



6550 N. High Street
Worthington, Ohio 43085

T: 614-436-3100

Worthington City Council Agenda

Louis J.R. Goorey Municipal Building
John P. Coleman Council Chamber

Monday June 11, 2018 ~ 7:30 PM

CITY COUNCIL MEMBERS

Bonnie D. Michael
President

Scott Myers
President Pro-Tem

Rachael Dorothy
Council Member

Douglas Foust
Council Member

Beth Kowalczyk
Council Member

David Robinson
Council Member

Douglas Smith
Council Member

CITY STAFF MEMBERS

Matthew Greeson
City Manager

D. Kay Thress
Clerk of Council

1. Call To Order

2. Roll Call

3. Pledge of Allegiance

4. Reports of City Officials

4.A. Discussion Item(s)

4.A.1. Small Cell Technology in the City's Right of Way

Executive Summary: Staff will present and discuss information regarding proposed guidelines for small cell technology in the right of way. These guidelines are being developed as a result of the new state law related to this issue.

4.B. Policy Item(s)

4.B.I. Liquor Permit Transfer - Blarney Stone Investments LLC

Executive Summary: The Ohio Division of Liquor Control has notified the City of a request to change the address associated with a liquor permit for Blarney Stone Investments LLC. The City may request a hearing.

Recommendation: Motion to Not Request a Hearing.

5. Reports of Council Members

6. Other

7. Executive Session

7.A. Executive Session - Security Arrangements

8. Adjournment



STAFF MEMORANDUM
City Council Meeting – June 11, 2018

Date: June 8, 2018

To: Matthew H. Greeson

From: Robyn Stewart, Assistant City Manager

Subject: **Small Cell Technology in the City's Right of Way**

EXECUTIVE SUMMARY

Staff will present and discuss information regarding proposed guidelines for small cell technology in the right of way. These guidelines are being developed as a result of the new state law related to this issue.

BACKGROUND/DESCRIPTION

Under Ohio Revised Code provisions originally adopted in 2017 (SB 331) and amended in 2018 (HB 478), cities are required to permit small cell facilities to be installed and maintained by one of the four major cellular phone service carriers in the right of way. Cities can establish design guidelines to influence and manage the facilities in such a way as to minimize the impact on the local community.

A small cell facility is a wireless facility that is smaller in size than the large macro towers. Under the new Ohio law, a small cell facility has an antenna that fits inside an enclosure not more than six cubic feet in volume and associated wireless equipment, typically placed inside a cabinet, that is cumulatively not more than 28 cubic feet in volume. The height of the pole may be up to 40 feet tall. These facilities are used by the cellular phone carriers to enhance the coverage and capacity of the services they provide to their customers.

City staff members have been tracking this issue as it made its way through the state legislature to understand the issue and the options available to cities. The new state law closely regulates what cities can do regarding the deployment of this technology. Cities have some ability to influence the aesthetics and placement, but not complete control. I have worked with representatives from our Departments of Planning & Building, Service & Engineering and Law to prepare draft design guidelines. We have considered guidelines from other cities, the requirements of the new state law and the characteristics of Worthington in developing this document. We are sharing the draft guidelines with representatives of the wireless industry for their comments.

The guidelines are still being refined and we want to take this opportunity to discuss the concepts with City Council. We expect there may still be some revisions made to the guidelines. We may also pull some of the concepts and sections out of the guidelines and place them in City Code. The new state law goes into effect at the end of July, so it is important that these guidelines and any Code changes be adopted and effective prior to that date.

Members of City staff as well as a representative from the City's legal advisors at Ice Miller will be present at the meeting to overview the guidelines and answer questions.

ATTACHMENTS

Draft Small Cell Design Guidelines

Images of Small Cells in Other Communities

City of Worthington Small Cell Design Guidelines

SECTION I: PURPOSE

The purpose of these guidelines is to establish general procedures and standards, consistent with all applicable federal and state laws, for the siting, construction, installation, collocation, modification, relocation, operation and removal of small cell wireless technology within the City's right of way. The goals of these guidelines are to:

- A. Provide standards, technical criteria and details for small cell facilities in the City's right of way to be uniformly applied to all applicants and owners of small cell facilities or support structures for such facilities.
- B. Enhance the ability of wireless communications carriers to deploy small cell wireless technology in the City quickly, effectively and efficiently so that residents, businesses and visitors benefit from ubiquitous and robust wireless service availability.
- C. Preserve the character of the City's neighborhoods and corridors.
- D. Ensure that small cell facilities and support structures conform with all applicable health and safety regulations and will blend into their environment to the greatest extent possible.
- E. Comply with, and not conflict with or preempt, all applicable state and federal laws.

SECTION II: DEFINITIONS

Abandoned means small cell facilities or wireless support structures that are unused for a period of three hundred sixty-five days without the operator otherwise notifying the city and receiving the city's approval.

ADA means the Americans with Disabilities Act and subsequent amendments.

Agent means a person that provides the City written authorization to work on behalf of a public utility.

Antenna means communications equipment that transmits or receives radio frequency signals in the provision of wireless service.

Applicant means any Person applying for a Permit hereunder.

City means the City of Worthington.

Collocation or Collocate means to install, mount, maintain, modify, operate, or replace wireless facilities on a wireless support structure.

County means Franklin County, Ohio.

Decorative Pole means a pole, arch, or structure other than a street light pole placed in the right of way to specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following (a) electric lighting; (b) specially designed informational or directional signage; (c) temporary holiday or special event attachments.

Old Worthington Commercial Area means the properties abutting High Street bordered by North Street and South Street, including the properties abutting the intersection of North Street and High Street and the intersection of South Street and High Street.

Ornamental Pole means a pole or structure placed in the right of way to support traffic signals and/or streetlights which has been specifically designed and placed for aesthetic purposes. Ornamental Poles often include appurtenances or attachments for flags, planters and/or other aesthetic features.

Person means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit.

Permit means the non-exclusive grant of authority issued by the City of Worthington to install a small cell facility and/or a wireless support structure in a portion of the right of way in accordance with these guidelines.

Permittee means the owner and/or operator issued a Permit pursuant to these guidelines.

Right of Way means the surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a compatible public use, which is owned or controlled by the City of Worthington.

Small Cell Facility means a wireless facility that meets both of the following requirements:

- (1) Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.
- (2) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Operator means a wireless service provider, cable operator, or a video service provider that operates a small cell facility and provides wireless service. *Operator* includes a wireless service provider, cable operator, or a video service provider that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(2), and services that are fixed in nature or use unlicensed spectrum.

State means the State of Ohio.

Toll means the pause or delay of the running of the required time period.

Utility Pole means a structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service. "Utility pole" excludes street signs and decorative poles.

Wireless Support Structure means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting small cell facilities. *Wireless Support Structure* excludes (a) a utility pole or other facility owned or operated by a municipal electric utility and (b) a utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars and trolley buses.

SECTION III: REQUIREMENT TO COMPLY

Placement or modification of a small cell facility and/or wireless support structure shall comply with these design guidelines at the time the permit for installation or modification is approved and as amended from time to time. Operators and permittees are also required to comply with Chapter 949 Right-of Way Regulations of the City of Worthington's Codified Ordinances.

SECTION IV: APPLICATION

Pre-application Conference

The City requires pre-submittal conferences to meet with potential applicants and discuss projects on a conceptual level. The conference is intended to identify the correct application type and content requirements for any given project, and also to create an informal forum in which applicants and the City can discuss any concerns that should be addressed as soon as possible to avoid any unnecessary delays in the processing of an application and deployment of wireless facilities in the City. The requirement for a pre-submittal conference may be waived by the City.

An appointment is required for all pre-submittal conferences. City staff may establish regular hours in which appointments are available. City staff will endeavor to provide applicants with an appointment within approximately five (5) business days after receipt of a written or email request. Each conference is generally limited to discussion of up to five potential projects, but applicants may request to discuss additional projects provided that the additional time required does not impact other applicants' ability to obtain an appointment.

Application Materials

Prior to installation, modification, relocation or removal of a small cell facility, relocation or removal of an existing wireless support structure, installation of a new wireless support structure, or collocation on an existing wireless support structure in the right of way, the operator shall apply to the City and receive approval from the City. Prior to submitting such application, the applicant must possess a Telecommunications and Utilities Permit, as required by the City's Codified Ordinances Chapter 949, Section 949.03. The following items must be included in order for the application to be considered complete. The City may waive application requirements if it deems the items are already in the City's possession from previous applications, the applicant previously filed information and specifications for standard materials that are being utilized in the new application, or for other reasons deemed sufficient by the City.

A. General Requirements for Applications for a Small Cell Facility and/or Wireless Support Structure in the Right of Way, Excluding Applications for Removal

Contact Information: Applicant must provide contact information which includes the name of company seeking the permit and the name of a designated point of contact along with his/her mailing address, email address and phone number. Operator is responsible for providing updated contact information to the City when the contact information changes from that which was included in the application.

Proof of Agent Designation (if applicable): If the applicant is serving as an agent for an Operator, the applicant must provide written documentation of the agent designation signed by the Operator.

Consolidated Applications: An applicant seeking to construct, modify, collocate or replace more than one small cell facility or more than one wireless support structure within the City may file a consolidated application for up to thirty (30) small cell facility requests or up to thirty (30) wireless support structure requests provided the requests grouped on a consolidated application only address substantially the same type of small cell facilities or substantially the same type of wireless support structures. (Note: The City may treat each request individually during application review and processing and when issuing a determination.)

Map: Applicant must include an aerial map showing the location of the proposed or existing support structure to which the small cell facility is proposed to be attached, and a street view image.

Full description of number and dimensions of facilities and/or structures to be installed: Applicant must include a full description of the number and dimensions of all small cell facilities proposed to be installed and the support structure, either new or existing, to be utilized for each small cell facility. If this information is fully included on the site plan, a separate narrative does not need to be provided.

Site and Other Plans and Structural Calculations: Applicant must include fully dimensioned site plans, elevation drawings and structural calculations prepared, sealed, stamped and signed by a Professional Engineer licensed and registered by the State of Ohio. Site plans should utilize the scale of 1"=20' and be submitted on 24"x36" paper. Field of view should encompass at least one hundred feet (100') in either direction of the wireless support structure. Drawings must depict any known existing wireless facilities with all existing transmission equipment and other improvements, the proposed facility with all proposed transmission equipment and other improvements and the legal boundaries of the existing right of way and any associated access and utility easements. Acceptable sources for legal boundaries and utility easements should be discussed and determined during the pre-application conference. Fully dimensioned site plans shall indicate the spacing from existing curb, driveways, sidewalks, light poles and any other poles or appurtenances.

A traffic control plan must also be submitted. Other plans may also be required based on the proposed scope of work.

Photo Simulations: Applicant must include photo simulations from at least two reasonable line-of-site locations in the vicinity of the proposed project site. Photo simulations must be included in the site plans on a separate sheet.

Equipment Specifications: For all equipment depicted on the plans, the applicant must include (1) the manufacturer's name and model number; (2) physical dimensions, including without limitation, height, width, depth and weight with mounts and other necessary hardware; and (3) the ambient noise level generated from the equipment, if any.

B. Small Cell Facility Applications

Size Limits: Applicant must include scaled, dimensioned drawings or pictures with calculations to show strict conformity to the size limitations for a small cell facility.

Confirmation of compliance with state and federal environmental regulations: Applicant shall certify that the proposed small cell facility and/or new wireless support structure fully comply with all state and federal environmental regulations.

RF Compliance Audit: Applicant must submit a sworn affidavit prepared and signed by an RF engineer with knowledge about the proposed project that affirms the proposed project will be compliant with all applicable governmental regulations in connection with human exposure to radiofrequency emissions.

Electrical Service: Operator shall be responsible for obtaining any required electrical power service to the small cell facility. Operator's electrical supply shall be separately metered from the City. Applicant must provide sealed engineered drawings for conduit size, circuit size, calculations for Amp, distances running, etc. Applicant must obtain the appropriate permits from the Department of Planning and Building prior to installation of the small cell facility.

C. Applications for New Wireless Support Structure

Distance Analysis: Applicant must provide an analysis showing that the proposed new wireless support structure is spaced at least two hundred fifty (250) linear feet from a pole supporting a small cell facility, unless otherwise approved by the City in writing.

Size Limits: Applicant must provide scaled dimensional drawings with calculations to show strict conformity to the size and maximum height limitations as set forth in Section VII of these guidelines.

D. Applications for Attachment to Non-City-owned Wireless Support Structure

Owner's Authorization: Applicant must submit evidence sufficient to show that either (1) applicant owns the proposed support structure or (2) applicant has obtained the owner's authorization to file the application.

E. Applications for Removal of a Small Cell Facility and/or a Wireless Support Structure

Contact Information: Applicant must provide contact information which includes the name of company seeking the permit and the name of a designated point of contact along with his/her mailing address, email address and phone number. Operator is responsible for providing updated contact information to the City when the contact information changes from that which was included in the application.

Proof of Agent Designation (if applicable): If the applicant is serving as an agent for an Operator, the applicant must provide written documentation of the agent designation signed by the Operator.

Consolidated Applications: An applicant seeking to remove more than one small cell facility or more than one wireless support structure within the City may file a consolidated application for up to thirty (30) small cell facility requests or up to thirty (30) wireless support structure requests provided the requests grouped on a consolidated application only address substantially the same type of small cell facilities or substantially the same type of wireless support structures. (Note: The City may treat each request individually during application review and processing and when issuing a determination.)

Map: Applicant must include an aerial map showing the location of the proposed removal, and a street view image.

Full description of number and dimensions of facilities and/or structures to be removed: Applicant must include a full description of the number and dimensions of all small cell facilities and/or the support structure proposed to be removed.

Full description of restoration of the right of way: Applicant must include a full description of the steps to be involved in the removal and the actions that will be

taken to restore the right of way.

F. Application Fee

The applicant must submit the application fee of \$250 per small cell facility. Fees for consolidated applications apply to each location and are cumulative.

Application Submittal Procedures

All applications should be submitted in person to the Department of Service and Engineering with the applicable fee and required documents to be considered duly filed. The Department may establish regular hours in which applications may be submitted, but will generally receive applications on working days between 8:00 a.m. and 4:00 p.m. Applications will be screened for completeness before being accepted. Applications submitted by other means, including without limitation by mail, electronic mail, or outside the established submittal times, if any, will not be considered duly filed until acknowledged as having been received by the City.

Timeline for review

The City will complete its review of each application and provide a determination within ninety (90) days for an application to collocate, replace or modify a small cell facility or one hundred twenty (120) days for an application to construct, modify or replace a wireless support structure associated with a small cell facility.

Instances for Tolling Timeline for Review

The City will toll the timeline for review (a) by mutual agreement between the applicant and the City, (b) in cases where the City determines the application is incomplete, or (c) when the number of applications is likely to result in difficulty processing them within the time limits noted above due to a lack of resources of the City. Item (c) is likely to occur when the City receives applications for at least fifteen small cell facility or wireless support structure requests within a consecutive thirty day period. The City may toll the time period for up to twenty one (21) days for the first fifteen requests above the threshold. For every additional fifteen requests the City receives above the threshold, the City may toll the time period for those requests for up to an additional fifteen days. In no instance will the City toll the time period for any small cell facility or wireless support structure request by more than ninety consecutive days. The City will notify the applicant in instances when the timeline will be tolled.

Incomplete applications

The City will conduct a preliminary review for completeness prior to accepting the application. The City will not accept an application that has been deemed incomplete during this preliminary review. If the City determines during its more detailed review that the application is incomplete, the City will notify the applicant and suspend further review until the missing items are provided. Consistent with state and federal requirements, the City will toll the review timeline for incomplete applications. If the City determines the application is still incomplete after receipt of additional application materials, the City will toll the timeline again until the application is deemed complete.

SECTION V: LOCATIONS OF SMALL CELL FACILITIES, RELATED GROUND EQUIPMENT, AND WIRELESS SUPPORT STRUCTURES

Most Preferable Locations

The following are the most preferred areas for new small cell facilities.

- A. *Industrial Areas* if not adjacent to a municipal park, residential area or architectural review district.
- B. *Highway Rights of Way* areas if not adjacent to a municipal park, residential area or architectural review district.
- C. *Retail and Commercial Areas* if not adjacent to a municipal park, residential area or architectural review district.

Collocation Preference

It is the City's strong preference that whenever an applicant proposes to place a new wireless support structure with a small cell facility within 250 feet from an existing wireless support structure, the applicant either collocate with the existing facility or demonstrate that a collocation is either not technically feasible or space on the existing facility is not potentially available.

Least Preferable Locations

The following are the least preferred areas for new small cell facilities.

- A. *Residential Areas*

B. *Parks*

C. *Historic District*

D. *Architectural Review District*

Order of Preference for Wireless Support Structures

The following list indicates the order of preference for wireless support structures for small cell facilities.

- A. *Existing Utility Poles*: It is the City's preference that small cell facilities be installed on existing utility poles (electric or telephone) or lashed onto existing telephone or electrical lines between existing utility poles.
- B. *Non-Ornamental Municipal Service Poles*: If the applicant does not have the right to use existing utility poles or lines under reasonable terms and conditions or the utilization imposes technical limits, the City prefers that the applicant next look to existing non-ornamental municipal street lights or traffic signal structures.
- C. *New Poles*: If the first two items have proven to be unavailable, the City prefers the installation of a new pole to serve as a wireless support structure.
- D. *Ornamental Municipal Service Poles*: The use of ornamental municipal street lights and traffic signals as wireless support structures is discouraged. These should only be proposed if the three items listed above are unavailable or when requested by the City based on the proposed location. Use of ornamental traffic signal mast arms is preferred over use of ornamental street lights.
- E. *Sign Poles (15 feet or taller)*: The only sign poles that may be considered are those that are at least fifteen (15) feet tall. These are the least preferred option for a wireless support structure.

SECTION VI: CONSIDERATION OF ALTERNATE LOCATIONS

The City reserves the right to propose an alternate wireless support structure to the one proposed in the application and/or to propose an alternate location for a new wireless support structure within one hundred feet of the proposed location or within a distance that is equivalent to the

width of the right of way in or on which the new wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

SECTION VII: GUIDELINES ON PLACEMENT

Generally, an applicant shall construct and maintain small cell facilities and wireless support structures in a manner that does not (1) obstruct, impede or hinder the usual travel or public safety on a right of way; (2) obstruct the legal use of a right of way by other utility providers; (3) violate nondiscriminatory applicable codes; (4) violate or conflict with the City's right of way management Code or these design guidelines; and (5) violate the federal Americans with Disabilities Act.

The City desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a small cell facility and/or wireless support structure shall match and be consistent with the materials and finish of the adjacent municipal poles of the surrounding area adjacent to their location. In the absence of adjacent municipal poles, the wireless support structure shall match the materials and finish of the adjacent utility poles.

Antennas on Existing or Replaced Utility Poles

The antenna(s) associated with collocation on existing or replaced utility poles must have concealed cable connections, antenna mount and other hardware. The maximum dimensions for antennas shall not be more than six (6) cubic feet in volume, including any enclosure for the antenna.

Right of Way

Small cell facilities and wireless support structures and related equipment shall be placed, as much as possible, in line with other utility features and in a location that minimizes any obstruction, impediment or hindrance to the usual travel or public safety on a right of way.

Height Above Ground

Small Cell Facilities: Small cell facilities shall be installed at least eight (8) feet above the ground. If a small cell facility attachment is projecting toward the street, for the safety and

protection of the public and vehicular traffic, the City may require the attachment to be installed no less than sixteen (16) feet above the ground.

New wireless support structures: In areas where there are no wireless support structures or utility poles taller than thirty (30) feet in height above ground level and the maximum allowable height for building construction in the underlying zoning district is thirty five (35) feet in height above ground level or less, the overall height of a new wireless support structure and any collocated antennas shall not be more than thirty five (35) feet in height above ground level.

In all other areas, the overall height of a new wireless support structure and any collocated antennas shall not be more than forty (40) feet in height above ground level.

Existing wireless support structures: For an existing wireless support structure, the antenna and any associated shroud or concealment material are permitted to be collocated at the top of the existing wireless support structure and shall not increase the height of the existing wireless support structure by more than five (5) feet.

Protrusion

No protrusions from the outer circumference of the existing structure or pole shall be more than two (2) feet. The pole and all attachments to the pole that are projecting, or any equipment or appurtenance mounted on the ground, shall comply with Americans with Disabilities Act and shall not obstruct an existing or planned sidewalk or walkway. The City, at its option, may waive the requirement to limit the protrusion to no more than two (2) feet.

Location of Equipment - General

Small cell facilities and related equipment shall not impede pedestrian or vehicular traffic in the right of way. If any small cell facility or wireless support structure is installed in a location that is not in accordance with the plans approved by the City, impedes pedestrian or vehicular traffic and/or or does not comply or otherwise renders the right of way non-compliant with applicable laws, including the Americans with Disabilities Act, then the operator shall promptly remove the small cell facilities and/or wireless support structure. If the operator does not complete removal in a reasonable timeframe, the City will remove it and bill the operator for the cost of the removal.

The applicant is required to incorporate ambient noise suppression measures and/or required to place the equipment in locations less likely to impact adjacent residences or businesses to ensure compliance with all applicable noise regulations.

Utility Lines: Service lines must be undergrounded whenever feasible to avoid additional overhead lines. For metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box.

Spools and Coils: To reduce clutter and deter vandalism, excess fiber optic or coaxial cables for small cell facilities shall not be spooled, coiled or otherwise stored on the pole except within the approved enclosure such as a cage or cabinet.

Above-Ground Conduit: On wood poles, all above-ground wires, cables and connections shall be encased in the smallest section or smallest diameter PVC channel, conduit, u-guard, or shroud feasible, with a maximum dimension of 4" diameter. Such conduit shall be finished in zinc, aluminum or stainless steel, or colored to match those metal finishes.

Location of Ground Mounted Equipment

Ground equipment should be minimal and the least intrusive. It should be placed to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a right of way, maximize the line of sight required to add to safe travel of vehicular and pedestrian traffic and maximize that line of sight at street corners and intersections and minimize hazards at those locations. The City may deny a request that negatively impacts vehicular and/or pedestrian safety.

The equipment shroud or cabinet must contain all the equipment associated with the facility other than the antenna. All cables and conduits associated with the equipment must be concealed from view, routed directly through the metal pole (with the exception of wood power poles) and undergrounded between the pole and the ground-mounted cabinet.

Location of Pole Mounted Equipment

All pole-mounted equipment must be installed as flush to the pole as possible. Equipment attached to metal poles must be installed using stainless steel banding straps. Equipment attached to wood poles may be bolted to the pole or installed using stainless steel banding straps. When the straps are attached to a metal pole, they must match the color of the pole. Through-bolting or use of lag bolts is prohibited. All pole mounted equipment shall be located as close together as possible and if possible, on the same side of the pole.

When pole-mounted equipment is either permitted or required, all equipment other than the antenna(s), electric meter and disconnect switch must be concealed within an equipment cage. Equipment cabinet may not extend more than 24 inches from the face of the pole. The equipment cabinet must be non-reflective, colored to match the existing pole if attached to a

metal pole, and in the color of brushed aluminum if attached to a wood pole. Equipment cabinets should be mounted as flush to the pole as possible. Any standoff mount for the equipment cabinet may not exceed four (4) inches.

Electric Meter: The City strongly encourages site operators to use flat-rate electric service when it would eliminate the need for a meter. When a meter is necessary, site operators shall use the smallest and least intrusive electric meter available. Whenever permitted by the electric service provider, the electric meter base should be painted to match the pole.

Telephone/Fiber Optic Utilities: Cabinets for telephone and/or fiber optic utilities may not extend more than 24 inches from the face of the pole, and must be painted, wrapped or otherwise colored to match the pole. Microwave or other wireless backhaul is discouraged when it would involve a separate and unconcealed antenna.

Undergrounded Equipment Vaults

Equipment in an environmentally controlled underground vault may be required in some areas.

New Wireless Support Structures

Spacing: The City strongly discourages more than one (1) new wireless support structure per block and will not approve more than one per 250 feet on each side of the street to minimize the hazard of poles adjacent to roadways and minimize visual clutter and distractions to vehicular traffic. An exemption may be granted if the applicant can demonstrate that this restriction has the effect of preventing wireless service to this location. Wireless support structures shall be spaced apart from utility poles or wireless support structures supporting small cell facilities at the same spacing between utility poles in the immediate proximity.

If multiple requests are received to install two or more poles that would violate the spacing requirement or to collocate two or more small cell facilities on the same wireless support structure, priority will be given to the first request received that meets these guidelines.

Alignment with Other Poles: The centerline of any new wireless support structure must be aligned, as much as possible, with the centerlines of existing poles on the same street segment, but only if the new structure's height does not conflict with overhead power utility lines and facilities.

General Restrictions on New Wood Poles: In all locations, the City reserves the right to require a metal pole rather than a wood pole based on the build and/or natural environmental character of

the proposed site location. The City will not approve any new wood poles in the Architectural Review District.

Wood Pole Footings and Foundations: All new wood poles must be direct buried to a depth determined, stamped, sealed and signed by a professional engineer licensed and registered by the State of Ohio, and subject to the City's review and approval.

Metal Pole Footings and Foundations: All new metal poles must be supported with a reinforced concrete pier. The design including the pier, footings and anchor bolts shall be stamped, sealed and signed by a professional engineer licensed and registered by the State of Ohio, and subject to the City's review and approval. All anchor bolts must be concealed from public view with an appropriate pole boot or cover subject to the City's prior approval.

Metal Pole Material: All metal poles must be constructed from hot-dip galvanized steel or other corrosion-resistant materials approved by the City and finished in accordance with these guidelines to avoid rust stains on adjacent sidewalks, buildings or other improvements.

Metal Pole Finish: Metal poles must be painted black. The applicant may select a paint or powder coat system in compliance with ATSM standards.

Lighting, Planters, Flags, Banners: The City may require the applicant to install functional streetlights and/or brackets to hold hanging flower planters, flags and/or banners when technically feasible and the City determines that such additions will enhance the overall appearance and usefulness of the proposed facility. The City may install hanging flower planters, flags and/or banners utilizing the brackets.

City-Owned Wireless Support Structures

Required Load Analysis: Installations on all City-owned poles shall have an industry standard pole load analysis completed, sealed and signed by a Professional Engineer licensed and registered by the State of Ohio and submitted to the City with each permit application indicating that the City-owned pole to which the small cell facility will to be attached will safely support the load.

Height of Attachments: All attachments on all Service Poles shall be at least eight (8) feet above grade and if a small cell facility is projecting toward the street, for the safety and protection of the public and vehicular traffic, the City may require the attachment to be installed no less than sixteen (16) feet above the ground.

Power Source: A small cell facility on a city-owned wireless support structure may not use the same power source that provides power for the original purpose of the wireless support structure.

Installations on Traffic Signals and Street Lights: Installations on all traffic signal structures or street lights must not interfere with the integrity of the facility in any way that may compromise the safety of the public. The installation must not interfere with other existing uses on the pole such as traffic signals, street lights, hanging flower planters, flags, and/or banners. Installation of small cell facilities on any traffic signal structure or street light shall (a) be encased in a separate conduit than the traffic light electronics; (b) have a separate electric power connection than the traffic signal/street light structure; and (c) have a separate access point than the traffic signal/street light structure.

Installations on Sign Poles (15 feet or taller): Installations on sign poles may only occur if the sign pole is fifteen (15) feet or taller.

Reservation of space for future public safety or transportation uses: An application for space on a City owned or operated wireless support structure that conflicts with space reserved for future public safety or transportation uses documented in an approved plan in place at the time of the application will be denied unless the operator pays for the replacement of the pole or wireless support structure and the replaced pole or wireless support structure will accommodate the future use and the small cell facility.

SECTION VIII: UNDERGROUNDING REQUIREMENTS

The City may deny requests to install structures and facilities in the right of way in an area where the City has required all structures and facilities except those owned by the City to be placed underground or elsewhere in the right of way or a utility easement. These areas are easily identifiable as those locations where electric has been placed underground; however, if an applicant is uncertain as to whether such facilities have been placed underground in the area, the applicant should contact the City for clarification before apply for or installing any wireless support structures and/or small cell facilities in the area. The applicant may request a waiver if the operator is unable to achieve its service objective using a location in the right of way where the prohibition does not apply, in a utility easement the operator has the right to access, or in or on other suitable locations or structures made available by the City at reasonable rates, fees and terms.

SECTION IX: GENERAL AESTHETIC REQUIREMENTS

Concealment

New Wireless Support Structures: It is the City's preference that all new wireless support structures be camouflaged, except for those located in an area that is predominantly industrial. The applicant shall submit their proposal for camouflage with the permit application.

Small Cell Facilities: Small cell facilities shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. Unless approved by the City in writing, there shall be no external cables and wires hanging off a pole. The approved ones shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible.

Equipment Enclosures: Equipment enclosures, including electric meters, shall be as small as possible. Ground-mounted equipment shall incorporate concealment elements into the proposed design. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.

Landscaping: Landscape screening should be provided and maintained around exterior equipment enclosures. The planting quantity and size should be such that 100% screening is achieved within two years of installation. Tree "topping" or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the right of way must be noted in the application and must be approved by the City.

When underground vaults are proposed, they shall be located to minimize disruption to the placement of street trees. Adequate planting depth shall be provided between the top of the vault and the finished grade to allow plants to grow in a healthy condition.

Allowed Colors

All colors shall match the background of any wireless support structure that the facilities are located upon. In the case of existing wood poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes and equipment cabinets shall be the color of brushed aluminum. Ground mounted equipment cabinets shall be the color of brushed aluminum.

Signage/Lights/Logos/Decals/Cooling Fans

Signage: Operator shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small cell facility that is visible to the public. Signage required under this section shall not exceed 4" x 6", unless otherwise required by law (e.g. RF ground notification signs) or the City. If no cabinet exists, the signage shall be placed at the base of the pole.

Lights: New small cell facilities and wireless support structures shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a street light pole.

Logos/Decals: Remove or paint over unnecessary equipment manufacturer decals. New small cell facilities and wireless support structures shall not include advertisements and may only display information required by a federal, state or local agency. Utilize the smallest and lowest visibility radio-frequency (RF) warning sticker required by government or electric utility regulations. Place the RF sticker as close to the antenna as possible.

Cooling Fans: In residential areas, use a passive cooling system. In the event that a fan is needed, use a cooling fan with a low noise profile.

SECTION X: AESTHETIC REQUIREMENTS

Old Worthington (Historic District)

As noted in Section IV, the City's preference for wireless support structures is existing utility poles. The next preference is for non-ornamental municipal service poles. This does not apply in Old Worthington where municipal poles are ornamental.

When collocating on the City's ornamental black traffic signal mast arms, the preferred collocation spot is on the traffic signal pole without attached street signs, with the antenna placed at the top of the vertical pole immediately below the finial. Each proposed collocation will be subject to a site-specific review.

The City strongly discourages the use of the City's ornamental green streetlights in Old Worthington as wireless support structures. They should be used only when no other options exist, including the ability to install a new wireless support structure. If used, the height may not be increased more than five feet, the light fixture must be located at the top of the pole, and the

small cell facility must not interfere with the attachment of flags, hanging planters and/or banners.

If existing utility poles are not available for collocation, operators may propose a new wireless support structure. New wireless support structures that will be more than twenty (20) feet in height shall match the design of the City's ornamental black traffic signal mast arms. New wireless support structures that will be twenty (20) feet or less in height shall match the City's ornamental green streetlights in Old Worthington.

Given the congestion of the right of way along High Street between Village Green Drive South and South Street and the lack of above ground facilities, small cell facilities should not be located along High Street in this area. Operators should look to the rear of properties. In order to meet the service needs of operators, the City will consider requests to locate small cell facilities on other municipal property in this area, such as municipal parking lots, to limit additional congestion in the High Street right of way.

New Wireless Support Structures Outside of Old Worthington

High Street, Granville Road, Wilson Bridge Road & Old West Wilson Bridge Road: Along High Street (outside of Old Worthington), Granville Road/SR-161 (outside of Old Worthington), Wilson Bridge Road and Old West Wilson Bridge Road, any new wireless support structures shall match the City's ornamental black turn signal pole located at the northeast corner of the intersection at High Street and Wilson Bridge Road.

Olentangy River Road, Linworth Road, Huntley Road, Proprietors Road, & Schrock Road: Along Olentangy River Road, Linworth Road, Huntley Road, Proprietors Road and Schrock Road, new wireless support structures may be wood or metal poles.

Residential Areas: In residential areas, new wireless support structures should be located to avoid obstructing the view of building facades by placing the wireless support structure at a corner, intersection or along a lot line. New wireless support structures should be located in the yard location where other overhead utilities are located unless it is not technically feasible to do so. Applicants shall clearly explain the rationale for requests that deviate from this expectation.

Village Green: The City's Charter notes that "the Village Green is, to this community, of great historical value and interest essential to and defining of its heritage and character". Given the importance of the Village Green, small cell facilities and/or new wireless support structures should not be located on the Village Green. In order to meet the service needs of operators, the City will consider requests to locate small cell facilities on other municipal property in this area, such as municipal parking lots.

SECTION XI: INSTALLATION AND INSPECTION

Completion within 180 days: The collocation or new wireless support structure for which a permit is granted shall be completed within 180 days after issuance of the permit unless the City and the applicant agree to extend this period. The City will agree to an extension if the delay is caused by (a) make-ready work for a City-owned wireless support structure, or (b) the lack of commercial power or backhaul availability at the site, provided that the operator has made a timely request within sixty (60) days after the issuance of the permit for commercial power or backhaul services. The additional time to complete installation may not exceed 360 days after the issuance of the permit.

Procedure for request for extension of time: In situations when completion will not occur within 180 days after issuance of the permit, the applicant may request an extension of time for the reasons noted above. Such extension request must be completed utilizing the City's extension of time form, which will include the length of time being requested and the reason for the delay. The extension must be filed with the Department of Service & Engineering.

Requirement for work permit

Prior to commencing work in the right of way, the applicant must obtain a Right of Way Work Permit from the Director of Service & Engineering as required in the City's Codified Ordinances Chapter 949, Section 949.06 (c). In most instances, this work permit will be able to be issued in conjunction with and utilizing the materials included for an application for permits issued under these guidelines.

Existing infrastructure restoration requirements

As required by the City's Codified Ordinances Chapter 949, Section 949.06 (c), the permittee and/or its subcontractors shall leave the streets, alleys and other public places where work is done in as good condition or repair as they were before such work was commenced and to the reasonable satisfaction of the City.

SECTION XII: INTERFERENCE WITH OPERATIONS

No Liability

The City shall not be liable to the operator by reason of inconvenience, annoyance or injury to the small cell facilities, wireless support structures, and related ground or pole-mounted equipment or activities conducted by the operator therefrom, arising from the necessity of

repairing any portion of the right of way, or from the making of any necessary alteration or improvements, in or to, any portion of the right of way, or in, or to, City's fixtures, appurtenances or equipment.

Signal Interference with City's Communications Infrastructure Prohibited

In the event that an operator's small cell facility interferes with the public safety radio system, or the City's or State's traffic signal system, then the operator shall, at its cost, immediately cooperate with the City to either rule out operator as the interference source or eliminate the interference. Cooperation with the City may include, but shall not be limited to, temporarily switching the transmission equipment on and off for testing.

SECTION XIII: REQUIREMENTS FOR REMOVAL, REPLACEMENT, MAINTENANCE AND REPAIR

Replacement of Municipal-Owned Wireless Support Structure

When necessary to accommodate small cell facility: The City may require, in response to an application to collocate a small cell facility on a City-owned wireless support structure, the replacement or modification of the wireless support structure at the operator's cost if the City determines that replacement or modification is necessary for compliance with construction and safety standards. Such replacement or modification shall conform with these design guidelines. The City may retain ownership of the replacement or modified wireless support structure.

Accommodation of reservation of space for future public safety or transportation uses: If the City has reserved space for future public safety or transportation uses on the City-owned wireless support structure, the replacement or modification must accommodate the future use.

Removal or Relocation Required for City Project

Operator shall remove and relocate the permitted small cell facility and/or wireless support structure at the operator's sole expense to accommodate construction of a public improvement project by the City.

If operator fails to remove or relocate the small cell facility and/or wireless support structure or portion thereof as requested by the City within 120 days of the City's notice, then the City shall be entitled to remove the small cell facility and/or wireless support structure, or portion thereof at operator's sole cost and expense, without further notice to operator.

Operator shall, within 30 days following issuance of invoice for the same, reimburse the City for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the small cell facilities and/or wireless support structure, or portion thereof.

Removal Required by City for Safety and Imminent Danger Reasons

Operator shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable small cell facility and/or wireless support structure within the time frame and in the manner required by the City if the City reasonably determines that the disconnection, removal, or relocation of any part of a small cell facility and/or wireless support structure (a) is necessary to protect the public health, safety, welfare, or City property, or (b) operator fails to obtain all applicable licenses, permits, and certifications required by law for its small cell facility and/or wireless support structure.

If the City Manager reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable small cell facility and/or wireless support structure at the operator's sole cost and expense.

Removal/Abandonment of Facilities

Operator shall remove small cell facilities and/or wireless support structures when such facilities are abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 60 days of the small cell facility and/or wireless support structure being abandoned, or within 60 days of receipt of written notice from the City. When operator abandons permanent structures in the right of way, the operator shall notify the City in writing of such abandonment and shall file with the City the location and description of each small cell facility and/or wireless support structure abandoned. Prior to removal, operator must make application to the City and receive approval for such removal. Operator must obtain a right of way work permit for the removal. The City may require the operator to complete additional remedial measures necessary for public safety and the integrity of the right of way.

The City may, at its option, allow a wireless support structure to remain in the right of way and coordinate with the owner to transfer ownership of such wireless support structure to the City, instead of requiring the owner and/or Operator to remove such wireless support structure.

Restoration

Operator shall repair any damage to the right of way, any facilities located within the right of way, and/or the property of any third party resulting from operator's removal or relocation activities (or any other of operator's activities hereunder) within ten (10) calendar days following the date of such removal or relocation, at operator's sole cost and expense. Restoration of the right of way and such property must be to substantially the same condition as it was immediately before the date operator was granted a permit for the applicable location, or did the work at such location (even if operator did not first obtain a permit). This includes restoration or replacement of any damaged trees, shrubs, or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the City.

SECTION XIV: GENERAL PROVISIONS

As-Built Maps and Records

Operator shall maintain accurate maps and other appropriate records, including an inventory, of its small cell facilities and wireless support structures as they are actually constructed in the right of way or any other City-owned property. The inventory shall include GIS coordinates, date of installation, type of wireless support structure used for installation, wireless support structure owner and description/type of installation for each small cell facility and wireless support structure.

Upon City's written request, operator shall provide a cumulative inventory within thirty (30) days of City's request. Concerning small cell facilities and wireless support structures that become inactive, the inventory shall include the same information as active installations in addition to the date the small cell facility and/or wireless support structure was deactivated and the date the small cell facility and/or wireless support structure was removed from the right of way. The City may compare the inventory to its records to identify any discrepancies.

Generally Applicable Health and Safety Regulations

All small cell facilities and wireless support structures shall be designed, constructed, operated and maintained in compliance with all generally applicable health and safety regulations, including without limitation all applicable federal, state and local regulations for human exposure to RF emissions.

Tree Maintenance

Operator, its contractors, and agents shall obtain written permission from the City before trimming trees in the right of way hanging over its small cell facility and/or wireless support structure to prevent branches of such trees from contacting attached small cell facility. When trimming such trees on private property, the Operator, its contractors, and agents shall notify the City and obtain written permission from the property owner. When directed by the City, operator shall trim under the supervision and direction of the City. The City shall not be liable for any damages, injuries, or claims arising from operator's actions under this section.

Graffiti Abatement

As soon as practical, but not later than fourteen (14) calendar days from the date operator receives notice thereof, operator shall remove all graffiti on any of its small cell facilities and/or wireless support structures located in the right of way.

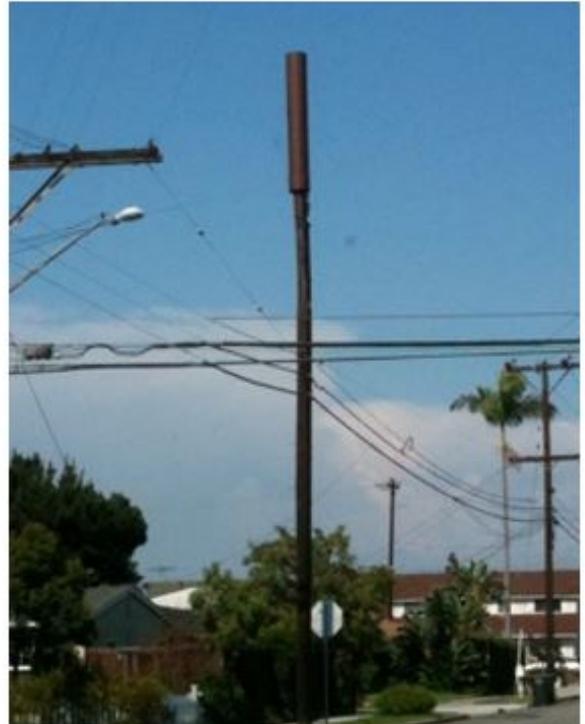
Minor Technical Exceptions

The City recognizes that in some circumstances strict compliance with these guidelines may result in undesirable aesthetic outcomes and that minor deviations should be granted when the need for such deviation arises from circumstances outside the applicant's control.

Waivers if requirements have the effect of prohibiting the provision of wireless service to a location

In the event that any applicant asserts that strict compliance with any provision in these guidelines, as applied to a specific proposed small cell facility, would effectively prohibit the provision of personal wireless services, the City may grant a limited, one-time exemption from strict compliance.

Images of Small Cell Technology





STAFF MEMORANDUM
City Council Meeting – June 11, 2018

Date: June 8, 2018
To: Matthew H. Greeson
From: David McCorkle, Economic Development Manager
Subject: **Liquor Permit Transfer – Blarney Stone Investments LLC**

EXECUTIVE SUMMARY

The Ohio Division of Liquor Control has notified the City of a request to change the address associated with a liquor permit for Blarney Stone Investments LLC (dba Blarney Stone Tavern). The City may request a hearing.

RECOMMENDATION

Motion to Not Request a Hearing.

BACKGROUND/DESCRIPTION

This is a request to transfer the location of Blarney Stone Investments LLC's D5 and D6 liquor permits from 2151 W. Dublin Granville Rd. to their new location at 2233 W. Dublin Granville Rd. The Blarney Stone Tavern has shuttered operations at its current location and intends to relocate to the new Linworth Crossing Plaza.

ATTACHMENTS

Notice from Ohio Division of Liquor Control.

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

0747266		TRFL	BLARNEY STONE INVESTMENTS LLC	
PERMIT NUMBER		TYPE	DBA BLARNEY STONE TAVERN	
02	01	2018	BSMTS & PATIO	
ISSUE DATE		2233 W DUBLIN GRANVILLE RD		
05	04	2018	WORTHINGTON OH 43085	
FILING DATE				
D5	D6	PERMIT CLASSES		
25	297	B	F20395	
TAX DISTRICT		RECEIPT NO.		

FROM 05/17/2018

0747265			BLARNEY STONE INVESTMENTS LLC	
PERMIT NUMBER		TYPE	DBA BLARNEY STONE TAVERN	
02	01	2018	BSMTS & PATIO	
ISSUE DATE		2151 W DUBLIN GRANVILLE RD		
05	04	2018	WORTHINGTON OH 43085	
FILING DATE				
D5	D6	PERMIT CLASSES		
25	297			
TAX DISTRICT		RECEIPT NO.		



MAILED 05/17/2018

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/18/2018

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING. B TRFL 0747266

REFER TO THIS NUMBER IN ALL INQUIRIES

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF WORTHINGTON CITY COUNCIL
KAY THRESS
6550 NORTH HIGH STREET
WORTHINGTON OHIO 43085

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. For best results, search only ONE criteria at a time. If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

	SEARCH CRITERIA
Permit Number	0747266
Permit Name / DBA	
Member / Officer Name	

Search Reset Main Menu

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 0747266; Name: BLARNEY STONE INVESTMENTS LLC, DBA: DBA BLARNEY STONE TAVERN BSMTS & PATIO; Address: 2233 W DUBLIN GRANVILLE RD WORTHINGTON 43085		
WILLIAM KING III	5% MEMBER	CEO

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- [Ohio Department of Commerce](#)

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