

Canal Winchester

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



Meeting Minutes - FINAL

December 18, 2017

7:00 PM

City Council

*Steve Donahue- President
Will Bennett-Vice President
Bob Clark
Bruce Jarvis
Bobbie Mershon
Mike Walker*

- A. Call To Order *Donahue called the meeting to order at 7:00 pm*
- B. Pledge of Allegiance - **Clark**
- C. Roll Call **Yes:** 5 – Bennett, Clark, Donahue, Mershon, Walker
Not present: *Jarvis*

A motion was made by Bennett, seconded Walker to excuse Mr. Jarvis from the council meeting. The motion carried by the following vote:

Yes: 5 – Bennett, Walker, Clark, Donahue, Mershon

D. Approval of Minutes

[MIN-17-060](#) 12-4-17 Council Work Session Meeting Minutes

Attachments: [12-4-17 Council Work Session Meeting Minutes](#)

[MIN-17-061](#) 12-4-17 Council Meeting Minutes

Attachments: [12-4-17 Council Meeting Minutes](#)

A motion was made by Clark, seconded by Bennett that the minutes be approved. The motion carried by the following vote:

Yes: 5 - Clark, Walker, Bennett Donahue, Mershon

E. Communications & Petitions

[17-276](#) ZA-17-006 Recommendation from Planning and Zoning to consider a Zoning Text Amendment to Chapter 1181.06 Keeping of Agricultural Animals in Non-Agricultural Districts

- ***Set Public Hearing date***

Jackson: 17-276 we received the recommendation form Planning and Zoning to consider a zoning text amendment to chapter 1181.06 keeping agricultural animals in non-agricultural districts; we need to set public hearing date; and would like to do so for February 5, 2018 at 6:30 pm;

[17-277](#) Invitation from Madison Township to Appreciation Breakfast

Donahue: we have an invitation from Madison Township to an appreciation breakfast;

Mayor: It's my pleasure this evening to present a couple of certificates to a couple of outstanding citizens in the City of Canal Winchester; the first one goes to Bobbie Mershon; a certificate of appreciation in recognition of twenty-eight years of service to the City of Canal Winchester as a member of city council; signed Michael Ebert, December 18, 2017; thank you Bobbie; the next one goes to, a certificate of appreciation in recognition of twelve years of service to the City of Canal Winchester as a member of city council, Steve Donahue; signed Michael Ebert, December 18, 2017; Walker: and also your colleagues on council would like to thank you for your years of service for the City of Canal Winchester; you both have been a great asset; presenting gifts to Mrs. Mershon and Mr. Donahue;

Donahue: we're going to amend the agenda before we do the public comments to move Ordinance 17-060 to right after public comments; we need to do that to have Mrs. Mershon vote on that so we have a quorum because she is very sick;

A motion was made Bennett, seconded by Walker to amend the agenda Ordinance 17-060 to right after public comments. The motion carried with the following vote:

Yes: 5 - Bennett, Walker, Clark, Donahue, Mershon

F. Public Comments - Five Minute Limit Per Person

Nat Floyd, 6754 Bigerton Bend: If the members of Cherry Landing could please rise; please not that I also have dozens of other signatures here for folks that could not attend tonight for one reason or another; first, we as the community of Cherry Landing would like to thank everyone for their time this evening; we're here tonight to ask council to table ordinance 17-060; the rezoning of 4.7 acres from AR1 to GC; as it has been observed over the last two council meetings, this topic along with the extension of Bigerton Bend has brought out many comments from the community; we have all heard the concerns of the decreased property values and other items, but mostly the safety of the children; we will talk about why we'd like an opportunity to find another solution; please note, we are asking to table the zoning request and not deny it; the residents have

reached out to Crossroads Church to find a solution that not only satisfies the city's need to alleviate church traffic on Sunday's but also address the numerous concerns of the residents of Cherry Landing; the church has graciously agreed to look at other options but needs time due to the holidays; the residents have even presented another option that will handle the flow of traffic that is brought on by the church without having to complete the road; please we would like to pass out maps to council; seventeen years ago there was a vision that all the land between the church and Cherry Landing was going to be a large community; times have changed and that plan has also changed; what has occurred since those plans were drawn on an empty map has been significant; a tightknit community evolved out of Cherry Landing; neighbors have come to know each other and understand that there are children playing constantly on the street; we know that as you approach the gazebo area to slow down just in case the latest homerun from a game of kickball goes bouncing into the street; we know that on any given summer weekend the ponds will be surrounded by those trying to catch the big one; parents are out on a bike ride with their children as they lead the way; our four legged friends enjoy the new smells that seem to be at every single tree; just like the original plans have changed so has the community; some may ask why table this; give the community, the citizens of this great city a chance to work with the church and the city to find an acceptable solution; if the vote is delated it affects no one; all the delay does is allow time for the completion of a win, win, win, situation that benefits the church, the city and the residents of Cherry Landing; once again we stress that we are no asking you to deny this, but rather table it; give us the time to work with the church and city leaders; the timing of this over the holidays making it a challenge, hence the request for the delay; you the council have a great opportunity here to do something that most never do; and that is to make a positive statement about what really matters to the community by allowing us to work and partner as one; delaying this vote does not stop the church from building the new sanctuary; what harm comes from giving us, the community of people that live here, a few weeks to explore options we are presenting to the council this evening; once again while the issue in front of council this evening for the rezoning of AR1 to GC you can see that there are many unresolved questions that tie into this request to rezone; due to these questions and many others we kindly ask you to table the vote; thank you;

Tim Moore, Lead Pastor, Crossroads Church, 11573 Lithopolis Rd: I came here today, as you guys are going to be reading and voting on the rezoning of the 4.7 acre parcel right on Gender Road; we are requesting that you do move forward with approving that zoning; we feel that it is in the nest interest for ourselves and we believe as well, that will be up for you guys to vote on, in the city's best interest to have that front road acreage along Gender Road to be commercial; to match the rest of the commercial corridor that you see on Gender Road; we get approached and have been approached several times by apartment home builders that have asked to buy our property, that twenty-eight acres to put up apartments and things; we've never been interested in that; we want to put our facility up on that property; but we do have enough property to sell some of it to recoup some of the cost with development that we have; we are asking for this to be rezoned commercial; we believe it will be the most benefit to the city and what it brings in from a tax revenue basis; as well we think it will be the best for property values; not only for ours but for the residents and everyone in Cherry Landing and the surrounding areas; this is something we are asking for the council to do; if the council decides that they don't want that to be commercial then we can move forward with selling it for apartments or condos; that's not our desire and I wanted you guys to know that; we have every intent to be a good neighbor; we have met and are continuing to meet with the residents of the neighborhood in the back; and we want to try to do whatever we can to satisfy the desires and requests of the city as well as try our best to be great neighbors to those who are behind us; I'm asking you guys today that you would approve what has been submitted for rezoning; thank you;

Joe Miller, Executive, Pastor Crossroads Church, 10951 Lithopolis Rd NW: It is absolutely true, I have met or we have met with the Home Owner's Association at Cherry Landing and I am excited to explore kind of maybe if there are options that are there for potentially doing something that will benefit both parties; but at this point in time, you guys are not here tonight to necessarily talk about the road; and I know you know that; the vote tonight is for the rezoning of that 4.75 acre parcel which is at this point what needs to be discussed; the road is the road so I don't know how to say it any other way than that; there has been a lot of discussions, years of discussions between us and the city; regarding the road, there's actually members of Planning and Zoning here tonight that have been part of those discussions with us; it's a large undertaking for a church, a

charitable organization, to put that kind of money into a road; and let's face it, a bridge over a four foot ditch; but at this point what we're talking about tonight is not the road, it's not the bridge, we're talking about rezoning of the front 4.75 acres; which I think we can move on with that; there's no reason at this point we want to continue to meet with the HOA as well as the city to look for a solution; if there is a possible solution; something that would make them happy, us potentially happy and the city happy; but at this point for us we need to move forward with that rezoning of that acreage as we have obviously different people involved in line with what we're trying to accomplish with that 4.75 acres; so we would prefer not to delay that or table that if it's at all possible tonight; that's all I have;

Cory Eller, 6538 Cherry Bend: the question regarding the rezoning and that's wanting to sell that property as well; so, that just becomes another issue once that property is sold; for us to deal again with that road going through; and dealing with whoever that's sold to; so, I think that still the zoning needs to be discussed as far as that; it still makes it an issue;

Mershon: if we would table that what happens to the rezoning; isn't it automatically approved because we're past our timeline; Haire: that would be a question for Gene; we have forty-five days from the date of the public hearing to make a decision; the public hearing was held on November 6th; Hollins: we make every effort to either vote within that forty-five days or only table with the request of the applicant; technically we need four votes to do anything; I've never taken the position that things pass council by default; with the applicant stating their desire to have a vote we really need to; my thought would be to take a motion, take a vote;

[ORD-17-060](#)

AN ORDINANCE TO AMEND PART 11 OF THE CODIFIED ORDINANCES AND THE ZONING MAP OF THE CITY OF CANAL WINCHESTER, REZONING APPROXIMATELY TRACT OF LAND FROM MULTI-FAMILY RESIDENTIAL (AR-1) TO GENERAL COMMERCIAL (GC), OWNED BY CROSSROADS CHRISTIAN LIFE CENTER, INC., LOCATED ON THE EAST SIDE OF GENDER ROAD NORTH OF THE RAILROAD TRACKS (PART OF PID 184-000865)

Attachments: [Crossroad Rezoning Legal Description](#)

Sponsor: Bennett

Donahue: once again I want to point out, just as the gentleman said, one of the pastors, this is on zoning and rezoning and not on the road; it's on going from apartments to commercial; Mershon: after looking at all four of the criteria for rezoning there is not one criteria that does not meet for rezoning; Walker: in order to stay in compliance with the Ohio ethics commission and legal counsel I have to abstain from the vote as I have a family member that's a pastor at the church;

A motion was made by Bennett, seconded by Mershon that this Ordinance be adopted. The motion carried by the following vote:

Yes: 4 – Bennett, Mershon, Clark, Donahue

Abstained: 1 – Walker

Donahue: Mrs. Mershon you are excused;

G. RESOLUTIONS

[RES-17-023](#)

A RESOLUTION TO APPROVE THE DISTRIBUTION OF 2018 BED TAX FUNDS

Attachments: [2018 Bed Tax Grant Funding Recommendations](#)

Donahue: we need to make sure that the \$500.00 is appropriated for Brock Strong and \$500.00 additional is appropriated for Scioto Valley;

A motion was made by Donahue, seconded by Bennett that this Resolution be adopted. The motion carried by the following vote:

Yes: 4 – Donahue, Bennett, Clark, Walker

[RES-17-024](#)

A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF MICHAEL VASKO TO SERVE A FOUR YEAR TERM AS A MEMBER OF THE PLANNING AND ZONING COMMISSION EXPIRING ON DECEMBER 31, 2021

A motion was made by Bennett, seconded by Clark that this Resolution be adopted. The motion carried by the following vote:

Yes: 4 – Bennett, Clark, Donahue, Walker

[RES-17-025](#)

A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF MARK CAULK TO SERVE A FOUR YEAR TERM AS A MEMBER OF THE PLANNING AND ZONING COMMISSION EXPIRING ON DECEMBER 31, 2021

A motion was made by Bennett, seconded by Clark that this Resolution be adopted. The motion carried by the following vote:

Yes: 4 – Bennett, Clark, Donahue, Walker

[RES-17-026](#)

A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF JAMOYA COX TO SERVE THE REMAINDER OF AN UNEXPIRED TERM AS A MEMBER OF THE LANDMARKS COMMISSION EXPIRING ON DECEMBER 31, 2018

A motion was made by Bennett, seconded by Clark that this Resolution be adopted. The motion carried by the following vote:

Yes: 4 – Bennett, Clark, Donahue, Walker

H. ORDINANCES

Third Reading

[ORD-17-040](#)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A TAX INCREMENT FINANCING AGREEMENT WITH PROPERO CANAL WINCHESTER, LLC

Attachments: [Propero Canal Winchester TIF Agreement](#)

Sponsor: Mershon

A motion was made by Donahue, seconded by Bennett that this Ordinance be adopted. The motion carried by the following vote:

Yes: 4 – Donahue, Bennett, Clark, Walker

[ORD-17-059](#)

AN ORDINANCE TO AMEND ORDINANCE NO. 13-13, WHICH ESTABLISHED A TAX INCREMENT FINANCING AREA, TO SUBJECT SUCH TAX INCREMENT FINANCING AREA TO AN EXISTING CRA EXEMPTION AND TO DECLARE AN EMERGENCY

Sponsor: Walker

A motion was made by Walker, seconded by Clark that this Ordinance be adopted. The motion carried by the following vote:

Yes: 4 – Walker, Clark, Bennett, Donahue

Second Reading - NONE

First Reading - NONE

I. REPORTS

Mayor's Report

[17-272](#)

Mayor's Report

Attachments: [Mayor's Report 12-18-17](#)

Mayor: I have nothing in addition to my written report;

[17-275](#)

November 2017 Mayor's Court Report

Attachments: [November 2017 Mayor's Court Report](#)

A motion was made by Bennett, seconded by Clark, that this report be approved. The motion carried by the following vote:

Yes: 4 – Bennett, Clark, Donahue, Walker

Fairfield County Sheriff

Cassel: Calls for service 251; multi-unit calls 120; reports taken 57; traffic stops 46; citations 57; total arrests 19; summons in lieu 8; and if you're wondering how you have more tickets written than traffic stops, sometimes when you get stopped you get several tickets;

Law Director

Hollins: Happy Holidays to everyone; Mr. Chair thank you for your service; you will be missed; we do have a court hearing tomorrow regarding the changes with the net profits law; I fell that we have a good basis at least temporality have that put on ice; and then work with the judge on the merits of the case as to whether it was legal or constitutional; more to come on that; I know that you

have basically cleaned the slate for the new council coming on board; that's great; you can actually carry over legislation but it's always nice to start with a clean slate; well done and have a great new year and everyone enjoy their holidays; no need for executive session;

Finance Director

[17-273](#)

Finance Director's Report

Attachments: [Finance Director's Project Update 12-18-17](#)
[November 2017 Financial Statements](#)

Jackson: just two quick reminders; council please leave your computers at the end of this evening's meeting so that we can run all the necessary updates; and for those of you who will be joining us in January we will not have a regular council meeting at our first meeting on January 2nd; we will have an organizational meeting only; other than that I have nothing in addition to my written report;

Public Service Director

[17-274](#)

Director of Public Service Project Update

Attachments: [Director of Public Service Project Update-PW](#)

Peoples: just a couple of things from the last council meeting; the Gender Road phase four, we have our final set of plans that we're reviewing now; for the project as a whole we are tracking on budget for that; just a reminder going into next year that OPWC denied the extension of the trail from its terminus out to basically where Walnut Street is; which is roughly \$200,000.00 and that also did not include the railroad upgrade; we will be addressing that as we move forward with the project; it will have to go through an appropriations process; capacity fees, we were reviewing those; we've made an analysis of our fund balance and checked against other area capacity fees and we are still in line; we are moving forward with no increases going into next year; Clark: can we reapply for the \$200,000.00 or is that gone; Peoples: that's all gone; we were the last one to be funded; we weren't completely fully funded; we were left with a share that was not there so our original loan and grant, our grant was shorted but we got extra loan to put towards that; Clark: but we'll be responsible; Peoples: we'll be responsible for that portion of it; that did include some extras water line work as part of that while we have the road tore open; that was included in the budget, the water line numbers, so the actual numbers for Gender Four didn't reflect

that over and above OPWC;

Development Director

Haire: I received a number of applications today for the Planning & Zoning meeting in January; one of which is a final development plan for Westchester section fifteen which will consist of forty-six lots that is just northwest of the intersection of Gender Road and Lithopolis Road; we also received a rezoning request at Lithopolis, Oregon, and Hayes Road for seventy-nine acres; and a preliminary development plan application on behalf of Westport Homes for 194 homes there; we also received a final development plan for a ninety-three room Hampton Inn which is being propose don W Waterloo Street between Fifth Third Bank and Aldi; so we'll be hearing all those at our meeting; Bennett: the 194 homes is where again; Haire: It's on Lithopolis and Hayes Road and also on the corner of Oregon Road; Bennett: lots of resident comments tonight about the zoning change and I think Mr. Miller who spoke summed it up best basically; If I'm correct, the applicant has established the plans; but if the applicant wishes to make a new set of plans and work with the city, if the residents and the church work together they can submit a new set of plans that's something that they have the right to do, correct; Haire: yes; Bennett: but currently the way everything stands the church has approved plans and if there's any change it really is led by the applicant; if they come in and want to work with you and the mayor and sit down and have those discussions that something that I would assume would be had in your offices; Haire: correct;

J. COUNCIL REPORTS

Organization Meeting TUESDAY, January 2, 2018 at 6:00 p.m.

Work Session/Council TUESDAY, January 16, 2018 at 6:00 p.m.

CW Human Services Representation – Clark: nothing new to report

Destination: Canal Winchester Representative – Donahue: Mrs. Mershon is not here

Canal Winchester Industry and Commerce Corporation Representative – Clark: we've got a meeting January 31st at 11:30 in the Interurban building

CWJRD – Bennett: we have our final meeting of the year this Wednesday at 7 pm here in Town Hall

Old/New Business

Bennett: Before we close tonight I would like to take a minute to recognize Mr. Donahue and Mershon, Mrs. Mershon isn't here and I will have to catch up with her later; for your long standing service to the city; they've both served with great passion; their leadership and guidance has really helped to stage and shape the community and make it the place that I'm proud to call home; I would like to personally thank you and Mrs. Mershon; for the record, it has been a privilege and an honor for me to serve with both of you; I've learned a great deal working beside both of you for the last four years; we have one other gift from all of us here at the city council; again. We'll have to get Mrs. Mershon hers; we wanted to present you with this as well; this is a map of the community and its representative of your impact; it reflects the community that you have helped build and the people you have touched;

Donahue: thank you; just to say a few things, I've enjoyed it and I take my hat off to the people that come because it's not always easy; but the people that run, I know you may not think it 100 percent of the time, but they care and I wish the new people the best; thanks; motion to adjourn;

Mayor: I just want to thank Bobbie Mershon and Steve Donahue for their many year combined (forty years of service I think); I especially appreciate it; Steve is the one who got me started in public service; I've loved every minute of it along the way; and he's showed me a few tricks of the trade along the way and I appreciate that; thank you very much;

Walker: we've done everything in the world to try and talk him into staying; he is truly an amazing man;

Donahue: thank you, thank you; I so move to adjourn

Adjourn to Executive Session - NONE

Adjournment

Meeting adjourned at 7:56pm

A motion was made by Donahue, seconded by Bennett that this meeting be adjourned. The motion carried by the following vote:

Yes: 4-Donahue, Bennett, Clark, Walker