroe Meadows
 - General Updates
 - Monroe Meadows - Alternative to better connect Addison-New Carlisle
 - New Community Authority
 - Ohio Revised Code Chapter 349 summary – Attached
 - Police Levy Renewal Discussion
 - Bond and Ballot Information for City Council
 - Upcoming Legislation
 - The Reserves on Honey Creek TIF Legislation
 - Miami Valley Lighting
 - Health Insurance Renewals
 - 2025 Capital Improvement Plan and Operating Budget
 - Business Continuation Plan
 - 2025 Sheriff's Contract and 2025 Dispatching Agreement
 - Collective Bargaining Unit Contract
 - Residential Developments
 - Subdivider's Agreement with Warranty and Performance Bonds
 - Additional Discussion Topics

Attachment Summary:

- Ohio Revised Code Chapter 349 Summary

New Community Authority

Section 349 of the Ohio Revised Code (Summarized)

Summary of Section 349.01 (New Community Organization Definitions):

This section defines key terms related to the development and management of new communities:

- **New Community:** A planned development that includes diverse facilities for various activities, designed with integrated utilities and open spaces.
- **New Community Development Program:** A program for developing a new community with balanced land use, including land acquisition, facility construction, and service provision.
- **New Community District:** The designated area for new community development, including any additional land added by resolution.
- **New Community Authority:** A corporate entity established to oversee the development of a new community.
- **Developer:** Any entity or individual responsible for developing land within the new community district, which may include municipal corporations, townships, or port authorities.
- **Organizational Board of Commissioners:** The governing body responsible for overseeing the new community district, varying by location and jurisdiction.
- **Land Acquisition:** The process of acquiring real property and interests for community development.
- **Land Development:** Activities related to preparing and improving land, including infrastructure and community facilities.
- **Community Facilities:** Various properties and structures necessary for community functions, including recreational, educational, and healthcare facilities.
- **Cost:** All expenses related to the new community development, including land, construction, and operational costs.
- **Income Source:** All revenue streams for the community authority, including development charges and other funds.
- **Community Development Charge:** A charge based on property value or income, used to fund community development.
- **Proximate Community:** The nearby city or township that has the greatest population or jurisdictional relevance to the new community district.
 - **For most new community districts:** The proximate community is the most populous city in the county where the district is located, or a city in an adjoining county if it's within five miles of the district's boundaries. It also includes cities with extraterritorial subdivision authority over the district.
 - **For districts with part of their area in a municipal corporation:** The proximate community is the municipal corporation where any part of the district is located.
 - **For districts partly within a joint economic development district:** The proximate community is the township with the largest portion of the joint economic development district.
 - **For districts in unincorporated areas of specific townships:** The proximate community is the township if the district is entirely within it, and the township meets certain population and county size criteria.
- **Community Activities:** Various activities that the new community will support, including cultural, educational, recreational, and commercial activities.

Summary of Section 349.02 (Orderly Development of New Communities):

The chapter aims to promote the orderly development of well-planned, diverse, and economically viable new communities. It also seeks to foster private enterprise involvement and encourage collaboration between developers and community authorities to implement new community development programs.

Section 349.03 - Initiation of Proceedings for Organization of New Community Authority:

The organization of a new community authority starts with a petition filed by the developer. The petition must include key details such as the name, location, boundaries, zoning, development plans, and economic feasibility of the new community district. After reviewing the petition, the organizational board schedules a public hearing to determine whether the new community authority should be established. The board may approve, reject, or amend the petition based on public health, safety, and welfare criteria. Developers can also modify the boundaries of the community district, with further petitions subject to review.

Summary of Section 349.04 (Method of Selecting Board of Trustees):

The process for selecting the board of trustees for a new community authority involves several steps:

1. **Initial Appointment:** Within ten days of the authority's establishment, an initial board of trustees is appointed. This includes:
 - At least three but no more than six citizen members (representing residents and employers).
 - One member representing local government.
 - A number of developer-appointed members equal to the number of citizen members.
2. **Terms:** Trustees serve two-year overlapping terms, with an initial mix of one-year and two-year terms for both citizen and developer members.
3. **Transition to Elected Board:** The organizational board of commissioners will establish a method for transitioning to an elected board. The replacement of appointed members with elected ones will occur based on the district's population growth:
 - Citizen members will be replaced according to population milestones.
 - Developer representatives will be replaced similarly, with their replacement schedule based on the number of developer members.
 - The local government representative will be replaced once the district reaches three-quarters of its projected population.
4. **Elections:** Elected citizen members must be residents and qualified electors of the new community district. The organizational board will decide the timing and manner of these elections.
5. **Alternative Selection Methods:** The board of commissioners may adopt alternative methods for selecting or electing trustees, but such methods must adhere to specific rules if they involve boards established before March 22, 2012.
6. **Vacancies and Removal:** Vacancies in non-developer positions can be filled by appointment, while developer-appointed members can be removed by the developer. All members must take an oath and post a bond for their duties.
7. **Board Operations:** The board will elect its officers (chairperson and vice-chairperson) and appoint a secretary and treasurer. The board has the power to delegate tasks and make decisions with a majority quorum, ensuring that developer-appointed members' votes do not imply civil or criminal liability for conflicts of interest.

This section ensures the board is representative of various interests and provides a clear process for transitioning to an elected governance structure while maintaining operational and fiduciary responsibilities.

Summary of Section 349.05 (Restricting Power and Authority of New Community Authority):

A new community authority, created under Ohio law, is a corporate entity with specific powers granted by Chapter 349. However, its authority does not extend over zoning, fire or police services, or water and sewage unless these services are unavailable from other government entities. The authority's police powers do not override municipal police powers, and in cases of conflict, municipal regulations prevail. Additionally, city, county, and regional planning commissions maintain jurisdiction over planning and development within the new community district, and municipal laws remain valid despite the authority's powers.

Key Points:

- The authority's powers are limited and must defer to city, county, or township powers.
- No control over zoning, police/fire protection, or certain utilities unless necessary.
- Police powers of municipal entities take precedence in case of conflict.
- Planning commissions maintain their jurisdiction, and local laws are still effective.

Summary of Section 349.06 (Power and Authority of New Community Authority):

A new community authority has broad powers to support its development and management objectives, including:

1. **Property Management:**
 - Acquire, improve, sell, lease, or dispose of real and personal property.
 - Enhance the aesthetics and maintenance of areas within the district.
2. **Community Services:**
 - Provide and sponsor recreational, educational, social, and other community activities.
 - Set and collect fees for services and community development programs.
3. **Governance and Operations:**
 - Adopt rules for community facility use.
 - Hire necessary staff, set duties, and manage compensation and bonds.
 - Sue and be sued, make contracts, and handle all aspects of community development.
4. **Financial Activities:**
 - Apply for grants and loans, issue bonds, and secure insurance.
 - Maintain funds and reserves for efficient operation.
5. **Educational Agreements:**
 - Collaborate with school districts to manage property and facilities for educational purposes.
6. **Planning and Development:**
 - Prepare and execute development plans, work with planning commissions, and manage land acquisitions and development.
7. **Bonding and Covenants:**
 - Issue bonds for funding, enforce land covenants, and manage community development charges.
8. **Property Appropriation:**
 - Approve and appropriate necessary property within the district for community facilities.
9. **Cooperative Agreements:**
 - Enter into agreements for services, materials, and revenue sharing to support development programs.

These powers enable the authority to effectively manage and develop the community, ensuring its growth and operational efficiency.

Summary of Section 349.07 (Payment of Community Development Charge):

1. Covenants and Agreements:

- Any covenant or agreement in deeds, contracts, leases, or other instruments that obligates payment of a community development charge is considered a covenant running with the land. This means it is binding on current and future property owners.
- Such covenants are enforceable by the new community authority once recorded in the county land records.

2. Enforceability of Purchase Agreements:

- For a real estate purchase agreement to be enforceable regarding a property with a community development charge, the agreement must specifically reference the charge and its recording details.
- If these details are missing, the covenant remains valid and enforceable by the community authority.

3. Collection and Lien:

- The community authority can certify the development charge to the county auditor, who will list the charge on the property tax records.
- Unpaid charges become a lien on the property and are collected like property taxes, with collected charges paid directly to the new community district.

4. Impact on Municipal Taxing Powers:

- The establishment of a community development charge does not affect or limit the taxing powers of municipal corporations.

Summary of Section 349.071 (Class Actions Affecting Encumbrances Relating to Real Property Within New Community District):

1. Class Action Rights:

- Owners or residents of real property within a new community district who are affected by an encumbrance (e.g., easements, covenants, community development charges) can file a lawsuit as representative parties on behalf of all affected individuals.
- Such actions may be maintained as class actions and will follow the procedural rules of the court where the action is brought.

2. Definition of Encumbrance:

- The term "encumbrance" includes easements, covenants, conditions, restrictions, community development charges, or any similar burden related to real property in the district.

Summary of Section 349.08 (Issuing Bonds):

1. Issuance of Bonds and Notes:

- A new community authority can issue bonds and notes to finance costs related to land acquisition, development, or community facilities.
- The authority can also issue renewal notes, refund bonds, or bonds to partially refund existing bonds.

2. Pledges and Liens:

- Bonds or notes are payable from a pledged income source, with the pledge valid and binding from the time it is made. The pledge does not need to be filed or recorded beyond the authority's records.

3. Bond Characteristics:

- Bonds and notes are authorized by the board of trustees and can be sold at public or private sales.
- They will have terms such as maturity dates, interest rates, denominations, and redemption conditions as specified by the board.

4. **Execution and Validity:**
 - Bonds and notes are executed by officers of the authority, and signatures or facsimile signatures are valid even if the officers leave office before delivery.
5. **Resolution Provisions:**
 - Authorizing resolutions may include provisions for pledging income sources, securing payments, and managing funds. They may also include limitations and conditions related to the issuance and use of bonds and notes.
6. **Liability:**
 - Board members and individuals executing the bonds or notes are not personally liable for them.

Summary of Section 349.09 (Issuance of New Community Authority Bonds and Notes Exempt from Bond Laws):

- **Exemption from General Bond Laws:** The issuance of new community authority bonds and notes, including refunding bonds, is exempt from compliance with other laws that typically govern bond issuance.
- **Applicable Laws:** Despite the exemption, the issuance must still comply with specific sections (9.98 and 9.981 to 9.983) of the Revised Code.

Summary of Section 349.10 (Bonds Secured by Trust Agreement):

- **Securing Bonds:** Community authority bonds, notes, and refunding bonds issued under Chapter 349 can be secured by a trust agreement or mortgage indenture with a corporate trustee, such as a trust company or bank.
- **Pledge and Mortgage:** The trust agreement or mortgage can pledge the authority's income sources and may include a mortgage on land and community facilities financed by the bonds.
- **Provisions in Agreements:** The agreement may include provisions to protect bondholders, noteholders, and guarantors, covering duties related to land and facility management, financial arrangements, and use of proceeds.
- **Indemnification and Rights:** Depository banks or trust companies may provide indemnity bonds or pledge securities as required. The agreement can outline the rights and remedies of all parties involved and may restrict individual actions by bondholders.
- **Expenses and Administration:** Costs associated with the trust agreement or indenture, including administrative overhead, may be treated as part of the cost of community facilities.

Summary of Section 349.11 (Bondholder Rights):

Bondholders, guarantors, and trustees of new community authority bonds or notes have the right to:

- **Protect and Enforce Rights:** Use legal actions, such as suits or mandamus, to protect and enforce their rights under state law, the relevant chapter, trust agreements, indentures, or resolutions.
- **Compel Performance:** Ensure the new community authority or its officers fulfill their duties, including the setting, charging, and collecting of fees and charges as required by the applicable agreements.

Summary of Section 349.12 (Investing Funds):

Funds of the new community authority, unless restricted by bond resolutions, trust agreements, or related documents, can be invested in:

- **Government Securities:** Notes, bonds, or obligations of the United States or its agencies.
- **State and Local Obligations:** Bonds or obligations of the state or its political subdivisions.
- **Money Market Funds:** No-load mutual funds exclusively investing in U.S. government obligations.
- **Repurchase Agreements:** Secured by U.S. government obligations, including those issued by the fiduciary.
- **Collective Investment Funds:** Compliant with specific regulations and consisting exclusively of U.S. securities.

Income from these investments is credited to the respective funds, and investments may be sold as deemed appropriate by the authority.

Summary of Section 349.13 (Agreements with Other Governmental Entities or Agencies):

Governmental entities or agencies may, upon request from the new community authority, transfer or receive property or interests without needing to follow formal procedures like advertisement or court orders. This includes leasing, lending, granting, or conveying real and personal property necessary for the new community development program. If the governmental entity is also the developer, it can contract with the new community authority for coordination and management services related to the development program.

Summary of Section 349.14 (Election on Question of Dissolution of Authority):

A new community authority can only be dissolved through a special election where a majority of voters in the district must approve the dissolution. This election can only occur after:

1. The new community development program is complete.
2. All community authority bonds and notes are paid off.
3. All other legal debts are settled.
4. A petition from at least 8% of the district's voters is submitted requesting the election.

If voters approve, the board of trustees will declare the authority dissolved and file the resolution with relevant clerks within fifteen days.

Upon dissolution:

- The authority's powers end.
- Property of the authority transfers to a municipal corporation, county, or township, or to the developer or their designee, depending on acceptance by local legislative bodies.
- Funds at dissolution are distributed to the municipal corporation, county, or township based on the assessed valuation of property within those areas.

Summary of Section 349.15 (Municipal Annexation):

If a new community district is annexed by a municipal corporation, the new community authority remains in existence. It continues to manage the new community development program and is still responsible for any bonds or notes issued, pursuant to section 349.08 of the Ohio Revised Code, for the district.

Summary of Section 349.16 (Liberal Construction of Chapter):

Chapter 349 of the Revised Code should be interpreted broadly to fulfill its intended purposes.

ORDINANCE 2024-52

CREATING THE MONROE MEADOWS TAX INCREMENT FINANCING INCENTIVE DISTRICTS; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN EACH INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; REQUIRING THE DISTRIBUTION OF A PORTION OF THOSE SERVICE PAYMENTS TO THE TECUMSEH LOCAL SCHOOL DISTRICT AND THE SPRINGFIELD-CLARK CAREER TECHNOLOGY CENTER; AND SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR SERVE PARCELS IN THE INCENTIVE DISTRICT.

WHEREAS, this Council desires to facilitate the development of a residential subdivision with approximately 294 single-family residential units within the City in order to increase available housing options within the City (the “*Project*”); and

WHEREAS, in order to develop the Project, it is necessary to construct certain public infrastructure improvements; and

WHEREAS, this Council, pursuant to ORC Sections 5709.40, 5709.42 and 5709.43 (collectively, the “*TIF Act*”), is authorized to declare improvements to real property to be a public purpose, exempt those improvements from real property taxation, and require owners of the real property to make service payments in lieu of taxes in an amount equal to such exempted taxes and require the distribution of a portion of the service payments to the Tecumseh Local School District and the Springfield-Clark Career Technology Center; and

WHEREAS, to facilitate the development of the Project and pay the associated costs of the necessary public infrastructure improvements from service payments in lieu of taxes, this Council has determined to create the Monroe Meadows Incentive District #1, Monroe Meadows Incentive District #2, Monroe Meadows Incentive District #3, Monroe Meadows Incentive District #4, Monroe Meadows Incentive District #5, Monroe Meadows Incentive District #6, (each an “*Incentive District*”, and collectively the “*Incentive Districts*”) pursuant to the TIF Act, the boundaries of which shall be coextensive with the boundaries of, and will include, the parcels of real property within each Incentive District specifically identified and depicted in Exhibit A attached hereto (as currently or subsequently configured, the “*Parcels*”, with each of those parcels referred to herein individually as a “*Parcel*”).

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

Section 1. Incentive District Findings and Determinations; Creation of Incentive District. This Council hereby: (i) adopts the Economic Development Plan for the Incentive Districts now on file with the Clerk of the City Council, (ii) accepts and adopts the City Engineer’s certification to this Council and

the City Engineer's findings set forth therein (a) that the public infrastructure serving the Incentive Districts is inadequate to meet the development needs of the Incentive District as evidenced by the Economic Development Plan and (b) that each Incentive District is less than 300 acres in size and enclosed by a contiguous boundary, (iii) finds and determines that the Project will place additional demand on the Public Infrastructure Improvements within each Incentive District, (iv) finds and determines that the City sent written notice of the public hearing regarding this ordinance by first class mail to each owner of real property within each of the proposed Incentive Districts at least 30 days prior to such hearing, which notice included a map of the proposed Incentive District as well as the overlay area required by ORC Section 5709.40(C)(2), (v) finds and determines that this Council has not received a request from the owner of any real property within any of the proposed Incentive Districts to exclude that owner's property from the Incentive District, (vi) finds and determines that notice of this ordinance has been delivered to the Board of Education of Tecumseh Local School District and the Board of Education of Springfield-Clark Career Technology Center in accordance with and within the time periods prescribed in ORC Sections 5709.40 and 5709.83, and (vii) finds and determines that notice of this ordinance was delivered to the Clark County Board of County Commissioners in accordance with and within the time periods prescribed in ORC Sections 5709.40, and that the City did not receive an objection from the Board of County Commissioners with respect to this ordinance. This Council hereby ratifies the giving of all such notices. Pursuant to the TIF Act, this Council creates the Incentive District, the boundaries of which are coextensive with the boundaries of, and include, the Parcels specifically identified and depicted in Exhibit A attached hereto.

Section 2. Public Infrastructure Improvements. This Council designates the following public infrastructure improvements, together with any public infrastructure improvements hereafter designated by ordinance, as public infrastructure improvements made, to be made or in the process of being made by the City that benefit or serve, or that once made will benefit or serve, the Parcels within each Incentive District (the "*Public Infrastructure Improvements*"): roadway improvements including, without limitation, construction of roadway improvements, acquisition of related rights of way and easements, water system improvements, sanitary sewer improvements, storm drainage improvements, pedestrian sidewalks and bike paths, street lights, gas facilities, electrical facilities and all appurtenances thereto, and the maintenance of roadway improvements within and adjacent to the Incentive Districts. The costs of the improvements include but are not limited to, those costs listed in ORC Section 133.15(B).

Section 3. Life of the Incentive District; Authorization of Tax Exemption. The life of each Incentive District commences with the first tax year in which at least \$2,000,000 (aggregate market value for all Parcels within the Incentive

District) of building Improvements would first appear on the tax list and duplicate of real and public utility property for Parcels within the applicable Incentive District were it not for the exemption granted in this ordinance and ends for each Incentive District on the earlier of (a) 30 years after such commencement for such Incentive District or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Act (the “*Incentive District Life*”).

Pursuant to and in accordance with the provisions of ORC Section 5709.40(C), this Council hereby declares that the increase in assessed value of each Parcel subsequent to the effective date of this ordinance (which increase in assessed value is hereinafter referred to as the “*Improvement*,” as defined in ORC Section 5709.40(A)) is a public purpose, with 100% of such Improvement to each Parcel exempt from taxation for the Incentive District Life for the applicable Incentive District.

Section 4. Service Payments and Property Tax Rollback Payments. Pursuant to ORC Section 5709.42, the owner of each Parcel is hereby required to make annual service payments in lieu of taxes with respect to the Improvement to that Parcel to the applicable county treasurer (the “*County Treasurer*”) on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established for real property taxes (collectively, the “*Service Payments*”), will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 3 of this ordinance. The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by ORC Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the “*Property Tax Rollback Payments*”), will be deposited and distributed in accordance with Section 6 of this ordinance.

Section 5. TIF Fund. This Council hereby establishes the New Carlisle Municipal Public Improvement Tax Increment Equivalent Fund (the “*TIF Fund*”) and, within such fund, an account for each Incentive District (the “*Monroe Meadows TIF Accounts*”). The TIF Fund shall be maintained in the custody of the City and the Monroe Meadows TIF Accounts shall receive all distributions to be made to the City pursuant to Section 6 of this ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each Parcel and so deposited pursuant to the TIF Act shall be used solely for the purposes authorized in the TIF Act and this ordinance (as it may be amended or supplemented). The Monroe Meadows TIF Accounts shall remain in existence so long as

such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the Monroe Meadows TIF Accounts shall be dissolved and any incidental surplus funds remaining therein transferred to the City's General Fund, all in accordance with the TIF Act.

Section 6. Distribution of Funds. Pursuant to the TIF Act, during the Incentive District Life for each Incentive District, the County Treasurer is requested to distribute to the Tecumseh Local School District and the Springfield-Clark Career Technology Center an amount equal to the amount that the school district and joint vocational school district would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvements from each Parcel if the improvement had not been exempted from taxation by this ordinance, and all remaining Service Payments to the City, for further deposit into the TIF Fund. The City shall use all such amounts deposited into the TIF Fund for payment of costs of the Public Infrastructure Improvements, including, without limitation, debt charges on any notes or bonds issued to pay or reimburse finance costs or costs of those Public Infrastructure Improvements. Such distributions required under this Section are requested to be made at the same time and in the same manner as real property tax distributions.

Section 7. Further Authorizations. This Council hereby authorizes and directs the City Manager, the Assistant City Manager, the Director of Law and the Finance Director, or other appropriate officers of the City to deliver a copy of this ordinance to the Ohio Department of Development and to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further authorizes the City Manager, the Assistant City Manager, the Director of Law and the Finance Director, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this ordinance.

Section 8. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including ORC Section 121.22.

Section 9. Effective Date. This ordinance is effective on the earliest date permitted by law.

Passed this _____ day of _____, 2024.

Bill Cook, Mayor

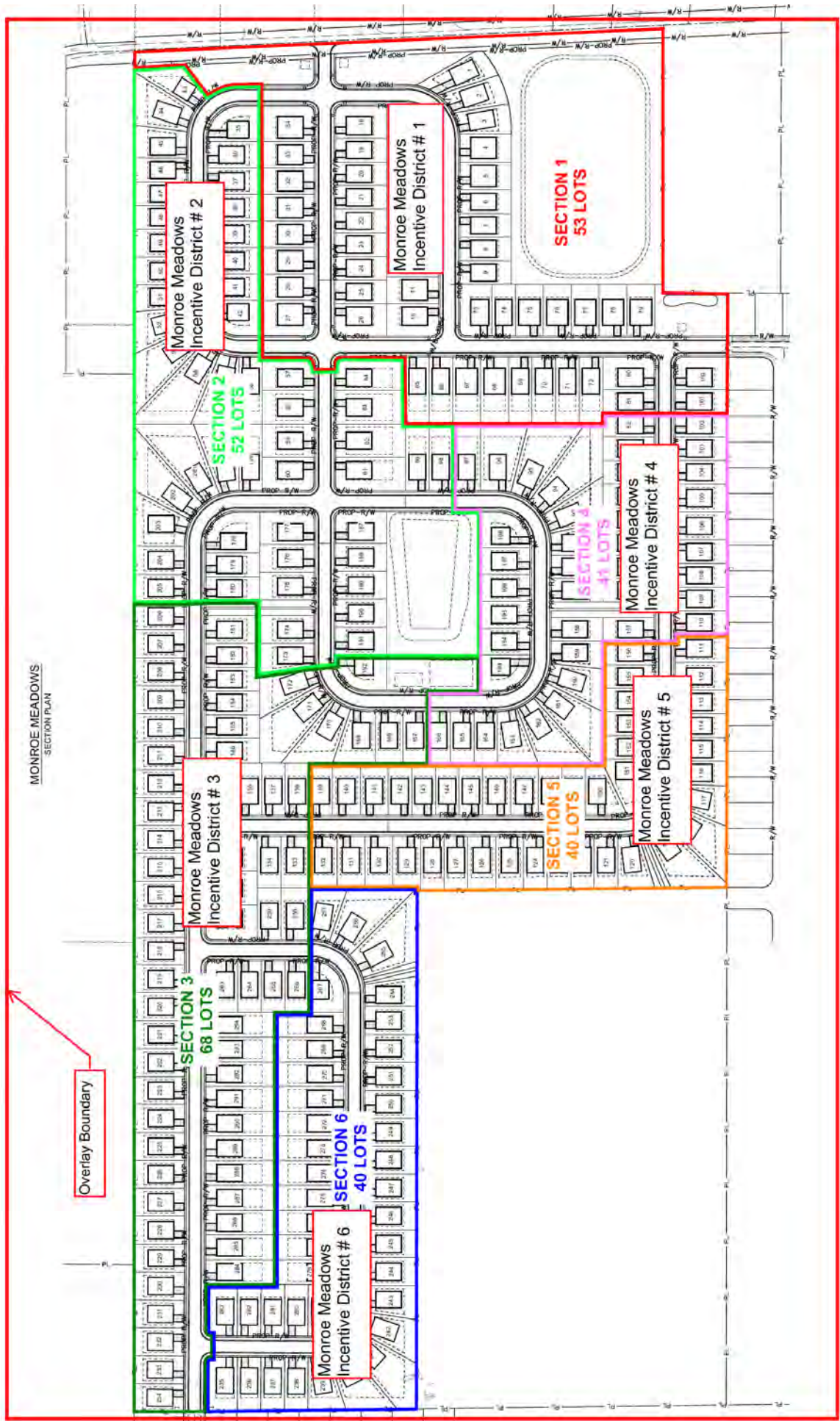
Emily Berner, Clerk of Council

APPROVED AS TO FORM:

Jake Jeffries, DIRECTOR OF LAW

Introduction and First Reading: 09/16/2024
Second Reading: 10/07/2024
Third Reading and Action: 10/21/2024
Effective Date of Legislation: 11/20/2024

_____ Wright	Y	N
_____ Bahun	Y	N
_____ Lindsey	Y	N
_____ Mayor Cook	Y	N
_____ V. Mayor Eggleston	Y	N
_____ Shamy	Y	N
_____ Grow	Y	N
Totals:		
	Pass	Fail



ORDINANCE 2024-57

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DIRECTOR OF PUBLIC SERVICE/ASSISTANT CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE CITY'S WATERMAIN AND SERVICE LINE REPLACEMENT PROJECT (DEV-2021-180945)

WHEREAS, the City of New Carlisle must replace certain lead service lines, main water lines and valves within the oldest section of the City, which includes Lake Ave., Jefferson St., Main St. and Clay St., for the purpose of meeting current Federal EPA and Ohio EPA guidelines (“Watermain and Service Line Replacement Project”); and

WHEREAS, the City of New Carlisle was awarded a Water and Wastewater Infrastructure Program Grant in the amount of \$2,392,041.00 through the Ohio Department of Development; and

WHEREAS, the City has reviewed and evaluated the bids for the Watermain and Service Line Replacement Project, which such project is also identified as (DEV-2021-180945); and

WHEREAS, the lowest and best bid for the Watermain and Service Line Replacement Project was submitted by Outdoor Enterprise, LLC, which is the responsible bidder who submitted the lowest responsive bid; and

WHEREAS, the City desires to accept Outdoor Enterprise, LLC's bid; and

WHEREAS, the amount of Outdoor Enterprise, LLC's bid was \$1,699,895.00; and

WHEREAS, due to the favorable bid amount, the City may extend the project to include additional watermain and service line work; and

WHEREAS, the total price of the Watermain and Service Line Replacement Project, and any additional work, will not exceed \$2,412,041.

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

- Section 1. The lowest and best bid, which is from the responsible bidder who submitted the lowest responsive bid, is hereby declared to be the bid submitted by Outdoor Enterprise, LLC per the attached bid tabulation sheet.
- Section 2. The City Manager, or the Director of Public Service/Assistant City Manager as the City Manager's designee, is authorized and directed to enter into an agreement and to execute all related documents with the successful bidder, Outdoor Enterprise, LLC, for the Watermain and Service Line Replacement Project (DEV-2021-180945) in accordance with the bid specifications, and may execute any and all other documents necessary for extending the project to include additional watermain and service line work.
- Section 3. The total price of the Watermain and Service Line Replacement Project, and any additional work, shall not exceed \$2,412,041.

Passed this _____ day of _____, 2024

Bill Cook, MAYOR

Chris Stapleton, CLERK

APPROVED AS TO FORM:

Jacob M. Jeffries, DIRECTOR OF LAW

Intro: 10/28/2024

Action: 11/12/2024

Effective: 11/27/2024

_____ Wright	Y	N
_____ Bahun	Y	N
_____ Lindsey	Y	N
_____ Mayor Cook	Y	N
_____ V. Mayor Eggleston	Y	N
_____ Shamy	Y	N
_____ Grow	Y	N
Totals:		
	Pass	Fail



Date

October 24, 2024

Attention

Howard Kitko

Address

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

Subject

Watermain and Service Line Replacement
CLA-NCA-2106

Dear Mr. Kitko:

Enclosed are the sign in sheet, bid tabulation, bid analysis, and the original bidding documents for the Watermain and Service Line Replacement.

Through our evaluation of all bid documents submitted, Outdoor Enterprise, LLC, of Troy, Ohio, appears to be the lowest, responsible bidder.

Please execute and return the enclosed Notice of Award, at which time we will forward Contract Documents, along with the executed Notice of Award, to Outdoor Enterprise, LLC

If you should have any questions or concerns, please feel free to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Shuman", with a long horizontal flourish extending to the right.

Andrew T. Shuman
Project Manager

W. Central Ohio/E. Indiana
440 E. Hoewisher Rd.
Sidney, OH 45365
937.497.0200 Phone

S. Ohio/N. Kentucky
8956 Glendale Milford Rd., Suite 1
Loveland, OH 45140
513.239.8554 Phone

www.CHOICEONEENGINEERING.com



Name	Present?	Company	Phone	E-Mail
Andrew T. Shuman	x	Choice One Engineering	937-497-0200	ats@choiceoneengineering.com
Zach Borchers	x	Choice One Engineering	937-497-0200	zeb@choiceoneengineering.com
Howard Kitko		City of New Carlisle	937-845-9492	hkitko@newcarlisleohio.gov
SCOTT PEARSON		P.G. CONSTRUCTION	937-866-7166	SCOTTCGCONSTRUCTION@SUCHIO. TWCIFL.COM performance514dev@gmail.com
Rusty Timko		Performance Site Dev	937-475-5203	
Jake Evans		Outdoor Enterprise	937-733-3224	Jake@outdoor-enterprise.com
Andrew Cude		Milcon	937-339-6274	andrew@milcon-inc.com
ADAM STURM		STURM CONSTRUCTION INC	937-726 0330	STURMCON@HOTMAIL.COM
Rob Byer		Ranger Earthworks	937-903-8000	rangerearthworks@outlook.com
STEVE GRITMAN		ET PRESCOTT	937-238-3977	STEVE.GRITMAN@PRESCOTT-PA
GREG HUBBARD	x	MET EXCAVATING	937-543-8228	GREG@METEXCAVATINGOH.COM
Bret Blasing	x	TOM'S CONSTRUCTION	419-675-2457	blasing.tomsconstruction@aol.com
Miku Holland		J.J. Schlaugel	937-652-1898	
Evan Jones	x	Double Jay	937-552-7821	evan@doublejayinc.com

	Outdoor Enterprise, LLC	M&T Excavating	Milcon Concrete Inc.	Sturm Construction Inc.	J&J Schlaegel, Inc.	Tom's Construction, Inc.	C.G. Construction & Utilities, Inc	Double Jay Construction, Inc.	Performance Site Development	Ranger Earthworks	Majors Enterprises Inc.
Unit & Total Bid Correspond	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Receipt of Addenda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Signature Page	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Bid Security	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Personal Property Tax	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

NOTICE OF AWARD

Owner: City of New Carlisle
Project: Watermain and Service Line Replacement
Bidder: Outdoor Enterprise, LLC
Bidder's Address: 3655 W. State Route 571, Troy, Ohio 45373

TO BIDDER:

You are notified that Owner has accepted your Bid dated 10/24/2024 for the above Project, and that you are the Successful Bidder and are awarded a Contract for:

Replacement of water main and water services to the right of way on Clay Street, Church Street, Washington Street, Jackson Street, and Lincoln Street.

The Contract Price of the awarded Contract is: \$1,699,895.00

One unexecuted counterparts of the Agreement accompany this Notice of Award, and a copy of the Contract Documents has been made available to Bidder electronically. The Drawings will be delivered separately from the Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement the Contract security and insurance documentation as specified in the Instructions to Bidders and General Conditions, Articles 2 and 6.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement.

Owner: City of New Carlisle

Authorized Signature

By: Howard Kitko

Title: Service Director/Assistant City Manager

Date of Issuance: _____

ORDINANCE 2024-58

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR THE DIRECTOR OF PUBLIC SERVICE/ASSISTANT CITY MANAGER, TO ENTER INTO A CONTRACT FOR THE PURCHASE OF WATER SOFTENING ROCK SALT

WHEREAS, it is necessary to provide rock salt to the Water Plant of New Carlisle, Ohio for the purpose of water softening; and

WHEREAS, bids for the furnishing of rock salt for this purpose have been received, reviewed and evaluated.

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

SECTION 1. It is determined that the best bid received by the City was submitted by Morton Salt, Inc. in the amount of \$136.65 per ton for the time period of January 1, 2025 through December 31, 2025.

SECTION 2. The City Manager, or the Director of Public Service/Assistant City Manager as the City Manager’s designee, is authorized and directed to enter into a purchase contract on behalf of the City of New Carlisle with the successful bidder, as stated in Section 1 hereof, in accordance with the documents contained in the rock salt bid packet.

Passed this _____ day of _____, 2024

Bill Cook, MAYOR

Chris Stapleton, CLERK

APPROVED AS TO FORM:

Jacob M. Jeffries, DIRECTOR OF LAW

Intro: 11/04/2024
Action: 11/18/2024
Effective: 12/03/2024

_____ Wright	Y	N
_____ Bahun	Y	N
_____ Lindsey	Y	N
_____ Mayor Cook	Y	N
_____ V. Mayor Eggleston	Y	N
_____ Shamy	Y	N
_____ Grow	Y	N
Totals:		
	Pass	Fail

ORDINANCE 2024-59

AN ORDINANCE AMENDING CHAPTER 276 OF THE CODIFIED ORDINANCES OF NEW CARLISLE FOR THE PURPOSE OF ESTABLISHING PARKS AND RECREATION AND PUBLIC SERVICE COMMISSIONS, AND TO PROVIDE GUIDELINES FOR COMMISSIONS

WHEREAS, Chapter 276 of the Codified Ordinances of the City of New Carlisle addresses boards and commissions; and

WHEREAS, the City of New Carlisle recognizes that parks and recreation, and public service enhance the quality of life of its residents; and

WHEREAS, the establishment of dedicated parks and recreation, and public service commissions will facilitate community engagement, oversight and the development of effective programs; and

WHEREAS, the attached amendments to Chapter 276 of the Codified Ordinances will establish the parks and recreation and public service commissions, and provide guidelines for those and other commissions.

NOW, THEREFORE, THE CITY OF NEW CARLISLE HEREBY ORDAINS that Chapter 276 of the Codified Ordinances of the City of New Carlisle be amended by adding Sections 276.03, 276.04 and 276.05 as set forth on Exhibit A attached to this ordinance.

Passed this _____ day of _____, 2024.

Bill Cook, Mayor

Chris Stapleton, Clerk of Council

APPROVED AS TO FORM:

Jake Jeffries, DIRECTOR OF LAW

_____ Wright	Y	N
_____ Bahun	Y	N
_____ Lindsey	Y	N
_____ Mayor Cook	Y	N
_____ V. Mayor Eggleston	Y	N
_____ Shamy	Y	N
_____ Grow	Y	N

Totals:		
	Pass	Fail

Introduction and First Reading: 11/04/2024
Second Reading and Action: 11/18/24
Effective Date of Legislation: 12/03/2024

CHAPTER 276

Boards and Commissions

276.01 Removal of Council-appointed Board or Commission member.

276.02 Eligibility for boards and commissions.

276.03 *Establishment of Commissions.*

276.04 *Parks and Recreation Commission.*

276.05 *Public Service Commission.*

276.01 REMOVAL OF COUNCIL-APPOINTED BOARD OR COMMISSION MEMBER.

Members of any Board or Commission appointed by City Council shall be subject to removal from office for nonperformance of duty, misconduct in office, or other cause determined sufficient by Council upon written charges having been filed with Council by any interested party and after a public hearing has been held by Council regarding such charges. A copy of the charges shall be served upon the Board or Commission member so charged at least ten days prior to the hearing, either personally or by registered mail, or by leaving the same at their last know place of residence. The Board or Commission member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by Council and shall be for the unexpired term of the removed Board or Commission member.

(Ord. 12-51. Passed 9-17-12.)

276.02 ELIGIBILITY FOR BOARDS AND COMMISSIONS.

Each Title Eight board or commission member at the time of his or her appointment and throughout the term of his or her appointment shall be a registered voter in and a resident of the City of New Carlisle. The Council shall be sole judge of the eligibility required by this section.

(Ord. 2020-09. Passed 2-18-20.)

276.03 ESTABLISHMENT OF COMMISSIONS.

(a) Notwithstanding anything contained in Chapter 276 to the contrary, City Council shall have the authority to create or establish commissions, temporary or otherwise, by ordinance, and may restructure or discontinue any such commission created or established under this Chapter by ordinance.

(b) Any commission established pursuant to this Chapter shall report directly to City Council regarding the commission activities, recommendations and initiatives, and shall provide any such documents and information requested by City Council.

(c) Any commission established under this Chapter shall be responsible for drafting and following its own bylaws and submitting such bylaws to City Council for prior approval. In cases of conflict between

the commission's bylaws and the City's Charter or Codified Ordinances, the City's Charter or Codified Ordinances shall prevail.

276.04 PARKS AND RECREATION COMMISSION.

- (a) Purpose. To assist with the oversight of and recommend policies and programs related to parks and recreation, and community events within the City.*
- (b) Membership. The commission shall consist of five members appointed by City Council. Such members shall serve without compensation.*

276.05 PUBLIC SERVICE COMMISSION.

- (a) Purpose. To assist with the oversight of and recommend policies and programs related to public service, including sanitation, utilities and infrastructure.*
- (b) Membership. The commission shall consist of five members appointed by City Council. Such members shall serve without compensation.*

ORDINANCE 2024-60

AN ORDINANCE AMENDING THE CITY OF NEW CARLISLE'S ZONING CODE TO
ADD SOLAR ENERGY REGULATIONS

WHEREAS, Part Twelve, Title Six of the Codified Ordinances of the City of New Carlisle sets forth the City's zoning code; and

WHEREAS, an amendment to the zoning code is necessary to address solar energy systems in the City; and

WHEREAS, the Planning Director prepared Chapter 1295 – Solar Energy Regulations, a copy of which is attached hereto as Exhibit A, for the purpose of adding regulations for solar energy systems in the City; and

WHEREAS, before the City's zoning code can be properly amended, the Planning Board and City Council must adhere to the procedures set forth in Chapter 1242 - Amendments; and

WHEREAS, on September 17, 2024, the Planning Board voted in favor of recommending that Chapter 1295 - Solar Energy Regulations be added to the zoning code; and

WHEREAS, City Council received the Planning Board's recommendation on October 7, 2024; and

WHEREAS, division (a) of Section 1242.11 requires Council to either adopt or deny the recommendation of the Planning Board or adopt some modification thereof in accordance with Section 4.14 of the City Charter; and

WHEREAS, City Council finds it to be in the best interests of the health, safety and welfare of the City and its inhabitants to adopt the Planning Board's recommendation and approve the addition of Chapter 1295 - Solar Energy Regulations to the zoning code; and

WHEREAS, the procedure to amend the zoning code, as set forth in Chapter 1242 of the Codified Ordinances, has been followed.

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

SECTION 1. Part Twelve, Title Six of the Codified Ordinances of the City of New Carlisle is hereby amended by adding Chapter 1295 – Solar Energy Regulations, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Passed this _____ day of _____, 2024.

Bill Cook, Mayor

Chris Stapleton, Clerk of Council

APPROVED AS TO FORM:

Jake Jeffries, DIRECTOR OF LAW

_____ Wright	Y	N
_____ Bahun	Y	N
_____ Lindsey	Y	N
_____ Mayor Cook	Y	N
_____ V. Mayor Eggleston	Y	N
_____ Shamy	Y	N
_____ Grow	Y	N
	<hr/>	
Totals:		
	Pass	Fail

Introduction and First Reading: 11/04/2024
Second Reading and Action: 11/18/24
Effective Date of Legislation: 12/18/2024

CHAPTER 1295
Solar Energy Regulations

EXHIBIT A TO
ORDINANCE
2024-60

- [1295.01](#) Intent
- [1295.02](#) Definitions.
- [1295.03](#) Scope of Regulations
- [1295.04](#) Permit Required
- [1295.05](#) Procedure for Permit Application Review
- [1295.06](#) Design and Performance Standards
- [1295.07](#) Non-Conforming Solar Panel Systems

1295.01 INTENT.

It is the intent of this chapter to establish reasonable regulations governing the construction, modification, operation, and abandonment by discontinuation of use of solar energy systems in the City of New Carlisle, subject to reasonable conditions that will protect the public health, safety, and welfare while preserving the enjoyment of private property, promoting orderly land use, and development; allowing the safe, effective, and efficient use of solar energy systems. Solar energy systems shall be considered permitted use in any zoning district, subject to the requirements of any other applicable chapter of this Code. In addition, this chapter provides a permitting process for solar energy systems to ensure compliance with the provisions of the requirements and standards established herein.

1295.02 DEFINITIONS.

As used in this chapter:

- (1) "Abandonment" means choosing to give up or discontinue use of the solar energy generation system in whole or part.
- (2) "Alternating-current (ac) module" means a complete, environmentally protected unit consisting of solar cells, optics, inverter, and other components, exclusive of tracker, designed to generate ac power when exposed to sunlight.
- (3) "Applicant" means the person or entity filing an application under this Chapter.
- (4) "Array" means a mechanically integrated assembly of modules or panels with a support structure and foundation, tracker, and other components, as required, to form a direct-current power producing unit.
- (5) "Facility owner" means the entity or entities having equity interest in the solar energy facility, including their respective successors and assigns.
- (6) "Ground mount" means a solar electrical system that is mounted directly to ground mounted structure instead of solely on a building wall or roof.
- (7) "Operator" means the entity responsible for the day-to-day operation and maintenance of the solar energy system.
- (8) "Solar cell" means the basic photovoltaic device that generates electricity when exposed to light.
- (9) "Solar energy system (active or passive)" means the equipment, assembly or building construction and requisite hardware that provides and is used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating, electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. Such systems include Passive Solar Energy Systems that capture the Sun's energy in building design and construction components; Solar Thermal Energy Systems that convert sunlight to heat as in a hot water tank or swimming pool; and Photovoltaic Solar Energy Systems that convert sunlight to electricity.
- (10) "Solar panel" means one of any type of assembly that produces energy, either electrical, heat or hot water for use or distribution include PV (Photovoltaic) an electrical device consisting of an array of connected solar cells, heat collectors and interstitial spaces including Trombe panels, or hydronic panels for water heating systems.

(11) "Solar photovoltaic systems" means the total components and subsystems that, in combination convert solar energy into electrical energy suitable for connection to utilization load.

1295.03 SCOPE OF REGULATIONS.

(a) Solar energy systems shall be permitted or conditionally permitted in all zoning districts.

(b) No solar energy system shall be erected, constructed, installed, or modified, except as permitted in Section [1295.05](#), without first receiving a zoning permit pursuant to Section [1244.10](#).

1) No person shall construct, erect, maintain, extend, or remove a solar system in any zoning district in the City without compliance with the provisions of this chapter and applicable related requirements of the entire ordinance.

(2) Solar energy systems constructed prior to the effective date of this chapter shall not be required to meet the requirements of this code; unless any physical condition or modification renders such system un-repairable or unusable. If any pre-existing solar energy system is damaged or destroyed such an extent that is cannot be returned to original service, or any such damage or modification creates an unsafe condition it shall be replaced or removed in conformity to this chapter and pursuant to Chapter [1295.07](#), [1282.06](#)

A. Like-kind replacements of panels shall not require applicable electrical and general building permits.

B Like-kind replacements of entire ground-mount solar energy systems shall require proper zoning approval and applicable electrical/building permits.

1295.04 PERMIT REQUIRED

(a) A solar energy system permit pursuant to the provisions of Section [1240](#) Title 6 of the "Zoning Code of the Municipality of New Carlisle, Ohio" shall be required for each solar energy system unless specifically exempted by this chapter.

(b) A solar energy system for which a permit has been issued shall not be modified, relocated, altered, or replaced, nor shall design elements of any building or lot upon which such solar energy system is maintained be modified, relocated, altered, or replaced, if any such design element constituted a basis for approval of such sign; unless an amended or new permit is obtained consistent with these regulations.

(c) Ground-mounted solar energy systems in Residential, R-Pud, and General Business Districts are required to have a Conditional Use permit. See Chapter [1244.10](#) of the Zoning Code.

1295.05 PROCEDURE FOR PERMIT APPLICATION REVIEW.

In accordance with Section [1244.10](#) – Zoning Permit Required, a solar energy system shall be subject to receiving a zoning permit prior to installation or modification thereof. Ground-mounted solar energy systems in Residential, R-Pud, Central Business and General Business Districts are required to also have a Conditional Use permit

The issuance of a zoning permit shall comply with the following requirements:

1. Site plan review. A site plan shall be submitted for review. The following items shall be the minimum requirements for a complete application. The need for outside assistance in order to fully review the proposed solar energy system, as determined by the City, shall come at the applicant's own expense. The site plan shall include the following:
 2. Property lines and physical dimensions of the applicant's property.
 3. Location, dimensions, and types of existing structures on the property.
 4. Location and dimensions of the proposed solar energy system with setback requirements.
 5. All overhead utility lines.
 6. The site plan must be prepared and stamped by a professional engineer or surveyor licensed to practice in the State of Ohio.
 7. Solar energy system specifications, including manufacturer, model, number of solar panels and mounting equipment.

8. Documentation shall be provided regarding the notification with the utility of intent regarding the applicant's installation of a solar energy system if the solar energy system will be connected to the power grid.
9. Foundation blueprints for ground mounted solar energy systems.
10. Evidence of compliance or non-applicability with all applicable Federal, State, and local laws, rules and regulations.
11. Compliance with all requirements of the zoning district in which the solar energy system will be located.
12. Documentation providing the City of New Carlisle permission to enter the rear yard premises of a residential and nonresidential property for inspections and code compliance.
13. Documentation from property owner providing permission to install Solar Energy Systems

1295.06 DESIGN AND PERFORMANCE STANDARDS

(1) Lighting. Solar energy systems shall be lit only if required by an applicable authority. Lighting of other parts of the solar energy systems, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting structures.

(2) Appearance and Signage. The factory or original equipment manufacturer identification and/or logo are permitted. Required signage and emergency services disconnect placard shall be appropriate warning signs (Danger-High Voltage or Caution-Electrical Shock Hazard or any other recognized safety precaution signage) installed at the base of the solar array.

(3) Building Permits are required by Clark County Ohio.

(4) Electrical Permits are required by Clark County Ohio.

(5) Utility Notification. Permits for solar energy systems shall not be issued until evidence has been provided that the utility company approves the customer's intent to install an interconnected customer-owned generator. Applicant shall supply the letter of approval from the utility company at the time of application.

(6) Completion. A solar energy system installation shall commence within six months of the issuance of the zoning permit and shall be completed and operational within one year from the date of commencement of installation. Commencement of installation shall be the date the solar panels are placed into position. If the solar energy system is not completed within the stated time period, the facility owner or operator or the landowner shall be required, at his or their expense, to complete decommissioning of the site within 180 days without exception.

(7) Solar Access Easements. Ohio R.C. 5301.63 sets forth the requirements for solar access, for the purpose of ensuring adequate access of solar energy collection devices to sunlight, any person may grant a solar access easement. Such easements shall be in writing and subject to the same conveyance and recording requirements as other easements. Any instrument creating a solar easement shall be recorded in the Clark County Recorder's Office.

(8) Installation. Solar Panels must be installed in accordance with the manufacturer's design and operation standards, as well as all local county, state, and federal guidelines. Reasonable access for emergency response shall be provided to all solar systems and components including a twenty-four (24) inches clear area around all flat-roof or ground-mounted solar array(s).

(9) Roof-Mounted. Roof-mounted solar energy systems shall be permitted in all zoning districts provided the roof-mounted solar system meets all other requirements of the zoning and building regulations, including design review, and all applicable local and state fire and building codes. Pitched roof-mounted arrays shall be parallel to the roof. The distance between the roof and the uppermost portion of the solar panels shall not exceed eighteen (18) inches. Pitched-roof-mounted solar systems shall not be located within thirty-six (36) inches of the edge of the roof. Roof-mounted panels on a flat roof shall not project vertically more than five (5) feet from the surface of the roof and shall be buffered as prescribed by the Zoning Code.

A. Roof mounted solar energy systems located on a flat roof, the horizontal portion of a mansard roof or a roof surrounded by a parapet shall be set back a minimum of five feet from all edges of the roof.

B. Roof mounted solar energy systems located on a pitched roof must be set back a minimum of three feet from the edge of the roof and ridgeline.

C. Roof mounted solar energy systems shall not be located on a front building elevation, or on any elevation facing within ninety degrees of the front building elevation.

Height.

(1) Ground mounted solar energy systems may not exceed fifteen feet in height as measured from the ground to the maximum height of the solar energy system.

(2) Roof mounted solar energy systems located on a flat roof, the horizontal portion of a mansard roof or a roof surrounded by a parapet shall be mounted flush or on racks, with the panel or rack extending no more than five feet above the highest point on the roof excluding chimneys, antennae, parapets, and other similar projections.

(3) Roof mounted solar energy systems located on a pitched roof must be mounted flush with the plane of the panels parallel with the roof surface, with the panel no more than twelve inches from the surface of the roof at any point.

(4) Roof mounted solar energy systems are not included in the height calculations of the zoning district in which they are located

(10) Ground-Mounted.

A. Ground-mounted solar panels located on the ground or attached to a framework located on the ground shall not exceed fifteen (15) feet in height above the adjacent grade.

B. All related mechanical equipment, other than the actual photoelectric panels shall be fully buffered from the adjacent properties by fencing and/or by evergreen plantings as prescribe by city ordinance and must be maintained and effective through the life of the system. Buffering shall permit work access to panel and shall conform to Chapter [1240.05 \(11\)](#) and Chapter [1280.17](#).

C. Ground-mounted solar panel arrays shall not exceed minimum rear yard area within the setbacks defined by other chapters of the Zoning Code. Ground mounted solar energy systems shall adhere to the following requirements:

(1) Ground mounted solar energy systems shall be located in the side or rear yard of the property. Locating solar energy systems in the front yard is prohibited.

(2) Ground mounted solar energy systems must adhere to all accessory structure building setback requirements by other Chapters [1280.26](#) of the zoning district in which they are located.

D. Non-Residential. Ground-mounted solar energy systems shall be permitted by right in all Industrial (I) Zones. Any proposed ground-mounted solar energy system may be located within any yard subject to applicable setback requirements for accessory structures and front setback requirements for principal structures within the designated I District.. Ground-mounted solar energy systems in General Business and Central Business Districts are required to have a Conditional Use permit and approval from the City of New Carlisle Planning Board. See Chapter [1284](#) of the Zoning Code.

Non-Residential Conditional Uses:

GB General Business District [1268.04](#)

I-1 Light Industrial District [1272.08](#)

A Agricultural District [1274.08](#)

E. Residential. No ground installations are permitted by right except Agricultural (A) and R-Pud. Any proposed ground-mounted solar panels are conditional uses based on full compliance with this Zoning Code and approval from the City of New Carlisle Planning Board. Ground-mounted solar energy systems in Residential, R-Pud, and General Business Districts are required to have a Conditional Use permit. See Chapter [1284](#) of the Zoning Code.

Residential Conditional Uses:

R-2 Low Density Residential District, [1252.04](#)

R-4 One and Two-Family Residential District [1254.04](#)

R-5 Medium Density Residential District [1256.04](#)

R-7 High Density Single-Family Residential District [1260.04](#)

R-12 Multifamily Residential District [1262.04](#)

OA Office-Apartment District [1266.04](#)

(1) If approved, ground-mounted solar energy systems shall not be permitted in the front or side yard of a residential property. It shall be permitted in the rear yard of a residence. Such equipment shall be subject to the applicable rear yard coverage regulations and setbacks for accessory structures in residential districts as set forth in Chapter [1280.26](#) or other prevailing chapters of the Zoning Code.

F. Lot Coverage. Ground mounted solar energy systems shall count towards the lot coverage calculation for the zoning district in which they are located.

Residential Lot Coverage Requirements:

R-2 Low Density Residential District, [1252.09](#)

R-4 One and Two-Family Residential District [1254.09](#)

R-5 Medium Density Residential District [1256.09](#)

R-7 High Density Single-Family Residential District [1260.09](#)

R-12 Multifamily Residential District [1262.09](#)

OA Office-Apartment District [1266.08](#)

Non-Residential Lot Coverage Requirements:

GB General Business District [1268.09](#)

I-1 Light Industrial District [1272.09](#)

A Agricultural District [1274.09](#)

(11) Fees. See Chapter [1244.16](#) for the fee schedule pertaining to conditional use, new non-residential construction, and accessory structures.

(12) Abandonment.

(A) At such a time a solar energy system is scheduled to be abandoned or operation is to be discontinued, the applicant will notify the Planning Department of the proposed date of abandonment or discontinuation of use. If applicant fails to notify either department, then in that event the provisions contained under subsection (h)(2) herein below shall apply.

(B) Upon abandonment or discontinuation of use, the owner shall physically remove the solar energy system within 180 days from the date of abandonment or discontinuation of use. This period may be extended for sixty (60) days at the request of the owner but only upon the approval of the Planning Director. "Physically remove" shall include, but not be limited to:

1. Removal of the solar energy system and related above grade structures.
2. Restoration of the location of the solar energy system to its natural condition, except that any landscaping, grading may remain in the after-conditions.

(C) In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous six-month period. After the six-month period of inoperability, the Planning Director shall issue a Notice of Abandonment to the owner and operator of the solar energy system and, if residential, the property owner. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt time. The Planning Director shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the solar energy system has not been abandoned.

(D) If the owner fails to respond to the Notice of Abandonment or if after review by the Planning Director it is determined that the solar energy system has been abandoned or use discontinued, the owner of the solar energy system shall remove the system at the owner's sole expense within sixty (60) days of receipt of the Notice of Abandonment. An extension may be granted to the applicant for just cause by the Planning Director.

1295.07 NONCONFORMING SOLAR ENERGY SYSTEMS.

(a) Definitions.

(1) A legal nonconforming solar energy system is any solar energy system which exists at the time of adoption of this sign code that was legally erected, constructed or modified prior to enactment of this solar energy system code, but fails to conform to the provisions specified herein.

(2) An illegal nonconforming solar energy system is any solar energy system which exists at the time of adoption of this sign code that was not legally erected, constructed or modified prior to enactment of this solar energy system code and fails to conform to the provisions specified herein.

(b) Burden of Proof. The burden of establishing that any nonconforming solar energy system is a legal nonconforming solar energy system, as defined by this section, shall in all cases be upon the owner of such nonconforming solar energy system and not upon the City.

(c) Legal Nonconforming Status. When an existing solar energy system structure violates the minimum setback requirement from the City right-of-way, a solar energy system may be mounted to the structure, provided that it does not violate any other regulations of this chapter. A legal nonconforming solar energy system shall immediately lose its legal nonconforming status and must be brought into compliance with the solar energy system code or be removed if any of the following circumstances apply:

- (1) The solar energy system structure is relocated; or
- (2) The solar energy system structure is replaced; or
- (3) The solar energy system is structurally altered in any way.

(d) Required Solar Energy System Maintenance and Repair.

(1) All legal nonconforming solar energy systems shall be kept in good repair and be maintained in a safe condition.

(2) Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of these regulations regarding safety, maintenance, and repair of solar energy system, provided however, that any other normal maintenance or repair of the solar energy system or solar energy system structure shall not modify the solar energy system structure in any way.