

Canal Winchester

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



Meeting Agenda

February 20, 2018

7:00 PM

City Council

*Bruce Jarvis – President
Mike Walker – Vice President
Jill Amos
Will Bennett
Bob Clark
Mike Coolman
Patrick Lynch*

- A. Call To Order
- B. Pledge of Allegiance - *Walker*
- C. Roll Call
- D. Approval of Minutes

[MIN-18-007](#) 2-5-18 Council Work Session Meeting Minutes
[MIN-18-008](#) 2-5-18 Public Hearing Meeting Minutes
[MIN-18-009](#) 2-5-18 Council Meeting Minutes

E. Communications & Petitions

18-015 Franklin County Public Health Representative

[18-016](#) ZM-18-001 Recommendation from Planning and Zoning to consider the rezoning of property located at 100 Winchester Cemetery Road (Parcel ID 184-000752) from Planned Commercial District (PCD) to Neighborhood Commercial (NC)
- *Set Public Hearing Date*

F. Public Comments - Five Minute Limit Per Person

G. Resolutions - *NONE*

H. Ordinances

Third Reading - NONE

Second Reading

[ORD-18-003](#) An Ordinance Amending Section 1181.06 Of The Codified Ordinances Regarding Keeping Of Agricultural Animals In Non-Agricultural Districts
Development
Sponsor: Jarvis
- *Second Reading Only*

[ORD-18-004](#) An Ordinance To Authorize The Mayor To Enter Into A Contract For The Prosecution Of Certain Criminal Cases And Certain Civil Division Cases In The Franklin County Municipal Court For The Calendar Year 2018 With The City Of Columbus Attorney's Office ([Ex. A](#))
Finance
Sponsor: Lynch
- *Second Reading Only*

[ORD-18-005](#) An Ordinance To Authorize The Mayor To Enter Into A Contract For Indigent Defense Representation In The Franklin County Municipal Court With The Franklin County Public Defender On Behalf Of The City Of Canal Winchester Mayors Court For The Calendar Year 2018 ([Ex. A](#))
Finance
Sponsor: Coolman
- *Second Reading Only*

H. Ordinances (continued)*First Reading***ORD-18-008***Public Service*An Ordinance To Repeal Section 951.02 Of The Codified Ordinances
Of The City Of Canal Winchester*- First Reading Only***I. Reports***Mayor's Report***18-016**

Mayor's Report

*Fairfield County Sheriff**Law Director**Finance Director***18-017**

Finance Director's Report

*Public Service Director***18-018**

Director of Public Service Project Update

*Development Director***J. Council Reports***Work Session/Council**Monday, March 5, 2018 at 6 p.m.**Work Session/Council**Monday, March 19, 2018 at 6 p.m.**CW Human Services**Mr. Lynch**CWICC**Mr. Clark**CWJRD**Mr. Bennett/Mrs. Amos**Destination: Canal Winchester**Mr. Walker***K. Old/New Business****L. Adjourn to Executive Session (if necessary)****M. Adjournment**

Canal Winchester

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



Meeting Minutes - DRAFT

February 5, 2018

6:00 PM

Council Work Session

Mike Walker - Chair

Jill Amos

Will Bennett

Bob Clark

Mike Coolman

Bruce Jarvis

Patrick Lynch

- A. **Call To Order** *Walker called the meeting order at 6:01 p.m.*
 B. **Roll Call** *Present 7 –Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker*
 C. **Also In Attendance**

Mayor Ebert, Matt Peoples, Lucas Haire, Amanda Jackson

D. Request for Council Action

RES-18-002

Public Service

A Resolution To Authorize The Application Of Motor Vehicle Permissive Tax Funds From The Franklin County Engineer For The Gender Rd. Phase IV Project

- Request to move to full Council

Peoples: as we discussed at the last council meeting this is permissive funds that come from a license tax that Fairfield County holds on our behalf; we are requesting approximately \$200,000 to be used to offset the Gender Road intersection improvements;

A motion was made by Coolman, seconded by Amos to move this resolution to full council. The motion carried by the following vote:

Yes 7 – Coolman, Amos, Bennett, Clark, Jarvis, Lynch, Walker

RES-18-003

Development

A Resolution Of Intent To Appropriate A Fee Simple Absolute Interest In 0.463 Acres, More Or Less, Located At West Waterloo Street, For The Public Purpose Of Constructing Roadway Improvements, Which Shall Be Open To The Public, Without Charge ([Ex. A](#), [Ex. B](#))

- Request to move to full Council

Haire: this property id West Waterloo Street; there's a portion of this street in front of Aldi and that adjacent parcel there; we would eventually like to vacate that portion of the property; we started researching that looking at the fees simple title; it is owned by two individuals; both who are deceased so that was a state highway easement when that was State Route 674; when they relocated 674 to Gender Road it automatically came over to the city to maintain that easement; what we would like to do is get the fee simple title to that property; to do that we have to take that through court proceedings since the folks are both deceased; one of them which has been deceased since 1974; so, it has been a very long time; Gene can maybe explain more technical terms if you have any questions; Bennett: once we acquire the fee simple absolute interest what are we trying to achieve once we acquire that; Haire: portions of it will just be for roadway improvements; it will be maintained a right-of-way Lynch: you're basically attaching ownership of it to the road that it's adjacent to, right; Haire: correct;

A motion was made by Clark, seconded by Bennett to move this resolution to full council. The motion carried by the following vote:

Yes 7 – Clark, Bennett, Amos, Coolman, Jarvis, Lynch, Walker

ORD-18-004

Finance

An Ordinance To Authorize The Mayor To Enter Into A Contract For The Prosecution Of Certain Criminal Cases And Certain Civil Division Cases In The Franklin County Municipal Court For The Calendar Year 2018 With The City Of Columbus Attorney's Office ([Ex. A](#))

- Request to move to full Council

Jackson: this is an annual contract with the city attorney with the City of Columbus; where they represent the City of Canal Winchester and the BMV in certain cases that come before the Franklin County Municipal Court; and they also provide intake services for individuals who either have been charged under a Canal Winchester code or would like to file certain complaints; but essentially this contract, in 2017, we spent \$30.00 on this contract; it is not large contract but it is something we are required to offer as a city; and for cost purposes we've contracted with the city attorney for Columbus; this was we don't have to have someone do these things here;

A motion was made by Lynch, seconded by Coolman to move this ordinance to full council. The motion carried by the following vote:

Yes 7 – Lynch, Coolman, Amos, Bennett, Clark, Jarvis, Walker

ORD-18-005

Finance

An Ordinance To Authorize The Mayor To Enter Into A Contract For Indigent Defense Representation In The Franklin County Municipal Court With The Franklin County Public Defender On Behalf Of The City Of Canal Winchester Mayors Court For The Calendar Year 2018 ([Ex. A](#))

- Request to move to full Council

Jackson: similar in nature and this is also related to our Mayor's Court; this contract allows for those individuals charged under the Canal Winchester code who cannot afford an attorney be offered on through the public defender program; the City of Canal Winchester is responsible for paying for that public defender; this is not something we do in our Mayor's Court; so if somebody does come to Mayor's Court and says I'd like a public defender, the case automatically gets transferred to Franklin County or Fairfield County depending on where the offense occurred; then the respective county provides that public defender service then we get billed for it; it's sort of a hit or miss contract ; some years it will get used a lot and other years it will not; I will say the cost per case went down in 2018; in 2017 is was \$83.00 per case; it is something we are required to offer as part of having a Mayor's Court in our town; again, this is an annual contract so you will see this every year; Coolman: about how much did we spend last year on that; Jackson: let me see if I can find that for you; I don't know off the top of my head; Coolman: what do you anticipate for this year; Jackson: not a whole lot; it's hard to tell because there are a lot of cases that come through Mayor's Court and get resolved here; and then other years everybody wants representation; it honestly depends on what's going on in town; I will try and find you a number; Lynch: is there any chance of recouping any of that; Jackson: it's probably slim to none; I don't know that we legally can; Lynch: those who have a public defender probably couldn't afford to pay us back anyway; Jackson: they have to prove that they're indigent, that they cannot afford representation; that's why the public defender exists; Bennett: would we expect to see one of these for Fairfield County as well; Jackson: no, very few cases get transferred to

Fairfield County; they do provide this service but we don't get charged for it; I would anticipate if that number would ever drastically increase then we would have to do that;

A motion was made by Coolman, seconded by Amos to move this ordinance to full council. The motion carried by the following vote:

Yes 7 – Coolman, Amos, Bennett, Clark, Jarvis, Lynch, Walker

ORD-18-006

Finance

An Ordinance Authorizing The Mayor To Enter Into A Contract With The Fairfield County Commissioners And Fairfield County Sheriff's Department For Housing Of Prisoners And Declaring An Emergency ([Ex. A](#))

- Request to move to full Council

Jackson: real quick, back to Mr. Coolman's question, about \$2,200.00 in 2017 for Franklin County public defender; this ordinance is for the Fairfield County Sheriff's department for the housing of prisoners; this is new; we currently have a contract with Franklin County where they house our prisoners for a cost of \$82.00 per day per defendant; that contract has been in place since 1996 and we do use it; well over a year ago, our previous Sargent, Duvall, had worked a deal with that Fairfield County would accept prisoners for crimes committed in Franklin County which they technically don't have to; then about six months ago they put a stop to that and said okay we're only going to take Fairfield County crimes; so when that happened the Mayor and I started discussions about what we can do to house our prisoners in Fairfield County; this is big for our deputies for a number of reasons; it will allow for a lot of efficiency that they do not have right now; when our deputies arrest someone and have to take them to jail, which we don't necessarily like to do since we have to pay for it, but when they do have to take them to Franklin County it's not always a smooth process; we've had issues with prisoners we were supposed to be picking up for court that maybe weren't ready or we've been told incorrect information about them; it's a lot of little small things that will hopefully be eliminated when they are now dealing with their people when it comes to jailing; they know the protocol at their jail; they know everybody who works there; it should be a much, much smoother process; obviously Fairfield County just built a brand new jail so they were in transitions trying to figure out if they would even have bed space for us; that is part of why negotiations took as long as they did; they came back with this agreement; Fairfield County Commissioners have already approved this agreement; ideally we would love to start this tomorrow; where is anybody gets arrested they can take them down to Fairfield County regardless of where that crime was committed; we're very excited about this; it is much cheaper than Franklin County as well; but our agreement with Franklin County will stay in place; so if we for any reason need to take anyone to Franklin County we still have that ability to do so; Clark: Franklin County is \$82.00 and Fairfield is \$65.00 Jackson: that's correct; Amos: if they commit a crime and we take them to Fairfield County jail are they going to Franklin County for the court hearing; Jackson: no, if we take someone to jail it is because they are there on Canal Winchester charges; this can get kind of confusing because they can have a case here in Canal Winchester and they can ask to have it transferred to the respective county, like what we were talking about with the public defender; and if they do that the charges are still Canal Winchester charges but

anything that happens moving forward with that case or if a warrant was issued and they were arrested, we the city no longer have control for the most part over what is happening there; Fairfield won't be taking those individuals to court in Franklin County; they will only be bringing them here; now if the individual has charges out of another jurisdiction and they have to transport them because of that, that's completely different; we're just concerned with the people that are coming through our Mayor's Court at this point; Mayor: you've heard in the past about the down time that the deputies have; that's the time that they're busy doing something; their down time is kind of the opposite of what we think; this is going to help their down time considerably; it could take up half a shift to go to Franklin County jail and now you might be looking at maybe two hours; Coolman: and how many officers do they usually use to transport; in Franklin County that could be huge; Clark: do you need this moved; the second and third reading suspended; Jackson: I would greatly appreciate it if we did that; like I said we would love to be able to start this tomorrow; Coolman: I agree; Jackson: I'm not saying that we pick up individuals and throw them into jail everyday but on the off chance that we do it would be nice to have this; Clark: the price agrees with me; 65 versus the 82; Lynch: do we have a budget number to accommodate this; Jackson: yes; Lynch: how much is that; Jackson: this year I want to say it's \$6,000; some of the other issues we've had with Franklin County, say we pick someone up in Canal Winchester for a petty theft or something along those lines; if they get picked up by the City of Columbus the City of Columbus takes them to Franklin County jail on our warrant, we're not always getting called so we don't know that, that individual is sitting in jail and then we're paying for them to sit in jail; so over the past couple of years we would get these surprise bills for somebody who had been in jail for an entire month that we didn't know was there and we're required to pay for it; this will pretty much eliminate that because we have a very good relationship not only with our deputies but with the dispatchers in Fairfield County where they will call us and say so and so got picked what do you want to do with them; do you want to keep them here or do you want to let them go etcetera; this is huge for us in that respect; a couple years ago we spent probably \$7,500 dollars on jailing because of cases like this where we didn't know people were in jail; Lynch: well it sounds like you were able to bring that down quite considerably, even from the \$6,000 if we were able to expedite things quicker; Jackson; we like to keep that number up there because we just don't know what could happen; Lynch: back on the other one I asked before, any chance of getting reimbursed for any of that money; Jackson: no; Lynch: the price of keeping our streets safe; Walker: if the \$6,000 that you have budgeted isn't used is it just rolled over or you'll budget according to what we use this year or will that just be rolled over to next year; Jackson: it won't get rolled over; I'll just find another number; whether it's \$6,000 or it could go down to \$4,000; it just depends on the activity that we have seen;

A motion was made by Jarvis, seconded by Clark to move this ordinance to full council. The motion carried by the following vote:

Yes 7 – Jarvis, Clark, Amos, Bennett, Coolman, Lynch, Walker

ORD-18-007*Public Service*

An Ordinance To Authorize The Mayor To Enter Into An Agreement With The Ohio Department Of Natural Resources To Transfer Canal Lands And To Declare An Emergency ([Ex. A](#))

- Request to move to full Council

Peoples: This is property out on Groveport Road between Groveport Road and the bike path from basically Hanner's Park all the way out to Gender Road; this is excess land from the canal; the agreement is with the state to obtain this land; it's free; Jarvis: what are the plans for that property; Peoples: it's going to end up being the bike path but it has to be park and roadway; that's the only thing it can be; a portion of it up towards Gender Road; the Groveport Road right-of-way is going to move north into that property ; it stipulates in the agreement that any time it is not roadway or park land it goes back to the state; it is 3.3 acres; Lynch: I noticed they're in the process of clearing some of this stuff out; are they clearing that right now for the proposed road widening there or are they just trying to clear out some of the scrub trees; Peoples: a little bit of both; it depends on which side of Gender Road you're on; but we're doing both; utility crews are out there right now on the bike path on the east side of Gender Road; and they've been clearing out there; three poles on that major line that's going out through there are going to be moved; there's one right at the intersection of Groveport and Gender that's going to be completely eliminated and they're putting a lot of stuff underground; while they were doing that they got into some of those trees; there's two main transmission/power lines that go through there; Lynch: underground or up top; Peoples: right now they are overhead lines; between that is some growth area; trees have gone down through there; they would like to see some of those moved so they're not falling down over the trees; part of it is them and part of it is us; so we're going out through there and clearing some of that brush down through there; we've got a lot of briars in there; we also went down along the west side of Gender Road which was all us; Lynch: you did a nice job on that; Peoples: thank you; the crews did a lot of work in there; since the bike path is going to be moving a little further away from Groveport Road and it's a little bit less traveled though there; we want to be able to have some site lines into the path itself; we want to do those well on the east side of Gender and along the path areas and put a railing on there since it's kind of elevated; our intent is to get lights down through there to add a little bit of safety to that; Lynch: it would be a nice improvement;

A motion was made by Lynch, seconded by Coolman to move this ordinance to full council. The motion carried by the following vote:

Yes 7 – Lynch, Coolman, Amos, Bennett, Clark, Jarvis, Walker

E. Reports

Peoples; the only thing I want to highlight from my report is the Gender Road IV project and the Street Program are both going back out to bid this week; I expect to see some bid back at the second March meeting; you'll see some legislation move forward with those projects;

Haire: nothing in addition to my written report;

Jackson: I just wanted to let council know it had been my intention to do a 2017 financial overview at this meeting but given the public hearing at 6:30 I decided that I would do that at the second meeting; it will be very brief but I didn't forget about it;

F. Items for Discussion - None**G. Old/New Business**

Jackson: since we have a couple minutes I just wanted to follow up on the formatting for the agendas to see if anyone has any feedback; if you like what they look like; if you'd like to continue with it this way; I can get working on it; Walker: I think they're working out real well; Coolman: perfect; Jarvis: I agree, it flows very nice;

Jarvis: during our last general meeting we discussed having a focus group comprised of administration and Sargent Cassel as well as three members of council volunteered to participate; Mr. Lynch, Mr. Bennett, and Mr. Clark; I had checked with each of them individually as far as their availability; Mayor Ebert I'm passing this along to you right now because I just had a chance to talk to Mr. Lynch this evening; it looks as though the availability for all three are morning hours to start at 8 am on Monday or Thursdays; there was already a constraint for Tuesdays and Wednesdays and now we have one for Fridays; in addition to that one of the members, Mr. Lynch is going to be out of town from February 15th through March 4th; I don't know were looking at something beyond that, I know it's going to take time to schedule with everyone; Mayor: I'll get with Sargent Cassel and I'll look at my schedule and I'll get back to you tomorrow at the latest;

H. Adjournment at 6:28 p.m.

A motion was made to adjourn by Bennett, seconded by Clark. The motion carried by the following vote:

Yes 7 – Bennett, Clark, Amos, Coolman, Jarvis, Lynch, Walker

Canal Winchester

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Meeting Minutes – DRAFT

February 5, 2018

6:30 p.m.

PUBLIC HEARING

City Council

*Bruce Jarvis - President
Mike Walker – Vice-President
Jill Amos
Will Bennett
Bob Clark
Mike Coolman
Patrick Lynch*

- A. Call To Order *Jarvis called the meeting to order at 6:28 p.m.*
- B. Roll Call *Present 7 –Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker*
- C. Purpose of Public Hearing

[ORD-18-003](#)
Development

An Ordinance Amending Section 1181.06 Of The Codified Ordinances
Regarding Keeping Of Agricultural Animals In Non-Agricultural Districts

D. Staff Report

[Exceptional Use \(EU\) Zoning Map](#)
[Residential Zoning Map – Lots 1 acre or larger](#)
[Flyway Barrier Example Picture](#)

Moore: for this proposed zoning text ordinance; again it is for chapter 1181.06; this zoning ordinance amendment title has been retitled to Keeping Agricultural Animals in Non-agricultural Districts; the current 1181.06 is simply titled Keeping of Horses the current zoning code we have now for agricultural animals is limited to horses so this would be an amendment to that with three different subsections; currently in the city limits there is only one zoning district which allows agricultural animals and agriculture as a permitted use in general and that is the exceptional use of zoning district; within that zoning district and in our definitions for agriculture and it also encompasses the animals that are useful to humans such as poultry, horse, goats, bees and other apiary products; the bolded sections here are what the amendments are going to be talking about tonight; just pulling off where that definition comes from within the zoning code itself; again, currently within Canal Winchester the only zoning code that allows for agricultural animals in the EU zoning district; up on the screen now are the properties in the city limits that are zoned EU; this zoning category is property that is annexed in the city limits as zoned to any residential commercial and industrial district itself; this zoning district is a holding category which allows for anything on the property to operate as is until it's zoned for new development; so when you're looking at these properties on the right hand side here, these are farmland and single family houses; this property down here is farmland with a single family house here and then a church down here; this property is vacant farmland and this property is vacant property that I do not believe is farmed at this time; when looking at the there is an existing section which allowed for horses, chapter 1181.06; this section has been broken down to allow goats as well; when looking at this code section everything on the screen here is pretty easy to look at; everything in bold has been added; everything that is not bolded is what is existing in the code; so when we are looking at it here, previously you were allowed to have 1one horse for every 2 ½ acres but you had to have a five acre minimum to have horses in general; with this amendment here you could have one horse or four goats for every 2 ½ acres but again keeps that five acre minimum that it was before; the main difference on this chapter here aside from adding goats to the amendment is the use permit requirement; everything on this end here has been added in order to help to track that use permit; the previous permit to keep horses did not have details that was needed; if you just met the acreage requirement you could have horses; section a-j is an attempt to regulate that a little better and make it a little more streamline; what helps this process even further is that it will match the next subsequent sections b and c; so when looking at the propertied which are five acres within the city limits to give a visual for council to look at; up on the screen are all the

properties over five acres that are residentially zoned; again in comparing the EU zoning map here you're at the furthest extent of town; and then when looking at all the properties that are five acres for the most part you're still within the further limits of the city with properties that are at the scale with exception to one here within town and the farm house on south Gender where the Villages at Westchester is doing their new subdivision expansion, behind it for reference; when looking at section b this section is entirely new; this section was prompted through staff being asked by residents monthly if they could have backyard chickens on their residential properties; it got to the point where it was being requested all the time that it seemed something needed to be done about it; last year's council and planning and zoning commission started this process to allow these animals on residential properties with certain limitations; so this right here is the limitations that have gotten to this point for section b; section b is the keeping of chickens, ducks and rabbits; within this section here you have an acreage minimum of one acre to have any of these animals; so if you do not meet the acreage minimum then you do not get to apply for the permit without a variance process; planning and zoning commission saw that this was a very healthy set of regulations here that help set that process out; so any of the areas someone could request a variance for, theoretically, would be 1-7 on this line here; section 8 is more just the requirements and the application you need to fill out; so there's no variance request without putting the owner's name and address down on the application permit to help clarify; that's also why it's broken down on the left and right side of the screen; when you're looking at the screen as well there are requirements for types of animals that are prohibited in each section, fencing requirements, no storage of manure regulations, odor regulations, setbacks; setbacks was a big item that planning and zoning wanted to integrate as part of things they are looking at all the time; they also thought this would help in terms of regulating these animals on these properties; again for the visual everything up here on the screen in green are the properties that are one acre or larger in the city limits; so then just for a quick comparison we compare all the properties that are five acres and down to one acre; you can see that it only grabs a couple properties mainly along Groveport Road and then some properties here behind the residential homes on Columbus Street; all these properties here, just for reference, are within the flood plain; so you would not be allowed to build any structures in that without altering the flood plain; when looking at subsection c it was primarily asked to be added by last year's council; the keeping of for bees and apiaries on residential properties; this section is very similar to the last section with chickens and ducks; the minimum requirement is one acre and no more than two beehives per acre; there are some limitations on fencing, supplies and other things that are catered specifically to bees which makes it different than the chickens and ducks section; then section 7 here on the right hand side is all the application requirements that need to be filled out in order to apply for the use permit; Walker: while you're on this part here with agricultural animals is there any reason why we can't separate the birds from the bees; Moore: they are separated; currently right now the chicken section is section b and bees is section c; so they are two completely different permits; they are two different processes; they are just under the same chapter of the zoning code to make it easier for somebody in the public standpoint to find it; looking at the visual it's the same for the bees; one acre minimum lot size; all the properties in green on the screen have the one acre minimum; they are zoned residential uses; to help make sense of some of these larger parcels for the council when you look in town here you can see all the small residential lots are significantly smaller than these parcels up here; these parcels are owned by Homewood, a developer where it could be subdivided into a new subdivision; in the case that any of these larger tracts are subdivided further and if they do not meet the acreage requirement in the future this map doesn't hold it to they are allowed to have these uses; this is just a current example

of what current properties meet these acreage requirements; some questions I had for planning and zoning commission were I had a term called fly away barrier in the bee section; this is just an illustration of what that fly away barrier is; a brief description is it is a six foot tall fence that is placed in front of the entrance of the bee hive; it basically forces the bees to fly up instead of straight out; it just helps direct their travel; and I guess there's some science behind it that shows that once they go up they will travel at a higher elevation as they're moving throughout their environment until they get to where they need to be; and they're also less aggressive because they have to fly up when they leave and there's nothing threatening them in terms of their hive; those are some of the quick tips on why this portion was added to the code as well; I put a handout in front of you before the meeting just showing other communities and how they regulate these types of uses; the only community I saw that's specifically referenced here that specifically regulates bees is Grove City; if you look at the Grove City ordinance compared to what's being proposed they're very similar; just the structure matches the rest of our chapter; the Obetz example in the front is very similar to how we have this chapter set up all together; again, just to give you some comparisons on where the numbers came from for the proposal that the planning and zoning commission feels fits Canal Winchester specifically; Jarvis: council will have an opportunity to discuss a formal recommendation;

E. Public Comments – Five Minute Limit Per Person

Jim Moses, 144 E Columbus St: Joe Messerly called me this afternoon, about a half hour ago, and said that this was going to take place; I'm going to share some thoughts that Joe shares and others do too; I've lived here for 25 years or greater; I have an office here and I employ people and pay taxes; I've done the best I can to enhance the property that I have to try to keep it somewhat agricultural, somewhat agrarian; Canal Winchester has changed a lot since I've been here, not always for the best; The pastoral environment is disappearing; I didn't move here to live in a community evolving to become like Whitehall or Reynoldsburg; I wanted to be in a place like this; I think others want to too; I feel that there's some concern about the bees and chickens that are prompting solution when there isn't a problem; who would ever want to limit bees; they're under attack; 1/3 of our food is mediated by bees; their populations are plummeting for a number of different reasons; I think we should be promoting bees; I've seen fatal allergic reactions but I've seen them in reference to peanuts, to latex, to shellfish; I don't know that docile bee populations are that big of an issue; I think the barrier fly zone thing is all new to me; I have a biology degree from Harvard; I never heard of that and I guess it's new information; I think a lot of this is kind of silly; 4H was an integral part of Canal Winchester but it's been forced out; I think our kids are looking at iPads and stuff like that; they should be out there seeing what a bee does; and I think raising chickens is very, very important for people to see; they eat the chickens; they're animals and they want to be kind to these animals; and they need to know where good food comes from; I think trying apply an acreage thing is over restrictive in my mind; It seems as if places like Bexley, Clintonville, Lancaster, they are promoting getting bees in small areas; you can have six hens; they don't make any noise; they're in your yard; they clean up your yard; they give you fertilizer; you feed them your dinner scraps and they turn them into eggs; good idea; I just think a lot of this stuff in unreasonable; I wouldn't be for it; I'm for promoting bees and promoting exposure to children; actually children hat are exposed to chickens are less likely to get asthmas as they get older; you'd never think that but its proven; and there are a lot of things that bees do other than just make honey;

Jackie Marion, 106 E Columbus St: I am the neighbor of Dr. Moses and Joe Messerly; actually I want to correct the record in the paper it said I plant flowers and I actually said I plant flowers for the bees, because I do; none of the bees have ever come down and stung me; in fact Dr. Moses' chickens have never bothered me; in fact they're kind of refreshing; I am here in defense of bees I think they are something that is an asset to a community; I think Canal Winchester wants to be known as a progressive community; and that's very progressive to welcome bees into our environment; I hope you consider the one acre requirement and lower that; I think that's kind of strict for bee keepers; and I quite believe, I sent an email to many of you today whose email I had, that we're kind of making a mountain out of a mole hill as regards the bees; I don't think they've caused problems; they should be our friends not our enemies;

Heath Kitts, 560 Winchester Pike: Part of this ordinance and everything going form EU and asking the council to do everything is due to me having chickens and bees and all that; we've got some new faces here; I was in violation of having goats, chickens and then of course I started to the whole exclusion thing saying what I want on the property; I put in as a proposal everything we would do with the property; I thought it was ridiculous that I could have five horses but couldn't have one chickens; it didn't really make a whole lot of sense; and I have ten acres in between the winery and cemetery; what am I supposed to do with the back seven acres of my house if I can't do anything with this property; I have 4 children; I absolutely love it; I have a one year old, a two year old, a fourteen year old and a twelve year old; they all partake in bee keeping and taking care of the chickens; we feel that's an important part of their learning process and going through different things; that was the main reason; after we came here we said EU's might be to get my zoning changed but it might be better to come to city council and get you to look at this; and you say hey we have phone calls every day and people are asking about this; so I said hey let's propose something so that everybody else in Canal if they met certain requirements can keep that ; the bees came in because I put bees in my thing and said hey I want to keep bees; because bees are in decline; I caught my first to hives on that property; now I have quite a few hive from that as well; the fly away zone is kind of ridiculous because if you knew anything about bees as soon as they come out they fly straight up and fly in a circle to orient themselves like a GPS unit to find the sun then they fly out out a radius of five miles looking for food; typically they won't fly out to five miles but that's the max radius they will fly; we have the Lithopolis Honey Bee Festival, we have Conrad's Hive of Honey; he asked me to come talk to you as well; he thought the restraints on one acre per two hives was ridiculous; where we have Cleveland that only puts a square footage; of you have minimum square footage in your back yard you can keep bees; New York City has bee hives on top of the court houses and on top of hotels; so if he couldn't make it he wanted me to speak my mind on that part as well; I'm kind of an expert when it comes to bees, agriculture as well; I have ten acres and I'd like to do something with it besides becoming a march ad scrub brush; I've held off the last year or so from clearing that off to try to see what's going to happen before I decide what to do with the property; this is where I plan on retiring; I have four years to go to retire; and I plan on staying here for the rest of my mortgage for thirty years; we love it; we like the community; the community is great;

F. Council Discussion and Recommendation

Amos: I'm deathly allergic to bees, that being said I own two hives; Mr. Moore, I appreciate the fact that you gave some verbiage from other towns, is there is a reason we're setting our space so large; because I was able to find in my research lots of them that base it off of the square footage; and

there's what, 44,000 approximate square feet per acre correct; Moore: correct; Amos: a lot of the cities seemed like they were a lot smaller; and I'll be honest, with two hives, not in the city, my hives don't take up a lot of room and when they swarm they don't swarm far; they just get their new queen and they do their thing; so I'm kind of wondering why we made it so large; Moore: for the bees specifically; Amos: for a lot of thing; I agree with some of the things that have been said and I'm a huge 4H fan; I think that there's a lot of kids in Canal Winchester that are in the Fairfield County 4H; Having worked with the schools I've seen so many of them that have raised chickens and bunnies and I'm wondering if we are eliminating that opportunity for the kids that just don't have the space; Moore: for the couple members of council who weren't on last year's discussion when this process started the whole idea behind allowing this ordinance to go through is that our code right now does not let any residential property of any capacity have any of these animals except for horses; so with the current amendment the standards we have from zero to allowing properties that meet acreage requirements all of a sudden open up the use permit process to have them is drastic; when you're looking at the code section itself it is allowing this opportunity that is not currently available in our current code; so council does not want to do anything with this ordinance and table it then it goes back to nobody being able to do anything; planning and zoning commission saw that and they had a lot of concerns with how people in neighborhoods would react to this; how HOA's would react to this; how families with young children that move into our community to be a part of this growing community, how they would react to this; they saw with the acreage minimum requirement that it opens up currently for a variance; with the EU zoning there are no use variances; so Mr. Heath Kitts here, as he stated, he has a violation right now where he has these animals; he tried to pursue a use variance to allow these animals on his current zoning and that's not legal; so his only process as of now is to rezone his property to an agricultural district which allows these animals; with this rewrite, even if it was a 100 acre minimum requirement he could now do a variance request; and he could have his adjacent neighbors be notified of this public hearing; they could weigh their input on this information; if he lived in an HOA rules subdivision the HOA would have a chance to discuss about it; what is being proposed does allow everybody the opportunity to have these animals; some processes would just as easy as getting an administrative permit which is that subsection that was on the right hand side of the screech; and anybody that does not meet the requirements on the left hand side, if it's acreage, if they want to exceed the number of animals, they can get a variance from planning and zoning commission; so that was the commissions goal; say your neighbors have an opportunity to talk about it; there are circumstances that may make sense that you back up to a farm field but your property is not zoned to have this; they may see that as being an opportunity where the context to allow that variance to go through; but they did not feel starting from nothing to allowing people to have it to make the regulation so loose that virtually anybody in this city could have it without a hearing process was an appropriate way to start it; they did have discussion at the December meeting that if they find they are granting 50-60 variance requests over time for these uses it can be explored to lessen these from one acre to half an acre to quarter acre; from allowing nothing to something this seemed to be a good step for them; Amos: I just want to be clear, if they are under an acre, because based on the maps it didn't open it up to a huge amount of people, and I appreciate the fact that you did put them out though, it does if they're under an acre they can apply for a variance; Moore: yes; currently they cannot with this update no matter what the acreage is set at they can get a variance; Bennett: follow up to that; if I apply for a variance how do you determine how many animals I can have on my property if I have a half acre and I apply for a variance; Moore: so that was one item that

planning and zoning discussed; they said if someone has a quarter acre do they get a quarter amount of six chickens and ducks; they said the math does not have to relate the acreage; therefore does not have to relate the acreage variance; it always starts out at the maximum you could have so even if you have a half acre and you get the variance, you're only getting the variance from that because then it triggers the other number requirements to not go down with it if that makes sense; Bennett: I think you might of lost me at the end a little bit; Moore: if you have half an acre you don't have to have three chickens, it could still be the start of six; Bennett: so I can still get up to six on a half-acre

Moore: correct, because they understood that these types of animals limitations of where they have to be at a certain number to have their quality of life that these animals need so that is why that standard was set at six; when council looked at it last year it was a two acre minimum with at six chickens then planning and zoning dropped it one acre to make it easier for residents to get the variance; and they kept the number at six because they understood there are certain limitations on how these animals need to live; Amos: what's the time limit if someone applies for a variance; run me through it; what's it going to take to get one; if I had under and acre what I would need to do; a time frame and cost wise in order to get this approved; Moore: to get a variance from any section of the code including this one you'd have to meet the deadline to be on the next planning and zoning meeting; which is three weeks prior to the meeting; within that three week time frame you have submit the variance application requirements; which is providing justification as to why the variance should be granted; there is adjacent neighbor notification so you have to provide me with addresses and names for people adjacent to your property that way the city can notify them a variance is taking place; they would still have to answer the use permit portion and provide a diagram of where they're going to have this type of structure; because that's what the variance is being reviewed by; it's pretty much the same information that they would be turning in for the permit; they just have to get approval from planning and zoning commission prior to e being able to stamp it that it was approved; so when you're looking at that process variances are typically one meeting; so if you apply for a variance and you meet the three week deadline and then three weeks and one day your variance could be approved and you could get the use permit to have these types of animals; Amos: is there a cost for that; Moore: the variance for any section of the code for residential properties is \$200.00;

Jarvis: as with any variance if you were denied you would still have an appeal option that would be heard by this body; Moore: yes, if anybody wishes to appeal a denial of a variance it can go to city council; and that fee that goes into putting in a variance request that goes to putting a notice in the paper, paying for the certified letters that get sent out to the property owners and things of that nature; Walker: you mentioned earlier that Grove City and Obetz were comps that was with the variances as well; Moore: any of the communities here that I have listed without the restriction of an agricultural

Bennett: Dr. Moses, you've been sitting in the audience and heard us discuss the potential for, while we say it's an acre parcel sunder that have the opportunity to request a variance; I'm curious of your input or your thoughts on having to apply for a variance; Moses: I would ask for the guidance of Joe Messerly; he's got a lot of acreage there; but I see in these other communities very small lots having these hives; I would go the most lenient that you can go; the smaller the better;

Bennett: I don't know if Mr. Messerly was present for all the conversation about us limiting it to one acer and having the opportunity to apply for a variance if your property is under one acre but if you

were awarded a variance you would be able to have the same with no additional restrictions but you would have the same opportunity to have the same amount of animals as if you had a full acre; Jarvis: and I might add the purpose of the variance was to allow for additional input from immediate neighbors or if there was a n HOA involved; it allows for some additional conversation and then there's an appeal element to that as well;

Joe Messerly, 255 E Waterloo St: I'm a real estate agent and I understand that problems with neighbors, that they could have on value of your property; I think that's nice; it's great when neighbors can work things out and have the opportunity to talk to people; myself I have chickens and I also have bees; I kept bees on Jim's property for him; the fly away zones are great as far as keeping bees for your neighbors peace of mind; as far as chickens I've helped people put coups in Bexley, Clintonville; I think that's about it outside of Pickerington and other places; I really think the size is getting too large; to me a quarter of an acre I could keep a small group of little hens and they would never venture over into anybody else's land; managing them and inspection is great; 4H projects are inspected; that's part of their grading program for those kids; and the kids are outstanding so anything we can do to help those kids and their 4H programs; Mike you were talking about coyotes and that kind of thing feeding cats on your back porch is a huge issues with having skunks, coyotes and everything else; and I'm sure we have lost cats around here because of coyotes; but chickens do roost, you have a coup for them and they will go in at night time if you free range them where you allow them to go out; they will go ion a t night; you don't have to do anything they will go up top; that's why you've got the cage to keep animals out; did have a fox one night go in my coup when I fell asleep didn't shut the door; so you want to deter that; but think the big issue keeping the food and keeping the manure; keeping it nice and clean; setbacks are a little tougher for smaller lots too; just putting it in the appropriate spot; if I'm taking a coup and putting it in the middle of my yard might if it's under a quarter of an acre it's going to look sill y and funny and might lower the value; but also it might encourage people to get a better looking coup; if they could see it all the time and it's right in the middle of the back yard; I don't have a great answer on that; but I do like the idea of having the neighbors get a little bit of say; my wife came up with an idea on the land, the size of the land; say if I have a quarter acre and it takes more land requirement maybe it could be that your neighbors can grant their land; they could say I have a quarter acre and you have a quarter acre so together we could get that permit for the chickens or bees; I don't like that restriction but it's an idea; I'm sure people would like to work that out; our neighbors, we work out everything together; I understand that's not going to happen every time; If you have any questions I'd be happy to answer; I kept bees; they're great; and the fly away zones are a major thing; if I really want to irritate somebody and stick a hive right at the property line and have them throw their grass at it from their weed whacker that might be irritating for the bees but outside of that they're pretty hard to irritate; they're really peaceful actually;

Bennett: just for clarity for myself you're for having an acre and everyone under and acre having to request a variance: Messerly: no, I would like to have that lower than an acre; myself, I'm just under a half an acre; I would feel like I have a little more of a chance to have a variance if I am only slightly under the regulations; if it's a half acre I think I may have a shot at getting a variance; if it's an acre I don't think I have a shot and I'd probably just get chickens and hide them; that might be the thing that people would do; Jarvis: in all fairness we're speculating how hard or easy the variance process is going to be and we haven't even started yet; Joe: in all fairness people are talking about things that I don't think they know a thing about; and your putting regulations on it; it's like you asking me about

insurance; I don't know; Jarvis: if there wasn't a demand for this then we wouldn't be discussing it; it's not comparable to normal business; it's the first time it's come up with me personally the whole time I've been on council; it's kind of part of a bigger movement going on and appropriately; Messerly: I think it is too; one thing I'd like to encourage is the deed restrictions in the subdivisions; when you're talking about having the restrictions on file; if you had a part of the application to prove that its allowable in the subdivision its nice, its doing the due diligence, it's part of it; getting neighbors involved is great and it would ward off a lot of things; but as realtors we don't make a point of getting those restrictions to that new homeowner; the worst thing that would happen to us is somebody coming in here and finding out they are in a historic district and they've got to replace the roof; it's terrible and it happens all the time; so if we could try to head that off and be proactive it might go a long way;

Jim Bohnlein, 6320 Rossmore Ln: everybody here is assuming that everybody that files for a permit is going to be a responsible pet owner; what about little Mary that goes to mommy and daddy and says I want two rabbits and six weeks later there are twelve rabbits and six weeks later there are twenty four rabbits; can you imagine; we're going to have Andrew go out there and he's going to go out and take twenty rabbits by the legs and carry them off the property while Misses Jones is taking pictures of Andrew taking rabbits out of there; not everybody's responsible; not everybody is going to take care of the food for rabbits or chickens; bees, no problem; I don't want to be a neighbor to somebody who is not taking care of their animals; Bennett: that could happen with a dog or a cat; I have neighbors that have cats that they come over and urinate in my bushes and it smells; Bohnlein: all we're doing now is increasing that population; Bennett: but there's no code to really enforce that; Jarvis: there's no way to enforce common sense; Bohnlein: no, but we're just giving a bigger group of irresponsible people the chance to have pigs and chickens and coyotes;

Moore: if it helps I have a map that shows properties that are half an acre within city limits; this is a map of properties of two acres; when it left council and went to planning and zoning commission; planning and zoning commission asked that it go down to one acre here; just to show the difference in the amount of properties and the properties that it grabs; then when you go down to half an acre; the idea behind the regulation was to eliminate HOA duties to allow things at a city level that HOA's do not; Villages at Westchester and Ashbrook have a lot of lots that are over half and acre but in town there are seldom any in town; discussion ensued on acreage;

G. Adjournment at 7:56 p.m.

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

Yes 7 – Walker, Lynch, Amos, Bennett, Clark, Coolman, Jarvis

Canal Winchester

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



Meeting Minutes - DRAFT

February 5, 2018

7:00 PM

City Council

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

- A. Call To Order *Jarvis called the meeting to order at 8:08 p.m.*
- B. Pledge of Allegiance - *Walker*
- C. Roll Call *Present 7 –Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker*
- D. Approval of Minutes

MIN-18-004

1-16-18 Council Work Session Meeting Minutes

A motion was made by Lynch, seconded by Coolman that these minutes be approved. The motion carried by the following vote:

Yes 7 – Lynch, Coolman, Amos, Bennett, Clark, Jarvis, Walker

MIN-18-005

1-16-18 Council Meeting Minutes

A motion was made by Lynch, seconded by Coolman that these minutes be approved. The motion carried by the following vote:

Yes 7 – Lynch, Coolman, Amos, Bennett, Clark, Jarvis, Walker

MIN-18-006

1-29-18 Committee of the Whole Meeting Minutes

A motion was made by Lynch, seconded by Coolman that these minutes be approved. The motion carried by the following vote:

Yes 6 – Lynch, Coolman, Amos, Clark, Jarvis, Walker

Abstain 1 – Bennett

- E. Communications & Petitions - NONE
- F. Public Comments - Five Minute Limit Per Person

Jason Balis, 8520 Parkersburg Road WV, Ohio Valley Acquisition: we are a company that does land work and non-environmental permitting for Trans Canada or as you all probably know them here as Columbia Gas Transmission; we have a project as you all well know by now to replace b1-11 which is a pipeline that runs basically from Sugar Grove (down in that area at the compressor station) up to Columbus; my permit agent has been working with Mr. Sims to get some permits; we appreciate that work and getting those going; we are still waiting on those permits; it is getting close to construction season and we've got a contractor who has about 300 folks ready to come and work; of course those folks will be staying here; eating in your restaurants and shopping in your stores; we do need those permits and if there is anything that we can do to get those expedited we would be willing to do that; and again, Mr. Sims has been very good with working with us; we've been working with him since about August of last year on those; the application fees have been paid; so if we could just get those permits that would really help us out; we look forward to working in your community and getting that modernization project done;

Jarvis: I appreciate you coming to let us know what was going on; there is two kinds of tourism, one voluntary and one involuntary (laughter) Balis: we've made a lot of payments to land owners along the route for what we call construction damages or pre-paid damages; there is money flowing from the project already and has been for the last year into the community here; Jarvis: I do have a

question for you, what was your expectation set at as far as the turnaround time for the application process; Balis: we work all over the country so we have no expectations for permits; non environmental permits usually do take some time to get those; we're getting close and we'd like to get the permits as soon as we can; I don't know how familiar council is with what I call no environmental permits; those would be the road crossing permits for the pipeline itself; which our pipeline is existing but we are replacing that; it would be for temporary access roads off of your streets or roads for the city and what we call rock construction entrances or where the pipeline crosses those roads and we'll be accessing from one side of the road with the equipment to the other side of the road; pretty standards stuff; we've been working with Mr. Sims and giving him the drawings over the last several months; Jarvis: you're in the right place and you've got the right contact; knowing how he deals with everything else he's working on it as fast as he can; you're point is taken and we appreciate it; Balis: he's been great to work with, don't get me wrong on that; like I said there is some urgency to get that and it's still February but construction season, we've got guys ready to go; Walker: we do have plenty of hotel accommodations right now; we've got Brewdog with 32 rooms and Hampton Inn with 93 coming in; one to be in July and one in August plus the hotel we have here already; 400 people, great; Price Gregory is the contractor and the discussions we've been having with them they're saying 300 to 400 trades people here for the work; so it will be a lot of money coming in;

G. Resolutions

RES-18-002

Public Service

A Resolution To Authorize The Application Of Motor Vehicle Permissive Tax Funds From The Franklin County Engineer For The Gender Rd. Phase IV Project

- Request adoption

A motion was made by Coolman, seconded by Bennett to approve this resolution. The motion carried by the following vote:

Yes 7 – Coolman, Bennett, Amos, Clark, Jarvis, Lynch, Walker

RES-18-003

Development

A Resolution Of Intent To Appropriate A Fee Simple Absolute Interest In 0.463 Acres, More Or Less, Located At West Waterloo Street, For The Public Purpose Of Constructing Roadway Improvements, Which Shall Be Open To The Public, Without Charge ([Ex. A](#), [Ex. B](#))

- Request adoption

A motion was made by Clark, seconded by Lynch to approve this resolution. The motion carried by the following vote:

Yes 7 – Clark, Lynch, Amos, Bennett, Coolman, Jarvis, Walker

H. Ordinances

Third Reading - NONE

Second Reading – NONE

I. Ordinances (continued)*First Reading***ORD-18-003**
Development

An Ordinance Amending Section 1181.06 Of The Codified Ordinances Regarding Keeping Of Agricultural Animals In Non-Agricultural Districts

Read for first reading by Sponsor Jarvis.

ORD-18-004
Finance

An Ordinance To Authorize The Mayor To Enter Into A Contract For The Prosecution Of Certain Criminal Cases And Certain Civil Division Cases In The Franklin County Municipal Court For The Calendar Year 2018 With The City Of Columbus Attorney's Office ([Ex. A](#))

Read for first reading by Sponsor Lynch.

ORD-18-005
Finance

An Ordinance To Authorize The Mayor To Enter Into A Contract For Indigent Defense Representation In The Franklin County Municipal Court With The Franklin County Public Defender On Behalf Of The City Of Canal Winchester Mayors Court For The Calendar Year 2018 ([Ex. A](#))

Read for first reading by Sponsor Coolman.

ORD-18-006
Finance

An Ordinance Authorizing The Mayor To Enter Into A Contract With The Fairfield County Commissioners And Fairfield County Sheriff's Department For Housing Of Prisoners And Declaring An Emergency ([Ex. A](#))

- Request waiver of second/third reading and adoption

A motion was made by Jarvis, seconded by Clark to suspend the rules requiring second and third reading. A motion carried by the following vote:

Yes 7 – Jarvis, Clark, Amos, Bennett, Coolman, Lynch, Walker

A motion was made by Jarvis, seconded by Clark to approve this ordinance. The motion carried by the following vote:

Yes 7 – Jarvis, Clark, Amos, Bennett, Coolman, Lynch, Walker

ORD-18-007
Finance

An Ordinance To Authorize The Mayor To Enter Into An Agreement With The Ohio Department Of Natural Resources To Transfer Canal Lands And To Declare An Emergency ([Ex. A](#))

- Request waiver of second/third reading and adoption

A motion was made by Lynch, seconded by Bennett to suspend the rules requiring second and third reading. A motion carried by the following vote:

Yes 7 – Lynch, Bennett, Amos, Clark, Coolman, Jarvis, Walker

A motion was made by Lynch, seconded by Bennett to approve this ordinance. The motion carried by the following vote:

Yes 7 – Lynch, Bennett, Amos, Clark, Coolman, Jarvis, Walker

I. Reports

Mayor's Report

[18-008](#)

Mayor's Report

Nothing in addition to my written report; Thursday, February the 8th if you guys want to meet at 8 o'clock in the morning we can do that; who will be attending that meeting; Bennett: Mr. Clark, Mr. Bennett, and Mr. Lynch;

Jarvis: there was a communication from Amanda Lemke about the Dr. Bender scholarships;

[18-013](#)

January 2018 Mayor's Court Report

A motion was made by Amos, seconded by Walker to approve the Mayor's Court report for the month of January. The motion was carried by the following vote:

Yes 7 – Amos, Walker, Bennett, Clark, Coolman, Jarvis, Lynch

Fairfield County Sheriff

Cassel: Thank you guys for passing the sheriff's office housing contract; that's going to help us out tremendously; and it's going to save our guys a lot of time not having to go up to Franklin County; so we appreciate that; thank you; and I look forward to meeting with the three council members and they Mayor and Amanda on Thursday at 8 o'clock; I gave you each a graph and another print out; basically the other print out has more information than the graph does; these are our state for the month of January; we had 506 dispatch calls; 804 pick-up runs; 262 multi-unit calls; 99 reports; 31 addendums to those reports; 3 F.I cards; served 10 civil papers; 9137 building checks; 699 vacation checks and that's up a lot from last year so I'm happy to see that number because that means more people are signing up for it; so that's a good thing; traffic stops 50; citations 51; warnings 28; felony arrests 4; misdemeanor arrests 21; warrant arrests 18; pink slip 1 and that is basically if I go out to your house and you say you're going to harm yourself or someone else and I take you to get an involuntary mental evaluation; charge packets 3; summons in lieu arrest 10 so that means I got you at Wal-Mart or Meijer and you stole something and instead of taking you to jail I'm going to issue you a summons to come to Mayor's Court; misdemeanor charges filed 31; felony charges filed 3; down time is going to be 54,032; I know that seems like a lot; in my line of work down time isn't them not doing anything; down time is doing things; if I get dispatched to a call that's when my down time starts and doesn't stop until I'm completed with that assignment or arrest; Bennett: and that's in minutes, correct; Cassel: yes sir; Amos: that's a lot of building checks; Cassel: it is but we're making sure things aren't going on there that shouldn't be; Clark: on the arrests the total 44 but when you

start adding up the felony; Cassel: felony arrests are different than misdemeanor arrests; Clark: so the total of those all add up to 44; Cassel: yes sir: Clark: I know you have felony charges filed as three but you made one more arrest than actually happened; did that carry over from another month or something; Cassel: no, that's an actual arrest for that month; I'll give you examples about how felony charges work; we had two people that tried to pass bad checks at the Check Smart store; one of them we took to jail on a felony warrant in Franklin County the other one we filed for a direct indictment on the advice of a detective out of Franklin County that handles all the counterfeit stuff; so instead of taking her to jail and sitting and you guys pay for it we file all the paperwork through the court and once they say yes we're going to indict her then they'll issue a warrant for her arrest and then she'll sit in jail; it saves the city money; Clark: that falls then to a warrant arrest; Cassel: yes sir; or if I get you on a traffic stop and you have a warrant then that would be a warrant arrest too; and you guys are more than welcome to ride with the deputies just let me know; that will get you a better idea of what's going on; I recommend that you ride second shift and on the weekend; and if you ever have any questions you want to ask me feel free to; don't ever hesitate to ask me anything' you can always call me at the sheriff's office; id be more than happy to meet with you or talk to you about any questions; because I work for you guys; if your thinking something that you want me to do I won't know unless you tell me; Jarvis: I think that's what this meeting is for; the reporting didn't fit all the situations through no fault of your own; what you've provided is more than what we've probably ever seen; but the rei a lot of different ways to slice it; I think that's the genesis of this meeting next Thursday; I think after that you will have a better understanding of what we're looking for and to be honest with I'm not sure we really know; it's give and take and we'll talk about it and hopefully find something that we're comfortable with; everybody can get a warm fuzzy;

Law Director

Hollins: I was spending some time trying to go through some of the correspondence on the big projects; we'll talk to Bill at staff tomorrow; Balis: I talked to Mr. Sims late last week and he told me I would have the permits this Thursday; one of the ones he said I wouldn't have would be the Diley Road crossing because he needed to talk to the Mayor because they wanted some more bond then what we typically would; I don't want things to be held up; so if there is some communication between him in the Mayor for increased bond amounts or road crossing it takes us a little while to get those bonds in place and soon as I get that we can get it done; Hollins: I was trying to make sure it wasn't laying in my office somewhere; which never happens; I wanted to make sure it wasn't something we needed and ordinance to do which would be granting an easement; I don't know if you're around in the morning; we have staff Tuesday mornings; Mayor: that's probably when Bill will bring it up; Balis: I wasn't trying to cause any problems; Hollins: no, no, no, I understand it's a big project; Balis: someone mentioned what was the expectation; I've had them turn around in three days and I've had them take six months; Jarvis: the reason I was asking specifically in this case did someone give you a deadline that had come and gone or was missed; Balis: no nothing like that; it's my company's responsibility to get permits and when I see it's the end of February and they start the beginning of March; then the owner shows up at the city council meeting saying hey I need permits; Hollins: if you're around in the morning we can meet with you after staff Balis: I want to make sure that you all everything you need from us and you're not waiting on something from us;

Finance Director

[18-011](#)

Finance Director's Report

Jackson: I just add to add that the Dr. Bender scholarship applications are available on our website; they will be due by end of business Monday, Aprils 2nd and we will award those at the April 16th council meeting; if you know anyone who is interested they can get it online on our website or there will be paper copies at the municipal building that they can pick up; Bennett: Ms. Lemke sent that out via email but did she by chance share that with the local school authorities like the high school principal or board members; Jackson: I do not know; Mayor: normally it goes out in a press release and they're on the press release list; Bennett: I know Mr. Donahue used to physically take some of the applications to the actual school building; will an email suffice instead of a hard copy since we live in a modern world; Lynch: who decides; Jackson: the Mayor is typically on the scholarship committee; Bennett: It's been the president, vices president and mayor; Jarvis: if there is some place we need to be or something we need to do Mike and I will be happy to help out; Jackson: as it gets closer we'll discuss a good date and time to meet and look over the applications;

Public Service Director

[18-009](#)

Director of Public Service Project Update

[18-007](#)

Construction Services Administrator Report

Peoples: nothing to add to my written report

Development Director

[18-010](#)

Development Director's Report

Haire: a couple of items that are going to be considered by planning and zoning at the next meeting I want to bring to your attention; the Wyler Automotive Group put in an application to build a new dealership building for Chrysler, Dodge, Jeep and Ram dealership adjacent to Wyler Chevy; so that will be on the meeting for next Monday night; there's also been a rezoning and preliminary development plan application filed for 79 ½ acres at Lithopolis and Hayes Road and it also has part of Oregon Road; that's for a new single family sub division; it's 194 single family homes by Westport Homes; it's Monday night and I'm sure we'll have a crown there for that; there's also a rezoning for 100 Winchester Cemetery Road; they'd like to rezone it to neighborhood commercial and that is to accommodate a retail store and bakery, those are items for public hearings that will be coming before council in the future; also wanted to provide an update on the parks master plan; we had a meeting last Thursday night to have a public meeting and gather some info on that draft plan; there were 72 people that attended that meeting so we had a pretty good turn out; mostly questions were about the proposed McGill Park; primarily concerned with traffic, noise and things like that; it's a change from an agricultural field to a park so we wanted to address some of those; we also had some questions about connectivity between the park and then just priorities; we listed things as short term, mid-term and long term priorities; so there were questions about what's first on the short term list; everyone always wants to know that; overall the next step is bringing that to council for approval; that will likely be at the first meeting in March; we'll bring that draft plan to council to get that adopted; and we're also looking ta moving into the next steps in the planning process for McGill Park; what we've got now is kind of a draft concept plan for that; we've got a survey we're completing now; so if you've been out there and seen survey stakes; we're doing a survey of the topographic

information so we can understand the lay of the land out there; and we're looking at potentially engaging OHM to look at the next steps on schematic design which would take it from a 30,000 foot level down to a 5,000 foot level; we need to get into some of the more of design concepts; like for a baseball field, what are the dimensions of that baseball field and is it going to have bleachers or lights and those kind of things; we'll be looking at that; baseball fields, shelter houses, event center, play grounds, all those items and what do they look like; that will give us a much better idea when we have the design and cost of those items; that's kind of the next step we're looking at; hopefully we get to that in the next month or month and a half; we'll make you all aware of that so you can be involved in some of that process as well; Bennett: at the meeting we were shown a lot of the results of the survey that was done for the public; what was the date of the survey; when did it open and conclude; Jackson: they went out with the September utility bills; Haire: it ended in October; Bennett: the plan that I saw for McGill Park looked like a plan that I had seen that was dated from April; I was curious with the survey results was there anything that was going to change or impact the initial plan that I saw that was dated from March or post survey were there any changes to the outline; Haire: we haven't made any changes to the physical plan that was initially presented; that's not to say that won't but we haven't yet; we don't want to pay for having all those changes completed until we went through all the drafts and got feedback from all the neighbors and figured out how we want to address the actual design concept; Mayor: it was nothing more than to show what could be; Bennett: that disclaimer was made multiple times; I was just curious at what point do you start to show the input that was received; and it sounds like it's not at that stage, it's at another stage later down the road; Haire: I think it does show the info that was received; the info that was received is that people want a large multipurpose park that can accommodate all users; trails and playgrounds and everything in one location and that show; Bennett: so the survey just reaffirmed what we had already done is what you're saying; Haire: right, and then we can move on and accommodate other concepts as well; the survey results helped to set priorities for each park; Mayor: Jim sat on the commission; Boline: they wanted multipurpose and green and that's what it looks like it's going to be; Amos: is the driveway set in stone; we had so many people that questioned that; I liked the theatrical look of it; it was very pretty; I just wanted make sure that we could look at that if we need to; Haire: yea, we've started to look at needing more than one access point in and out and where is parking going to be; so we've kind of laid out some general areas; to see if those areas make the most sense or not; so we'll look at all that; Bennett: as we move throughout the years we did the old town plan and then we did the parks plan, do we have for 2018 another plan in the works; Jarvis: at one point we had talked about a commercial plan for Gender Road corridor or maybe that's already played out; or north of 33 the Diley Road area; I think it would be a lot simpler than both the old town and the parks plan in order to pull off but right now I don't know what we have as a long term vision there; Bennett: the one thing that I thought was interesting that I believe Mr. Bumpis brought it up, was discussion of the thoroughfare and the access points and I didn't know if that was something; the last one we had on date was from 2009; here we sit almost a decade removed from the last time that was touched; I didn't know if there was any thought to potentially reevaluating our thoroughfare plan coming within the next year or two; Peoples: I would say it's within the next year or two; Gender Road IV is probably one of our biggest projects to go along with that plus Mr. Haire has been busy with development; so that is continually changing; I hope that doesn't stop; but trying to keep up with some of that stuff is a little more difficult; I do expect it within the next couple of years; Clark: what would be included in all of that; Haire: it's traffic counts, it's evaluating future roadway connections; evaluating existing roads; it's evaluating multi-mode transportations like trails and things like that as well; it's pretty

extensive; it looks at Canal Winchester itself and the areas that kind of influence traffic here so it would be surrounding jurisdictions as well; Clark: it takes 33 into account; Haire: somewhat; it take the traffic from 33 into account; Clark: and the Gender Road interchange; Haire: yes;

Lynch: has anything been done. I was talking to Dick Miller, our Urban Forester, with tree canopy studies; we are a tree city USA; we've got thirteen percent coverage in our town; we should be up around 25-30 percent; has anything really been done as to where we can start thickening things up a little bit; start adding trees to increase that tree canopy for the city; is there a plan in place for that; Mayor: we add trees every year; Lynch: I know we do; Mayor: it doesn't make a difference where you add them; canopy is canopy; Lynch; but do we have a goal where we can reach a certain percentage over a certain period of time given certain growth rates; Peoples: and that's where there annual planting comes in; last year we were at \$30,000 and we went up \$10,000 so this year we will be at \$40,000 and hopefully that will be able to stay in the budget and keep on increasing; plus we do the tree give away which is roughly 100 trees that is part of the giveaway; and part of the strategy is moving ahead with both those programs and getting as many as we ca out there; Haire: some are in the parks plan; Lynch: that will certainly help;

Jarvis: I have a comment to make about the Wyler expansion; that dedicates a commitment to this area; I wasn't sure since this was their first central Ohio whether they were going to go deeper or stay where they're at; that's a good thing; there is a lot of property they could expand on over there without sprawling too much; also the development at Lithopolis, Hayes and Oregon what was the developer on that one; Haire: it's Westport Homes which is the same builder who is building in Canal Cove; Jarvis: the connection was we had some history with them; on the Winchester Cemetery, are we talking about of north of 33; Haire: no, we're talking about the building that was formerly occupied by Orchids and Ivy; Jarvis: would that include the property behind and next to that; Haire: the business itself and the garage and parking; Jarvis: are they talking about redeveloping that or adapting; Haire: adapting to the existing building; that came through in a 2007 development plan to redevelop the surrounding property and it had a specific plan associated with it so if they change anything on the property they need to go back through the zoning process; that's why they've applied to rezone as commercial;

J. Council Reports

<i>Work Session/Council</i>	<i>Tuesday, February 20, 2018 at 6 p.m.</i>
<i>Work Session/Council</i>	<i>Monday, March 5, 2018 at 6 p.m.</i>
<i>CW Human Services</i>	<i>Mr. Lynch</i>

Lynch: They had the Souper Bowl this Sunday; it was very well attended and successful event; there should be their yearly meeting in March;

<i>CWICC</i>	<i>Mr. Clark</i>
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Clark: we met January 30th and Mr. Coolman was voted in as an elected board member for the CWICC; we meet again May 30th at 11:30 at the Interurban building;

<i>CWJRD</i>	<i>Mr. Bennett/Mrs. Amos</i>
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Bennett: at the last meeting I was again appointed chair of the rec organization; we have a commissioner team building event coming up on the 18th; working through audits for 2016 and 2017; the reason I was not in attendance at the last Committee of the Whole meeting is because the director and myself were at an Ohio park and rec conference in Sandusky for three days; lots of key take-aways and some long-term planning we're going to start potentially looking at as a whole; Amos: they're very excited about the green space; we talked a lot about the fact that we're running out of green space for our fields for our kids to use; so they're really excited about the park moving forward; Jarvis: it's sort of a just in time thing; you have to plan that far ahead to make it happen;

Destination: Canal Winchester Mr. Walker

Walker: Destination Canal Winchester has already started planning and the farmers market as well; the Rib Fest; and there's a balance right now of \$54,577; we're in great condition; Clark: when is the Rib Fest; Walker; that would be the last weekend in July, always; Coolman: last Friday and Saturday; Labor Day is the first week in September

K. Old/New Business

Jarvis: the presentation about scam artists on the February 28th from 6:30 – 8:00 pm at the Frances Stuebe Community Center; the guest presenter is someone from the state AG's office; it doesn't say who that is but it's about consumer awareness; Bennett: I think it's a great event and I'm excited that we continue to do these types of things; just like the Fairfield County Sheriff's and the Mayor have done before; the education series on opioid crisis and continue to educate ourselves on how to stay safe; discussion ensued;

L. Adjourn to Executive Session - NONE

M. Adjournment at 8:54 p.m.

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

Yes 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker



To: Amanda Jackson, CMC, Clerk of Council
From: Andrew Moore, Planning and Zoning Administrator
Date: February 13, 2018
RE: Application ZM-18-001

RECOMMENDATION

Regular Meeting of Planning and Zoning Commission held **February 12, 2018**

Motion by Joe Donahue, seconded by Mark Caulk, to recommend to council approval of ZM-18-001; to consider the rezoning of 1.03 acres from Planned Commercial District (PCD) to Neighborhood Commercial (NC); for property located at 100 Winchester Cemetery Road (Parcel ID 184-000752). LN + MK Holdings LLC applicant, Owner OTP Holdings LLC.

Voting yes: Brad Richey, Joe Donahue, Mike Vasko, Mark Caulk, Bill Christensen.

Motion Carried 5-0

A handwritten signature in blue ink, appearing to read "Andrew Moore", is written above a horizontal line.

Andrew Moore
Planning and Zoning Administrator



To: Amanda Jackson, CMC, Clerk of Council
From: Andrew Moore, Planning and Zoning Administrator
Date: February 13, 2018
RE: Application ZM-18-001

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Motion Carried 5-0

A handwritten signature in black ink, appearing to read "Andrew Moore", is written above a horizontal line.

Andrew Moore
Planning and Zoning Administrator



February 13, 2018

To Whom it May Concern
LN + MK Holdings, LLC
4031 Groveport Road
Obetz, OH 43207

Re: Rezoning Application #ZM-18-001

To Whom it May Concern:

The Planning and Zoning Commission held a public hearing on the above referenced application at their February 12, 2018 meeting. This Zoning Map Amendment was to approve rezoning 1.03 acres located at 100 Winchester Cemetery Road (PID-184-000752) from Planned Commercial District (PCD) to Neighborhood Commercial (NC). After discussion, the commission passed a motion to recommend to City Council that the rezoning from PCD to NC be approved.

A public hearing will be scheduled before City Council, which you will need to attend to present the application and answer any questions from council. You will be notified of the date and time of that public hearing once it has been scheduled.

Sincerely,

Andrew Moore
Planning & Zoning Administrator



City of Canal Winchester

36 South High Street
Canal Winchester, Ohio 43110
Development Department
Phone (614) 837-7501 Fax (614) 837-0145

ZONING CODE AND MAP AMENDMENT APPLICATION

rev. 9/24/2013

PROPERTY OWNER

Name OTP Holdings LLC

Address 100 Winchester Cemetery Road, Canal Winchester, OH 43110

Daytime Phone 614-657-7808

Email grant.a.wright@gmail.com

APPLICANT

Name LN + MK Holdings, LLC

Address 4031 Groveport Road, Obetz, OH 43207

Daytime Phone 614-202-1893

Email ht32006@yahoo.com

Address or Location of Subject Property 100 Winchester Cemetery Road, Canal Winchester, OH 43110

Requested use for bakery and general Retail. Requesting zoning change from PCD to NCD for 1.03 Acres located at Cemetery Road

Attach a current survey (within 2 years) and legal description along with supporting materials required per Section 1143.02 (c) (see attachment). Additional information may be required by the Planning & Zoning Administrator, the Planning & Zoning Commission or Village Council.

I certify that the information provided with this application is correct and accurate to the best of my ability.

Melissa Kinder
Property Owner's or Authorize Agent's Signature

1/22/2018
Date

DO NOT WRITE BELOW THIS LINE

Date Received: 1/22/18

Fee: \$ 275.00
Paid

Tracking Number: ZA - 18-001

P&Z Public Hearing: 2/12/18
Recommendation Approval Denial

Council Public Hearing: / /
Action Approval Denial

Expiration Date: / /

Council Ordinance No.:

EXHIBIT 'A'

130539-TTA

LEGAL DESCRIPTION

Situated in the City of Canal Winchester, County of Franklin, State of Ohio, and is described as follows:

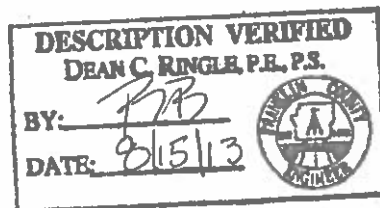
Being in the Southwest Quarter Section 19, Township 15, Range 20 Congress Lands, and being a part of a tract of land conveyed by deed of Lylle G. and Lena E. King to Douglas F. and Myrtle M. Dye, as the same is recorded in Deed Book 1231, page 517, Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at a concrete monument at the Southwest corner of Section 19; thence with the West line of Section 19 North $0^{\circ} 18 \frac{1}{2}'$ West, a distance of 179.92 feet to an iron pipe; thence North $86^{\circ} 40'$ East, a distance of 227.34 feet to an iron pipe; thence South $03^{\circ} 36'$ East, a distance of 193.30 feet to an iron pipe in the South line of Section 19; thence along the South line of Section 19, South $89^{\circ} 57'$ West, a distance of 238.13 feet to the Place of Beginning, containing 1.03 acres.

For informational Purposes only:

Property Address: 100 Winchester Cemetery Road Canal Winchester, Ohio 43110

Parcel No.:184-000752-00



046 D
All of
(184)
752

1840046D 02300



January 19, 2018

1:987



Source: Esri, HERE, DeLorme, Mapbox, IntraMap P Corp., GEBCO, USGS, FAD, NPS, NRCAN, GeoBC, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swastika, Mapbox, © OpenStreetMap contributors, and the GIS User Community

Franklin County Auditors Office
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The present use of the property located at 100 Cemetery Road, Canal Winchester, Ohio 43110 is a retail floral shop.

The present zoning district of 100 Cemetery Road, Canal Winchester, Ohio 43110 is Planned Commercial Development.

**List of Property Owners within and directly across the property
at 100 Cemetery Road, Canal Winchester, OH 43110**

184-000764	458 W. Waterloo Street, Canal Winchester, OH 43110	Kevin & Kyle Heiberger
184-000750	468 W. Waterloo Street, Canal Winchester, OH 43110	Kevin & Kyle Heiberger
184-002075	200 Cemetery Road, Canal Winchester, OH 43110	KC Bailey LLC
184-001274	202 Cemetery Road, Canal Winchester, OH 43110	202 Cemetery Road LLC
184-000757	610 Waterloo Street, Canal Winchester, OH 43110	Susan R. Stedman
184-000799	485 W. Waterloo Street, Canal Winchester, OH 43110	Beth E. Bayless
184-001267	501 W. Waterloo Street, Canal Winchester, OH 43110	Thomas B. Rhoads
184-000753	612 W. Waterloo Street, Canal Winchester, OH 43110	Frederick J. & Margaret P. Smith
184-000740	620 W. Waterloo Street, Canal Winchester, OH 43110	Gale L Taylor TR
184-000734	209-229 Winchester Cemetery Road, Canal Winchester 43110	William & Diana Haynes
184-002763	6832 Lakeview Circle, Unit 6850, Canal Winchester, OH 43110	Berwin Miller
184-002761	6844 Lakeview Circle, Canal Winchester, OH 43110	Warren Myers
184-002762	4623 Wilson Road NW, Lancaster, OH 43130 - RE: Bldg 6, Unit 6844	Herbert Hommel
184002760	6850 Lakeview Circle, Canal Winchester, OH 43110	Alan & Beth Alten
184-000755	460 W. Waterloo Street, Canal Winchester, OH 43110	Kenneth Heiberger

We are hereby requesting zoning change for 100 Cemetery Road, Canal Winchester, Ohio 43110 from the current zoning of Planned Commercial District (PCD) to the Neighborhood Commercial District (NCD). Under the current zoning of PCD a retail bakery is a permitted use, although no exterior changes can be made under this zoning. By changing the zoning to NCD we will be able to add a walk-in freezer to the bakery area allowing for a more efficient use of the space. We also understand, and will submit to the building department, the required screening of said freezer with our renovation plans.

We believe that the rezoning would allow our bakery to be efficient and effective in running our business. We are family focused and we believe that the bakery would be great for the community and blend well with the overall character of the neighborhood. We believe that this would help increase foot traffic and encourage people to linger in the Canal Winchester District.

100 Cemetery Road



12/02/2017

ORDINANCE NO. 18-003

AN ORDINANCE AMENDING SECTION 1181.06 OF THE CODIFIED ORDINANCES REGARDING KEEPING OF AGRICULTURAL ANIMALS IN NON-AGRICULTURAL DISTRICTS

WHEREAS, some residents of the City have inquired regarding the ability to keep chickens (hens) for purposes of harvesting eggs, in non-agricultural residential districts; and

WHEREAS, some residents have also inquired about the ability to keep other small fowl and small animals, such as rabbits, in non-agricultural residential districts; and

WHEREAS, some residents have also inquired regarding the ability to keep goats, in non-agricultural residential districts; and

WHEREAS, some residents have also inquired regarding the ability to keep bees, in non-agricultural residential districts; and

WHEREAS, having examined practices and procedures of several other municipalities that authorize and regulate such activities, the Council of the City of Canal Winchester has determined that such activities may be permitted if appropriate regulations are observed;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, OHIO:

SECTION 1. That Section 1181.06, Keeping of Horses, in the Planning and Zoning Code, shall hereby be amended to read as follows:

Chapter 1181.06 Keeping of Agricultural Animals in Non-Agricultural Districts.

(a) Keeping of Horses **and Goats**. Horses **and goats** may be kept in single family residential districts provided that:

- (1) Minimum Acres Required. The minimum acreage on which horses **or goats** may be kept shall be five (5) acres.
- (2) Number Limited Based on Acreage Available. There shall not be more than one (1) horse **or four (4) goats** per two and one-half (2.5) acres of land.
- (3) Only Mares or Geldings. Only mares or geldings may be kept on lots less than ten (10) acres.
- (4) Prohibited Animals. **Nothing in this Section shall be construed or interpreted to permit the keeping of cattle, sheep, swine, or other agricultural animals, except as otherwise done in conformance with the Zoning Code.**
- (5) Fencing Required. Such land shall be fenced so as to securely confine said animals. Such fencing shall not be located closer to any public right-of-way or private street than the minimum setback in the district and shall not be located closer than **eight (8)** feet from any other property line.
- (6) No Storage of Manure. No storage of manure or dust producing substances shall be permitted.
- (7) Control of Odors Required. No odors may be detectable beyond the property on which such use exists.
- (8) Building Setback Requirements. Any building used in connection with the keeping of horses **or goats** shall be located at least fifty (50) feet from any property line.
- (9.) Use Permit Required. A use permit shall be issued by the Planning and Zoning Administrator to any applicant meeting the requirements of this section prior to the commencement of the keeping of horses **or goats and shall include the following information:**

- (A.) **Address where the horses or goats will be kept;**
- (B.) **Name of the owner;**

- (C.) Phone number for the owner;
- (D.) Email Address for the owner;
- (E.) A description of the type and number of animals to be kept;
- (F.) A diagram of the property, drawn to scale, showing the proposed location and configuration of the structures housing the horses or goats as well as the relation of these structures to adjacent properties;
- (G.) A diagram of the shelter;
- (H.) A description of the feed storage containers and its location;
- (I.) Written consent from the applicant, valid for the duration of the permit, for a representative of the City, or of the county health department, to enter the applicant's property for purposes of inspecting the premises for compliance with health, sanitation, and zoning laws and ordinances;
- (J.) Such other information as the Planning and Zoning Administrator determines is necessary to evaluate the suitability of the applicant or property.

(b) Keeping of Chickens, Ducks, and Rabbits. Chickens, Ducks, or Rabbits may be kept in single family residential districts provided that:

- (1) **Minimum Acres Required.** The minimum acreage on which chickens, ducks, and rabbits may be kept shall be one (1) acre.
- (2) **Number Limited Based on Acreage Available.** There shall not be more than six (6) chickens, ducks, or rabbits per one (1) acre of land.
- (3) **Prohibited Animals.** Nothing in this Section shall be construed or interpreted to permit the keeping of roosters, geese, peafowl, or turkeys, except as otherwise done in conformance with the Zoning Code.
 - (A) **No Commercial Use:** Chickens, ducks, or rabbits shall be kept only for the personal use of persons residing in the principal structure on the lot where the chickens, ducks, or rabbits are kept.
 - (B) This section does not permit the slaughter of chickens, ducks, or rabbits in residential districts of the City.
- (4) **Fencing Required.** Such land shall be fenced so as to securely confine said animals. Such fencing shall not be located closer to any public right-of-way or private street than the minimum setback in the district. Such fence shall be at least six (6) feet tall and opaque such that it screens the sheltering structure and animal area from view of adjacent properties and public right-of-way.
- (5) **No Storage of Manure.** No storage of manure or dust producing substances shall be permitted.
- (6) **Control of Odors Required.** No odors may be detectable beyond the property on which such use exists.
- (7) **Building Setback Requirements.** Any building used in connection with the keeping of chickens, ducks, or rabbits shall be located completely to the rear of the principal structure and shall be located to meet the rear and side yard setback requirements of the applicable residential zoning district. These structures shall not be located within a recorded easement.
- (8) **Use Permit Required.** A use permit shall be issued by the Planning and Zoning Administrator to any applicant meeting the requirements of this section prior to the commencement of the keeping of chickens, ducks, or rabbits and shall include the following information:
 - (A) Address where the chickens, ducks, or rabbits will be kept;
 - (B) Name of the owner;
 - (C) Phone number for the owner;
 - (D) Email Address for the owner;

- (E) A description of the type and number of animals to be kept;
- (F) A diagram of the property, drawn to scale, showing the proposed location and configuration of the structures housing the chickens, ducks, or rabbits as well as the relation of these structures to adjacent properties;
- (G) A diagram of the proposed coop or shelter;
- (H) A description of the feed storage containers and their locations;
- (I) A certificate, transcript, or receipt showing that the applicant has completed a class on keeping backyard chickens, ducks, or rabbits from the Ohio State University Extension Office or other source approved by the Planning and Zoning Administrator;
- (J) If the applicant is a tenant on the property, written permission from the property owner;
- (K) Written consent from the applicant, valid for the duration of the permit, for a representative of the City, or of the county health department, to enter the applicant's property for purposes of inspecting the premises for compliance with health, sanitation, and zoning laws and ordinances;
- (L) Such other information as the Planning and Zoning Administrator determines is necessary to evaluate the suitability of the applicant or property.

(c) Keeping of Bees. Bees and associated bee hives may be kept in single family residential districts provided that:

- (1) **Minimum Acres Required.** The minimum acreage on which bees and associated bee hives may be kept shall be one (1) acre.
- (2) **Number.** There shall not be more than two (2) beehives per one (1) acres of land.
- (3) **Prohibitions.** No Africanized bees may be kept on a property under the regulations of this Section.
- (4) **Fencing and Shrubs.** A solid fence or dense hedge, known as a "flyway barrier," at least six (6) feet in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least forty (40) feet from all property lines.
- (5) **Water Supply.** A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- (6) **Building Setback Requirements.** No beehive shall be kept closer than twenty five (25) feet to any lot line and ten (10) feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a required front yard or side yard. The front of any beehive shall face away from the property line of the Residential property closest to the beehive.
- (7) **Use Permit Required.** A use permit shall be issued by the Planning and Zoning Administrator to any applicant meeting the requirements of this section prior to the commencement of the keeping of bees and shall include the following information:
 - (A) Address where the bees will be kept;
 - (B) Name of the owner;
 - (C) Phone number for the owner;
 - (D) Email Address for the owner;
 - (E) A description of the type and number of hives to be kept;

- (F) A diagram of the property, drawn to scale, showing the proposed location and configuration of the structures housing the bees as well as the relation of these structures to adjacent properties;
- (G) A diagram of the proposed hive or shelter;
- (H) A description of the water source and their locations;
- (I) A certificate, transcript, or receipt showing that the applicant has registered all bee colonies with the Ohio Department of Agriculture. Keeper must maintain valid certification with the Ohio Department of Agriculture.
- (J) If the applicant is a tenant on the property, written permission from the property owner;
- (K) Written consent from the applicant, valid for the duration of the permit, for a representative of the City, or of the county health department, to enter the applicant's property for purposes of inspecting the premises for compliance with health, sanitation, and zoning laws and ordinances;
- (L) Such other information as the Planning and Zoning Administrator determines is necessary to evaluate the suitability of the applicant or property.

SECTION 2. The Council hereby determines that all deliberations and votes of a public body regarding this Ordinance were conducted in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect at the earliest date allowed by law.

DATE PASSED _____

PRESIDENT OF COUNCIL

ATTEST _____
CLERK OF COUNCIL

MAYOR

APPROVED AS TO FORM:

LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

FINANCE DIRECTOR/CLERK OF COUNCIL

ORDINANCE NO. 18-004

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT FOR THE PROSECUTION OF CERTAIN CRIMINAL CASES AND CERTAIN CIVIL DIVISION CASES IN THE FRANKLIN COUNTY MUNICIPAL COURT FOR THE CALENDAR YEAR 2018 WITH THE CITY OF COLUMBUS ATTORNEY'S OFFICE

WHEREAS, Council hereby finds and determines that it is in the best interest of the City of Canal Winchester to enter into a contract with the City of Columbus Attorney's Office for the prosecution of certain criminal cases in the Franklin County Municipal Court; and

WHEREAS, the City of Columbus Attorney's Office may also provide representation of the Bureau of Motor Vehicles in certain cases in the Civil Division of the Franklin County Municipal Court;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

SECTION 1. That the Mayor be authorized to enter into a contract on behalf of the City of Canal Winchester with the City of Columbus Attorney's Office to provide prosecution of certain criminal cases in the Franklin County Municipal Court for the period from January 1, 2018 through December 31, 2018 as detailed in the attached Exhibit A and included herein by reference.

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED _____

PRESIDENT OF COUNCIL

ATTEST _____

CLERK OF COUNCIL

MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

LAW DIRECTOR

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

FINANCE DIRECTOR/CLERK OF COUNCIL

CONTRACT FOR LEGAL SERVICES

This contract is made this 29th day of January, 2018 by and between the City Attorney of Columbus, Ohio (hereinafter "City Attorney") and the City of Canal Winchester for the prosecution of certain cases in the Franklin County Municipal Court, Criminal Division, for the provision of victim advocacy services by the City Attorney's Prosecutor Division, Domestic Violence/Stalking Unit (hereinafter "DVSU"), and for the representation of the Bureau of Motor Vehicles (hereinafter "BMV") in certain cases before the Franklin County Municipal Court, Civil Division.

SCOPE OF SERVICES:

1. The City Attorney, by and through its personnel in the Prosecutor Division, shall represent the BMV in all cases coming before the Franklin County Municipal Court, Civil Division, arising out of the appeal procedures of Ohio Revised Code Sections 4510.17 and 4510.037, in which the legal representative of the City of Canal Winchester would otherwise have a duty to represent the BMV.
2. The City Attorney, by and through its personnel in the Intake Section of the Prosecution Resources Unit ("PRU") of the Prosecutor Division, shall consult with and advise all persons concerning violations of the criminal statutes of the State of Ohio and/or the Ordinances of the City of Canal Winchester, alleged to have occurred within the jurisdictional limits of the City of Canal Winchester, Franklin County. When appropriate, as determined by PRU personnel, the PRU will assist such individuals in the preparation and filing of complaints charging such offenses, in the sending of warning letters, in the provision of mediation services, and/or in the referring of matters for civil protection orders or to other governmental and/or social services agencies.

CONTRACT TERM:

The term of this Contract shall commence on January 1, 2018, and shall conclude on December 31, 2018, subject to prior termination as hereinafter provided. This Contract may be renewed at the option of both parties before the end date of this Contract.

BILLING AND PAYMENT TERMS:

<u>Services</u>	<u>Flat Fee</u>
Case with BMV Hearing(s)	\$30
Intake Services	\$30

- This billing structure shall apply to:
 - Intake services provided on or after January 1, 2018;

- BMV Hearings scheduled on or after January 1, 2018;
- Our office will bill your municipality on a quarterly basis and full payment is required within 90 days of the invoice date.
- Any cases/intake services/appeals commencing prior to January 1, 2018 shall be subject to the terms of the 2017 contract with our office.

TERMINATION:

Notwithstanding anything to the contrary in this Contract, both parties may terminate this Contract without liability upon written notice to the other party at least 30 days prior to termination.

APPLICABLE LAW:

The parties hereto agree that this Contract and the performance hereunder shall be construed in accordance with the laws of the State of Ohio.

IN WITNESS WHEREOF, the parties have signed this Contract on the day and year written above.

CITY OF COLUMBUS, OHIO

By: _____
Zach Klein, City Attorney

CITY OF CANAL WINCHESTER, OHIO

By: _____

ORDINANCE NO. 18-005

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT FOR INDIGENT DEFENSE REPRESENTATION IN THE FRANKLIN COUNTY MUNICIPAL COURT WITH THE FRANKLIN COUNTY PUBLIC DEFENDER ON BEHALF OF THE CITY OF CANAL WINCHESTER MAYORS COURT FOR THE CALENDAR YEAR 2018

WHEREAS, Council hereby finds and determines that it is in the best interest of the City of Canal Winchester to enter into a contract with the Franklin County Public Defender for indigent defense representation in the Franklin County Municipal Court; and

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

SECTION 1. That the Mayor be authorized to enter into a contract on behalf of the City of Canal Winchester with the Franklin County Public Defender to provide indigent defense representation in the Franklin County Municipal Court for the period from January 1, 2018 through December 31, 2018 as detailed in the attached Exhibit A and included herein by reference.

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED _____

PRESIDENT OF COUNCIL

ATTEST _____
CLERK OF COUNCIL

MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

LAW DIRECTOR

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

FINANCE DIRECTOR/CLERK OF COUNCIL

FRANKLIN COUNTY PUBLIC DEFENDER

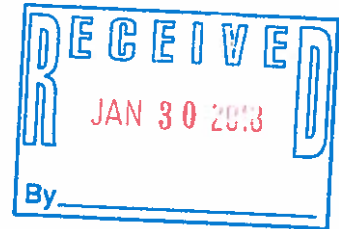
373 South High Street
(614) 645-8980

12th Floor
(614) 525-3194

Columbus, Ohio 43215
Fax (614) 461-6470

January 26, 2018

Amanda Jackson
Finance Director
36 S. High Street
Canal Winchester, Ohio 43110-1213



Dear Ms. Finance Director:

The existing contract for indigent defense representation with your city is scheduled to expire January 1, 2018.

Enclosed please find a copy of a new contract for your review and hopefully your signature. Based upon an analysis of our cost efficiencies for the year 2018, the charge per case will be \$76.65. The total amount charged per case is also based upon an anticipated 2018 state reimbursement rate of 45%.

Please contact me if you have any questions concerning the above.

Respectfully,

A handwritten signature in blue ink, appearing to read "Yeura R. Venters", written over a horizontal line.

Yeura R. Venters

Director

/agl

Enclosure

FRANKLIN COUNTY PUBLIC DEFENDER

373 South High Street
(614) 645-8980

12th Floor
(614) 525-3194

Columbus, Ohio 43215
Fax (614) 461-6470

CONTRACT

This Agreement, beginning on January 1, 2018 by and between the Franklin County Public Defender Commission, pursuant to Ohio Rev. Code, section 120.14(E), and the City of Canal Winchester, for the defense of indigent defendants before the Franklin County Municipal Court; the parties agree as follows:

The Franklin County Public Defender Commission hereby agrees to represent, through the personnel employed by the Franklin County Public Defender Commission, all indigent persons, coming before the Franklin County Municipal Court, Criminal Division, charged with a violation of an ordinance of the City of Canal Winchester, which occur within the limits of Canal Winchester, Ohio; provided that the Franklin County Public Defender Commission, reserves the right to decline representation if a conflict of interest exists in any specific case filed in or coming before the Franklin County Municipal Court; and, provided further, that the Mayor of Canal Winchester, Ohio, reserves the right to appoint other counsel to represent defendants charged with a violation of an ordinance of Canal Winchester, Ohio, or traffic and/or criminal statutes of the State of Ohio, which occur within the jurisdictional limits of Canal Winchester, Ohio in any specific case filed in or coming before the Franklin County Municipal Court.

The City of Canal Winchester agrees to pay the sum of \$76.65 per case. Said sum due to be stated by invoice from the Franklin County Public Defender at quarterly intervals. Checks or warrants should be made payable to the Columbus City Treasurer - Public Defender Service.

This contract may be terminated by either party at any time before the expiration of the contract, by giving thirty (30) days written notice to the other party, of its intention to terminate.

The parties further agree that this Contract shall be in full force and effect from the date first written above through December 31, 2018, unless terminated earlier, as provided herein.

IN WITNESS WHEREOF, the parties have executed this Contract, this ____ day of _____, 20__.

City of Canal Winchester

BY: _____
Finance Director

Franklin County Public Defender Commission

BY: _____
Richard F. Swope
Chairman

ORDINANCE NO. 18-008

**AN ORDINANCE TO REPEAL SECTION 951.02 OF THE CODIFIED
ORDINANCES OF THE CITY OF CANAL WINCHESTER**

WHEREAS, in order to eliminate due duplicity of rules governing park usage it is the recommendation of the Director of Public Service that Section 951.02 be repealed; and,

WHEREAS, Council hereby finds and determines that it is in the best interest of the City of Canal Winchester to repeal Section 951.02 of the codified ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CANAL WINCHESTER, STATE OF OHIO:

SECTION 1. That Section 951.02 is hereby repealed.

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED _____

PRESIDENT OF COUNCIL

ATTEST _____
CLERK OF COUNCIL

MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

FINANCE DIRECTOR/CLERK OF COUNCIL



Mayor's Report

February 20, 2018

Website Redesign Committee:

A group of employees, myself included, are working with the originators of our website on a redesign. The goal is to make our website more user friendly for visitors to our site for researching, calendars, forms, permitting, rentals, etc. This committee will be meeting weekly for the next several months.

Consumer Awareness Workshop:

The city will be hosting a Consumer Awareness Workshop on February 28th at the Community Center from 6:30 to 8:00pm. This workshop will cover consumer protection fraud prevention including, how to identify tax imposter scams, job opportunity scams, phishing scams and others. Presenters will include an educator from the office of the Ohio Attorney General and the Fairfield County Sheriff's Office.

TOSRV Bicycling Tour:

Canal Winchester will be the host of the Tour of the Scioto River Valley this May. More than a thousand bicyclists are expected to come to Canal Winchester to begin the two day ride to Portsmouth and back. Many of the cyclists will be in town the evening of May 18th for registration of the tour and dining and shopping and attending Music & Art in the Park.

McGill Park:

We have contracted with OHM to help us begin work on a more detailed design and cost estimate of McGill Park.

COUNCIL UPDATE



February 15, 2018

Finance Department
Amanda Jackson, Finance Director

Request for Council Action:

None

Project Status:

Dr. Bender Scholarship – As reported at the last meeting, the Dr. Bender Scholarship applications are now available on our website and at the guidance offices of Canal Winchester High School and Bloom-Carroll High School. Printed copies can be obtained at the Municipal Building. Applications are due by 4:30 p.m. on Monday, April 2nd and the awards will be presented at the April 16th Council meeting.

2017 Financial Statements – The City is required to report our financial statements to the State Auditor's Office by the end of May each year. The required reporting format must follow Generally Accepted Accounting Principles (GAAP) and other accounting standards. We contract the process of converting our cash-basis information to the accounting firm Wilson, Shannon, and Snow. I am currently in the process of gathering the information for the conversion and will report back to Council once the report is finalized and filed. This will likely be closer to the end of May.

COUNCIL UPDATE



February 15, 2018

Department of Public Service
Matthew C. Peoples, Director

Project Status:

Park Rules: During a routine review of our code we noticed we have conflicting park rules for; one specifically for Guiler Park and one for all parks. The Guiler Park rules were created when Guiler Park was first developed. We created the overall park rules with the intention of repealing the Guiler Park rules; however, that mistakenly did not occur. We are presenting an ordinance at the 2-20 Council meeting to repeal Section 951.02 Guiler Park rules

Gender IV OPWC Project: The project is out to bid with an engineer's estimate of \$2,230,000; which includes the construction, path extension, and railroad crossing, but not the design, inspection, or utility relocations. Total cost of the project is estimated right around \$3,000,000 (the OPWC grant/loan was \$2,423,406). The schedule has a bid opening of March 2nd and we expect to present to Council at the March 19th meeting. As has been discussed, with addition of the extended path on Groveport Rd. and the crossing upgrade project sharing with the railroad that is outside the scope of the OPWC project, we will be required to re-appropriate funds once those costs have been determined.

5-Year Capital Improvements Plan: We presented the 5-year CIP and examples of the new CIP Fact Sheets to Council at the October Committee-of-the-Whole meeting. As discussed, we continue to review the Pavement Condition Rating (PCR) report and will incorporate those results in formulating the CIP priorities. Once that is complete we will finalize the CIP and provide to Council.

McGill Park: We have contracted Bird & Bull to begin the property survey of the park lands. Once that is complete we can begin with preliminary design work. Additionally, we have completed the infrastructure planning for the park with concepts for the water, sewer, and fiber lines currently being completed and continue to work on maintenance/equipment planning.

Westchester Park Shelter House: We have begun collecting information for the design of the Westchester Park shelter house and will proceed further once we receive feedback from the final public comments session of the Parks Master Planning process.

ODOT Maintenance: Mayor Ebert and I meet with ODOT representatives to discuss maintenance responsibilities of US Rout 33. Not much was rectified, though we were able to identify a few inconsistencies with their position. However, Gene has been working on ODOT's general counsel from a previous meeting and we are working on the possibility of a compromise to share in the maintenance responsibility.