

Canal Winchester

*City Hall
Council Chambers
45 East Waterloo Street
Canal Winchester, OH 43110*



Meeting Minutes - FINAL

January 17, 2023

7:00 PM

City Council

Chuck Milliken - President

Bob Clark - Vice President

Laurie Amick

Jill Amos

Steve Buskirk

Patrick Shea

Mike Walker

- A. **Call To Order** *Milliken called the meeting to order at 7:01 p.m.*
- B. **Pledge of Allegiance** Milliken
- C. **Roll Call** *Present 6 – Amick, Amos, Clark, Milliken, Shea, Walker*

A motion was made by Shea, seconded by Clark to excuse Mr. Buskirk from the City Council meeting. The motion carried with the following vote:

Yes 6 – Shea, Clark, Milliken, Walker, Amick, Amos

D. **Approval of Minutes**

[MIN-23-001](#)

January 3, 2023 Work Session Minutes

A motion was made by Amick, seconded by Clark to approve MIN-23-001. The motion carried with the following vote:

Yes 6 – Amick, Clark, Milliken, Shea, Walker, Amos

[MIN-23-002](#)

January 3, 2023 City Council Minutes

A motion was made by Amos, seconded by Clark to approve MIN-23-002. The motion carried with the following vote:

Yes 6 – Amos, Clark, Milliken, Shea, Walker, Amick

E. **Communications & Petitions**

F. **Public Comments** - Three Minute Limit Per Person

G. **Reports of City Officials and Staff**

Mayor's Report

[December 2022 Mayor's Court Report](#)

A motion was made by Walker, seconded by Shea to approve the December 2022 Mayor's Court Report. The motion carried with the following vote:

Yes 6 – Walker, Shea, Amick, Amos, Clark, Milliken

Fairfield County Sheriff

Discussion started at 1:07:34 on YouTube Channel

Fairfield County Sheriff – Sergeant Kelly Walker has already submitted her stats for December. She wanted me to pass along that the enforcement of semi-trucks parked at Walmart is continuing. We're doing the best that we can.

Shea – Please tell Sergeant Walker thank you.

Walker – I'd also like to extend my thank you to the entire Sheriff's Department.

Law Director

Discussion started at 1:08:15 on YouTube Channel

Boggs – I do have a brief report this evening just in response to Mr. Clark's inquiry at the last Work Session meeting regarding the state's new distracted driving law and its comparison to what the city has on its

books. I guess the long and short of it is that the way I would classify the city's current ordinance is as a hands-free ordinance. In contrast, the recently enacted state law is not as broad in terms of what constitutes a violation. There is no requirement that the city update its law to conform with the state law. The state law actually prohibits fewer things than the city's ordinance does. If you were to amend it to be in line with the state law, it would be a more lenient ordinance than what is on the books now. That is, of course, within your prerogative to do, but there's no requirement to do so. I'd be happy to follow your direction in terms of preparing anything if you wish.

Clark – What would be an example?

Boggs – An example would be that right now, under the city ordinance, it is not permitted to hold your phone to your ear and talk on it while you are driving. Under state law, that is now legal according to the revised code.

Clark – I thought they were trying to get away from doing that?

Boggs – Mr. Seitz, I can't remember if he's a representative or senator now...

Clark – He's a representative from Cincinnati.

Boggs – Yes. As I recall, he was successful in getting an amendment passed that made it legal under the new state law to hold a handheld phone to one's ear for voice communication. Under the new state law, it would be legal to send an electronic message by text or email while stopped at a traffic light in a travel lane. That is not legal under Canal Winchester's current ordinance. While there is value in uniformity, leaving the city's ordinance in place would be no different than when the city was among the first to pass a hands-free driving ordinance. As another note, a person would not be arrested on the basis of that alone; it would be a ticket and summons to court. It is a ticketable offense in Canal Winchester and has been under the current ordinance. It wouldn't result in an actual arrest; it would result in a traffic stop.

Clark – I'd like to ask the sheriff's office. How many tickets have we issued for someone holding their phone to their ear?

Fairfield County Sheriff – I don't have that statistic because I'm not assigned up here. I can't give you an answer on that. However, because the distracted driving law takes effect 90 days after the signature, which I believe was signed on January 3rd, that was a secondary offense under the Ohio Revised Code. You'd have to have something similar to improper use of marked lanes or a traffic collision, and they'd have to admit that yes, they were sending an email or on their phone, before they could be cited under the Ohio Revised Code's distracted driving section.

Clark – In Canal Winchester you can pull them over just for having the phone up to their ear without any weaving or anything?

Fairfield County Sheriff – Correct. I'm not familiar with the ordinance because like I said I don't work up here very routinely.

Clark – If you could ask Sergeant Walker to get us the statistics of how many people have been cited for

having a phone up to their ear.

Amos – I will say I think the original intent of this ordinance still exists. We made it a first offense, and we also asked the sheriffs to use their best judgment, and the last time we asked Sergeant Walker, she said they're doing just that. If they see somebody who is driving responsibly and has a phone, they're not pulling them over, but if they see somebody driving erratically or in a school zone at a high rate of speed with a cell phone, they're additionally cited for that. I think it's serving its purpose. I'm not sure that reducing it to the state's bare minimum—I think that kind of ruins what we worked so hard to put together.

Clark – I guess I'm surprised that the state didn't go with the hands-free option. I just think it's unfair for an out-of-town person to come into our community, since not many other communities have that, and to get a ticket for that. I understand the problem. I wish they would have gotten a little bit more stringent because that's the level of government that I think is proper for this piece of legislation.

Amos – I think it'll be interesting to see because, before we did it, I think we determined that New Albany already had it. There were several cities that already had the ordinance because we mimicked some of the other ones. I think it's going to be interesting to see if they comply or if they just leave theirs alone and stick with what they wrote as well.

Amick – Is this something that would be noteworthy for, like, the community newsletter or something like that to remind people what the ordinance is in Canal Winchester so as not to create confusion for at least our residents about what's legal and what's not legal? Maybe Mrs. Jackson, would you mind passing that along to Hannah?

Jackson – I can absolutely do that. I did want to tell you that it looks like there were four citations written under our code since it went into effect.

Clark – Can you tell how many people are out of town versus local residents?

Jackson – I would have to do some more digging.

Milliken – Without any more information on those four citations, that seems low, and I find myself drawing a parallel with the discussion we had talked about with the semi-trucks parked at Walmart and asking for stricter enforcement of that, and we're now starting to see those results. You know, getting into the weeds of this ordinance, for me, I honestly don't care if you're holding a McDonald's cheeseburger in your hand or whatever it is; what bothers me is the texting and driving. That's the number one issue, I think, for all of us, if I had to guess. If this law is on the books, then I personally would like to see more than four citations.

Clark – I mean, I'm glad there aren't more, because I think it's unfair. I voted against it. You can send a newsletter out and stuff, but I guarantee you that nine out of ten people that get cited for this don't have a clue that this is on the books and that this is a law in our community. I wish the state would have taken action to align with our ordinance. If the state didn't do that, I think ours should mirror the state because I think it should be consistent with what people know.

Amos – We did invest in signs that are on the boundaries that say that we are hands-free, but I also will

say that there are a lot of cities with weird laws that you don't know about. I believe that's why we did it, and let's take this year as an example: we've had two pedestrians hit in traffic this year. We don't know if it was because of texting and driving or being on the phone. We have to assume it involves distracted driving in some format. We can debate it once we have more information, but I believe it was put in place for a reason, and we've seen an increase in the number of pedestrians injured. I don't necessarily think we need to go lower.

Finance Director

Discussion started at 1:22:36 on YouTube Chanel

Jackson – I don't have anything in addition to my written report this evening.

Public Service Director

Discussion started at 1:22:50 on YouTube Channel

Peoples – Just one item that I'd like to update from my written report. For the WRF Headworks project, we got word from the engineers today on the proposal for the design costs, as my report says, and based on the application we've submitted, it was a \$2 million design; those are coming in at \$1.3 million. We are very happy with that. Hopefully they'll have the same effect on the construction costs, but as Mr. Sims discussed earlier, I don't think that's going to happen. We are planning on bringing legislation to the next council meeting to authorize the design contract. We budgeted for it this year, and we'd like to proceed with that.

Development Director

Discussion started at 1:23:47 on YouTube Channel

Haire – I was going to update on the DORA, but we talked about that previously. Also, I wanted to provide a quick update on the TRAC process for US 33. Their next meeting is scheduled for the 25th, and that is a work session that they're having to score applications or review the scores of applications. That's a five-hour meeting they have scheduled from 10:00 a.m. to 3:00 p.m. on the 25th. Their next meeting is scheduled for February 22nd, and it is noted that this will be the final TRAC list for the vote on funding. We should know by February 22nd whether the 33 project will be funded for design and engineering. Many of you likely saw the news about an annexation and a rezoning for a Columbus project last week at Winchester Pike and Bixby Road. That is the 80 acres on the northwest corner of Bixby Road, Winchester Pike, and Brice Road where they all meet. They are proposing that for 561 multi-family and single-family rental units, and then there's about 10,000 square feet of retail space, and so that went to the development commission last Thursday, the 12th. I do not know the results of that meeting, but ultimately it'll be up to the Columbus City Council to vote on the rezoning and to also accept the annexation. That annexation has been approved by the Franklin County Commissioners at this point, and then it would just be up to Columbus to accept it.

Amick – Is that back behind World Harvest Church and Dayspring Church?

Haire – That's another project that was approved by the City of Columbus. That's 900 units.

Amos – I think we discussed this at the last meeting, but I just want to reiterate the property that they just rezoned. We did not have the capability to serve water at that property.

Haire – We do not have water and sewer designed to conserve north of Winchester Pike.

Amos – I've had several residents ask why we aren't trying to pursue that, and that was one of the topics of conversation with water and sewer.

Haire – There will be more requests coming. Mr. Barr, who owns property on Bixby Road, is in contract to sell his property to a multi-family developer as well. This will also be implemented in the City of Columbus.

Amos – Is Mr. Barr seeking annexation here or is he annexing into Columbus?

Haire – They're seeking annexation and zoning in the City of Columbus. That'll probably be about a one-year process to do that, but they've just gone into contract on it. That'll likely be around 500 units as well.

Amos – Who do we need to talk to make sure that all of these are buying into the roads and the interchange?

Haire – Maybe you should speak to Mr. Barr.

Amick – So, going back to the beginning when you were talking about the piece that is going before Columbus City Council, can you help me again locate that?

Haire – It's on the northwest corner of Winchester Pike and Brice Road.

Amick – Is that all of Columbus' school systems?

Haire – It's currently in Canal Winchester Schools, but with annexation and the win-win agreement, it would change to Columbus Schools. Anything annexed into Columbus after 1986 transfers to the Columbus schools.

Amick – Maybe it's none of our business, but what Columbus schools would that be? I think if I'm doing the math in my head, I've got up to about 1400 units.

Haire – It's closer to 5,000 unit's total now that are planned. I'm not sure of the elementary school, but I know they go to Yorktown Middle School, which is on Livingston Avenue over by Reynoldsburg.

Amos – As Columbus starts getting some of these, they'll start looking at potentially opening some new schools in those areas. They'll have to revisit the win-win agreement with surrounding cities, and that doesn't go well.

Clark – Has there been any discussion in city council or between the Fairfield County Engineers office about four-laning Gender Road from 70 to 33?

Haire – They have a safety study that's underway currently that the City of Columbus is doing looking at the Gender Road corridor, and that basically looks from Gender and Brice on the north side all the way down to Route 33. That study is not complete yet, but it is underway. That will look at safety improvements along the corridor and then rank what should be the priorities, as well as figure out funding strategies for them.

Amos – I'm going to bounce back to the TRAC process. I'm hoping or assuming that all of these multi-family housing projects that are planned have been included in the TRAC process to hopefully help boost the need for this intersection.

Haire – All the known projects I presented to them included a total number of units, which were included in the application. Since then, another thousand units have been proposed, and there will be thousands more because of the way Columbus is incentivizing housing construction in that area, which is driving the multi-family developers.

H. Resolutions

RES-23-006

Finance

Sponsor: Amos

A RESOLUTION APPROVING THE ADMISSION OF THE CITY OF GAHANNA AS A MEMBER IN CORMA SELF-INSURANCE POOL, INC.

- Adoption

A motion was made by Amos, seconded by Clark to adopt RES-23-006. The motion carried with the following vote:

Yes 6 – Amos, Clark, Milliken, Shea, Walker, Amick

This resolution was changed to reflect the City of Gahanna throughout the document

RES-23-007

Finance

Sponsor: Amick

A RESOLUTION APPROVING THE ADMISSION OF THE CITY OF HILLIARD AS A MEMBER IN CORMA SELF-INSURANCE POOL, INC.

- Adoption

A motion was made by Amick, seconded by Amos to adopt RES-23-007. The motion carried with the following vote:

Yes 6 – Amick, Amos, Clark, Milliken, Shea, Walker

I. Ordinances

Tabled

Third Reading

ORD-22-060

Public Service

Sponsor: Amos

AN ORDINANCE REPEAL ORDINANCE #13-036 AND TO ESTABLISH WATER USER FEES FOR THE CANAL POINTE INDUSTRIAL PARK PUBLIC WATER SYSTEM

- Adoption

A motion was made by Amos, seconded by Shea to adopt ORD-22-060. The motion carried with the following vote:

Yes 6 – Amos, Shea, Walker, Amick, Clark, Milliken

ORD-22-061

Public Service

Sponsor: Milliken

AN ORDINANCE TO AMEND ORDINANCE #42-13 SETTING WATER SYSTEM CAPACITY CHARGES FOR SERVICE CONNECTIONS TO THE CITY OF CANAL WINCHESTER PUBLIC WATER SYSTEMS

- Adoption

A motion was made by Milliken, seconded by Shea to adopt ORD-22-061. The motion carried with the following vote:

Yes 6 – Milliken, Shea, Walker, Amick, Amos, Clark

ORD-22-062

Public Service

Sponsor: Amick

AN ORDINANCE TO AMEND ORDINANCE #41-13 SETTING SEWER SYSTEM CAPACITY CHARGES FOR SERVICE CONNECTIONS TO THE CITY OF CANAL WINCHESTER SANITARY SEWER SYSTEM

- Adoption

A motion was made by Amick, seconded by Clark to adopt ORD-22-062. The motion carried with the following vote:

Yes 6 – Amick, Clark, Milliken, Shea, Walker, Amos

Second Reading**ORD-23-001**

Finance

Sponsor: Shea

AN ORDINANCE TO AMEND THE 2022 APPROPRIATION ORDINANCE #22-041, AMENDMENT #1

- Request waiver of third reading and adoption

A motion was made by Shea, seconded by Amos to suspend the rules and waive the third reading of ORD-23-001. The motion carried with the following vote:

Yes 5 – Shea, Amos, Clark, Milliken, Amick

Abstain 1 – Walker

A motion was made by Shea, seconded by Clark to adopt ORD-23-001. The motion carried with the following vote:

Yes 5 – Shea, Clark, Milliken, Amick, Amos

Abstain 1 – Walker

ORD-23-002

Development

Sponsor: Amos

AN ORDINANCE TO ACCEPT THE DEDICATION OF REAL PROPERTY FROM CANAL POINTE, LLC.

- Second Reading Only

ORD-23-003

Development

Sponsor: Buskirk

AN ORDINANCE TO ACCEPT THE DEDICATION OF REAL PROPERTY FROM DANIEL ROBERT, INC.

- Second Reading Only

First Reading**ORD-23-004**

Development

Sponsor: Amos

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH JAMES N. STEVENSON FOR A 30 +/- ACRE TRACT OF LAND ON PARKVIEW DRIVE

- First Reading Only

J. Council Reports

Committee of the Whole - Monday, January 30, 2023 at 6:00 p.m.

Work Session/Council - Monday, February 6, 2023 at 6:00 p.m.

CW Human Services - Walker

Discussion started at 1:38:23 on YouTube Channel

Walker – Aletha Mullins completed the quarterly report for Human Services, and the report is in front of all of us tonight. She included an invite for the SOUPer Bowl Fundraiser, which is included in this packet. If

anyone is interested in donating a silent auction item, baked goods, or would like to make a pot of soup, please call Aletha. It is Sunday, February 12th, from 11:00 a.m. to 2:00 p.m. at 80 Covenant Way. Ways to help out: donate baked goods for the halftime bake sale; donate to the silent auction; buy themed gift baskets; buy gift certificates. The goal is to raise money for the operational costs.

CWICC - Amick

Discussion started at 1:40:09 on YouTube Channel

Amick – Nothing new to report. Our next meeting will be March 29th.

CWJRD - Amos/Shea

Discussion started at 1:40:17 on YouTube Channel

Amos - The CWJRD has a meeting this Thursday at 7:00 p.m. at Town Hall. You're all more than welcome to come join us. We're rolling with basketball. I will tell you that it's been an exciting start. Our wrestling team is doing quite well. It's the first time we've had wrestling in two years. They're doing incredibly well. The winter sports season is off to a good start.

Destination: Canal Winchester - Milliken

Discussion started at 1:41:19 on YouTube Channel

Milliken – Reminder: Art on the Canal Stroll is May 20th from noon to 6:00 p.m. The next winter farmer's market is Saturday, February 4th, from noon to 6:00 p.m. It will take place at Faith United Methodist Church. Applications are now being accepted for vendors for the summer farmer's market, which will begin on Saturday, May 27th. Due to construction at the Historical Complex, the location of the farmer's market has yet to be determined. Destination is working on new events that help try to incorporate the DORA.

K. Old/New Business

L. Adjourn to Executive Session (if necessary)

M. Adjournment @ 7:38 p.m.

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

Yes 6 – Milliken, Amos, Clark, Shea, Walker, Amick