

# Canal Winchester

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



## Meeting Minutes - FINAL

September 17, 2018

6:45 PM

### 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 6:45 p.m.*
- B. Pledge of Allegiance - Coolman**
- C. Roll Call** *Present 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker*
- D. Adjourn to Executive Session @ 6:49 p.m.**

*Jarvis: the first item on our agenda is to adjourn to executive session to discuss a pending quasi-judicial matter; Mr. Hollins you can take it from here; Hollins: that is correct; we will need a motion to go into executive session;*

***A motion was made to adjourn to Executive Session by Walker, seconded by Bennett. The motion carried with the following vote:***

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

***Council returned from Executive Session at 7:37 p.m.***

**E. Approval of Minutes**

**[MIN-18-040](#)** 9-4-18 Work Session Minutes (**[Work Session Minutes](#)**)

**[MIN-18-041](#)** 9-4-18 Public Hearing Minutes (**[Public Hearing Minutes](#)**)

**[MIN-18-042](#)** 9-4-18 City Council Meeting Minutes (**[Council Minutes](#)**)

***A motion was made to approve Minutes 18-040, 18-041, and 18-042 by Bennett seconded by Lynch. The motion carried with the following vote:***

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

**F. Communications & Petitions**

**[18-100](#)** Constitution Week Proclamation (**[Proclamation](#)**)

*Jackson: whereas September 17, 2018 marks the 231st anniversary of the drafting of the constitution of the United States of America by the constitutional convention; and whereas it is fitting and proper to recognize this magnificent document and the anniversary of its creation; and whereas it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and whereas public law 915 guarantees the issuing of a proclamation each year by the president of the United States of America designating September 17th through the 23rd as constitution week; ow therefore I on behalf of Michael Ebert by virtue of the authority invested in him as the mayor of the City of Canal Winchester, Ohio do hereby proclaim September 17th through the 23rd 2018 to be constitution week in the city of Canal Winchester; and I ask our citizens to reaffirm the ideals that the framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties remembering that lost rights may never be regained; Mayor: and Nancy Schirm Wright is here this evening on behalf of the Daughters of the American*

*Revolution to accept this proclamation;*

*Jackson: Mr. Jarvis I do have one more; after consulting with Mr. Hollins about the small cell ordinance that was discussed at work session; ordinance 18-033 it was brought to our attention that council needs to hold a public hearing on that because it is a zoning text amendment; so rather than that being on for first reading this evening we would like to set a public hearing; looking ahead at the calendar and the way this needs to work we will have to set that public hearing for the first meeting in November; this would be November 5th; Clark: what does that do for the emergency; it will wipe all of that out; there will be nothing more done with it this evening; Jarvis: at that point would you recommend suspending the rules for the second and third reading then; Hollins: we'll consult with Bill; I don't know Bill Sims has pending applications to process to do this or not; but we'll consult with him; if staff does request it we'll bring that request to you and make sure we do it; it's just complicated because amendments to our zoning ordinance are treated a little differently than normal; but we will expedite it to the extent Bill says; Jarvis: Mrs. Jackson I'm not questioning your timing; I'm sure you've got very good reason but I guess I would appreciate; we have the month of October; there's no opportunity in there; Jackson: no; I am required to give 30 days' public notice and I cannot do that with the way the calendar falls; Jarvis: I see; thank you; Jackson: what time would you like to set that; I'm not sure if anyone has any thoughts on if that would be a long public hearing; if we want a 6:30 start or a 6:45; Jarvis: just a gut feeling that it's probably a 30 minute meeting; Jackson: so we'll do November 5th at 6:30; Jarvis: immediately following the work session; Jackson: I will tell you I will not be at the November 5th meeting so you won't have a report for me and that will shorten your work session a little bit; Jarvis: great thank you;*

#### **G. Public Comments - Five Minute Limit Per Person**

#### **H. RESOLUTIONS**

#### **I. ORDINANCES**

*Tabled*

##### **ORD-18-029**

*Development*

*Sponsor: Jarvis*

An Ordinance To Amend Part 11 Of The Codified Ordinances And The Zoning Map Of The City Of Canal Winchester, Rezoning An Approximately 11.954 Acre Tract Of Land From Exceptional Use (EU) To Planned Residential District (PRD), Owned By The Dwight A. Imler Revocable Living Trust, Located On The Southeast Corner Of The Intersection Of Hayes Road and Lithopolis Road And Consisting Of Parcel Number 184-002994, And To Adopt A Preliminary Development Plan And Development Text For A Proposed 79.5 Acre Planned Residential Development (Middletown Farms) ([Ordinance, Exhibit A, Exhibit B](#))

*- Tabled at Second Reading*

*Third Reading*

##### **ORD-18-030**

*Public Service*

An Ordinance To Set Water User Fees For Customers Outside The Special Water Allocation District ([Ordinance](#))

*Sponsor: Lynch*

*- Adoption*

***A motion made to adopt by Ordinance 18-030 by Lynch, seconded by Coolman. The motion carried with the following vote:***

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

**ORD-18-031**

*Public Service*

*Sponsor: Coolman*

An Ordinance To Set Sanitary Sewer Fees ([Ordinance](#))

*- Adoption*

***A motion was made to adopt Ordinance 18-031 by Coolman, seconded by Walker. The motion carried with the following vote:***

***Yes 7 – Coolman, Walker, Amos, Bennet, Clark, Jarvis, Lynch***

*Second Reading*

**ORD-18-032**

*Finance*

*Sponsor: Clark*

An Ordinance Amending The Transient Occupancy Grant (Bed Tax) Application And Award Process And Declaring An Emergency ([Ordinance, Bed Tax Grant Package 2018](#))

*- Request waiver of second and/or third reading and adoption*

*Bennett: the purpose for suspending the rules; Jackson: generally the bed tax grant opens on October 1st; so in order for me to get the applications out by that date I need it passed this evening; Bennett: thank you Mrs. Jackson;*

***A motion was made to suspend the rules and declare Ordinance 18-032 an emergency by Clark, seconded by Coolman. The motion carried with the following vote:***

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

***A motion was made to adopt Ordinance 18-032 by Clark, seconded by Amos. The motion carried with the following vote:***

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

*First Reading*

**ORD-18-033**

*Construction Services*

An Ordinance Amending Section 1193 Of The Codified Ordinances Regarding Wireless Communication Facilities ([Ordinance](#))

*- First Reading Only*

**J. Reports**

*Mayor's Report*

18-104Mayor's Report

Mayor: just a couple quick reminders about prescription drug take back; that day is October 27th; 10:00 a.m. to 2:00 p.m.; it's going to be at Diley Ridge Medical Center once again; in the parking lot; we ask that people bring pills only; no liquids; no needles; no creams; and the question that gets asked probably 100 times between now and then is trick or treat; trick or treat is going to be observed in Canal Winchester on Wednesday, October 31st from 5:30 to 7:30 p.m. rain or shine; one thing I don't have in my written report and I want to bring up; first of all I'm going to start out by saying city employees or at least those that have the authority to write a purchase order; who do purchases and so forth; we've been working for five years or more maybe six years; since Amanda got here actually; to streamline our purchase order system; why; because the state auditor's office requests you do that; if you don't do it it's a ding against the city; and if she doesn't do it it's a ding against her; so we strive, I don't think there's a day that does not go by that we are not in one way or another discussing at least one purchase order; sometimes many more; again we have done and this has come a long, long way since Amanda has been pushing for this; and she's pushed very hard; that we comply 100 percent; you ask why am I bringing this up; on August the 7th I received an email that stated that a council member had requested that this building have a certificate of occupancy looked at and changed for this building; at that time the occupancy for this building was 50; the fire department got involved; the building official got involved; and the occupancy for this building was magically changed at no one's knowledge from 50 to 88 people; a day later we get an invoice for \$152.50; for the work done to get that done; no again that was requested by a city council person; and city council people do not have that authority; it has to go through staff and myself; it has to follow the chain of command before a purchase order can be written; there was no purchase order written for this whatsoever; right now as of this minute the occupancy for this room stands at 88 people because it was changed without anybody's knowledge at the request of a council member; Lynch: may I interject; I would probably be the council member you're referring to; in case you're wondering let's throw it out there; I did make an inquiry to our fire chief asking if he knew anything about the laws; and I've talked to several people about this; what the laws for occupancy were; I've talked to several city building administrators from Columbus about it; and I asked if he could give me some input; what I never asked was for them to do an audit of the facility; or inspection of the facility in any manner that would require any fee; all I asked was for advice from them; and I never got any feedback from the people; I asked twice and never got any feedback; so this is a complete surprise; my apologies; I will write you a check personally for that amount if the city incurs any fees for that; unless someone else made mention or asked; but I'm thinking this came from a conversation I had just to get a little bit of advice as to what could be done; that's all; Mayor: well I think the person you probably talked to probably thought you had the power to do that; Lynch: I never gave that impression; not any way shape or form; I have no purchasing powers in this community; I realize that; Mayor: I don't know if they did or not; that's the thing; you got to be careful sometimes; Lynch: evidently; Mayor: so now we have an invoice with no purchase order to match it; we have an occupancy of 88 people in a room that is not completely ours to occupy; that up there belongs to CWJRD; additionally, the door on this building opens backwards; I can't see 88 people trying to get out of here in a door that opens backwards is safe period; Lynch: my understanding was based on a one door egress you can only have 50 people; how they came up with 88 is beyond me; Mayor: I don't know; Lynch: and that comes from Columbus city codes; Mayor: I am going to work to have it changed back to 50 people where it was at; because it's just not; Clark: can I ask Amanda what will that do to any kind of reporting score that you get with the auditor's office; Jackson: under the Ohio revised code I have a couple different options when we incur an expenditure that did not have a purchase order written for it prior to the expenditure being incurred; most commonly it's called a then and now certificate; basically I have to sign a statement saying that we had the money when this expenditure was initially entered into and it's in the treasury now; it's specific language that has to say that, that I just sign off on it; we try not

to do them; there is a dollar limit on that; this is underneath the dollar limit; the dollar limit is \$3,000.00 for me to do that; we try and limit doing those; it's just not a very good practice at all; that means that basically anyone can go out and spend money and me not know about it; that's why we have the process we have; Lynch: can they rewrite the bill and send it me; if they thought I was asking to purchase anything like I said I will I want in no way shape or form want the city to pay for it; Coolman: my bigger concern goes to what happens to the financial rating of the city and what happens to Amanda's professional review; when they come in and audit what they're going to do is pick a random sample of the invoices and checks that we've written; and they will compare the invoices dates to the purchase order dates; if the purchase order date is before the invoice date we're good; if the purchase order date is after the invoice date is when they look harder; if it has a then and now certificate attached to it and it's a valid then and now certificate it's not counted against me; but again it's not a habit we like to have; we don't want to then and now everything; maybe three years ago or so I probably wrote an exorbitant amount of these then and now's; and I've stayed on top of the guys to say if you know you're going to do this you got to write the purchase order beforehand; and we've actually cut that back; last year was phenomenal with the small number of then and now's I had to do; there are certain things that just happen; there are emergency situations; there are things that come out of nowhere that this is good for; but we try very hard not to use them; the law does give me the ability to not let that reflect negatively on me; but I can tell you there are entities back in my auditing days that would then and now everything and that doesn't look good; that's not a good budgeting practice; Walker: forgive me; I missed out on what the \$3000.00 was the limit that I have the ability to write the certificate; if it's over \$3,000.00 I can bring it to council for your approval; we typically don't do that; that's just kind of an administrative hassle; Mayor: this is only \$152.50; but could have very easily have been \$3152.50; who knows; when it's done the way it was done; Lynch: who sent the bill; Mayor: it was sent by our building official to us; Amos: so Mrs. Jackson I understand that he didn't mean for anything to happen; so from here what would you like him to do; do you want him to call them and get the bill to him directly; Jackson: no; the city will take care of this; the whole point of having this conversation is that we need to be the ones initiating this; there's a process for having something like this done; there's an application that needs to be filled out; part of our grand audit is having these processes and following these processes to make sure we're doing things according to the law; Mayor: processes and procedures; Jackson: this process obviously whether it was miscommunication all around which it could have been we just you guys to know that everything has to come through us; Amos: when you say there's an application do you mean with the building inspector or do you mean with the purchase order; Jackson: both; there's an application for a certificate of occupancy with the city; Amos: so I guess that would be my question with the building inspector is how; Mayor: the fire department is I guess who you talked to; Lynch: I talked to our fire chief yes; Mayor: and he got with the building official which happens all the time; and that's when they say hey the city wants this done not knowing that he didn't have the authority to do that; Lynch: I didn't fill out any application; Jackson: and that's how we didn't know about it; there was no application ever filled out; Mayor: you just have to watch who you're talking to and how you're talking; Coolman: on this specific topic is there any communication going back to Madison Township; Mayor: I have talked to the fire chief about this two or three times; Coolman: is there any way that we can make this thing be canceled; or since it already occurred we can't bury it as they say; or can we just cancel the order; Mayor: the thing is I've got to have them come back in and I've got to have him change it back now to 50; I'm sure we don't want this building at 88; the CWJRD that's their cubby hole up there; Walker: is that an additional \$150.00 to change it back; Mayor: I don't know; Jarvis: on principle I don't think that we should be paying them anything; I feel like part of this is lack of control; and we're dealing with a guy that's new to his job and I appreciate you clearing the air Mayor and also you Mr. Lynch for explaining your position in all of this; but to me if you feel that there is benefit if someone higher than the chief or one of the township trustees or administrator should be aware of this do that they can also educate their people that certain people you take those kinds of authorizations from and other do not;

*Mayor: we can educate them ourselves; not that it's happened I never would have thought it would have happened; but the thing is if Luke would have told them the same thing it would have followed the same channel; follow me; so there still thinking or were thinking that he had the ability to give him that command to do; Luke or council member; Jarvis: yes; everybody is weighted equally; and we have different roles and responsibilities; you're point is very well taken; I don't expect this will ever happen again; and we appreciate knowing it did happen;*

**18-102****August 2018 Mayor's Court Report**

**A motion was made to approve the August 2018 Mayor's Court Report by Coolman, seconded by Bennett. The motion carried with the following vote:**

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

*Fairfield County Sheriff*

*Cassel: I have nothing further from my original report; Jarvis: thank you; I don't have a chance to flip through the traffic reports and according to what I was seeing there's not a whole lot of variance; people are pretty much staying where they should be; I don't know whether the patrol car was somewhat hidden where you do catch people off guard; or that was the reason everybody was behaving themselves so well; it doesn't look like at least during this random sampling that there was much of a problem on East Columbus Street or East Waterloo Street; and then there was one that did not have a location on it; it showed the same story wherever it was; Walker: did we bring up at one point kind of like a dummy car on some of the roads like Columbus or Waterloo where you actually just have an old squad there that doesn't even run anymore but you go the flashers; you know what I'm saying; Cassel: we can do that the issue is that people figure it out really quick that there's nobody in it; Walker: your know how they've got these, for lack of better words; dummies or mannequins that you just sit in there that just look pretty real; I know they might figure it out but I'm just throwing it out there; Cassel: we've had when I worked in the county we've had dummy cars that we sit around the county for the reason and people eventually figured it out; we could move it around a lot; anything the we can try would be good; and I've actually seen the dummy patrol guy that you're talking about on TV; I've never seen it in real person; but I know what you're talking about; Walker: they're pretty realistic like Mr. Lynch had said a little bit ago that the speed thing is working right now but if that stops working instead of taking your time maybe just moving that around; Cassel: yeah we can definitely try it; Peoples: Mr. Jarvis I will say that these results when we look at them are very similar to the results that we got from our speed tubes last August; August of 2017; I haven't entered these in yet or anything but I will try to figure out what the 85<sup>th</sup> percentile is; Coolman: so for the public members that or the public out there that challenged your numbers on your report they're still holding true today; Peoples: bases on a cursory review; I'll take the numbers back and enter them in; Jarvis: we sort of vowed that we would talk about this at our committee of the whole meeting; I think that the feeling I'm getting right now is that this boils down to perception versus reality; but the communicating the reality and this is the only real data that we have to work with; but making it available so people can look at it periodically; and I don't know what that portal is or if our website would lend itself to something like that or not; Peoples: my understanding of the last conversation we had was I was going to be providing a guidance document regardless; steps to follow; here's what's going to happen; if we do find that there's a problem here's some of the things that we can implement; I didn't think it was going to be a committee of the whole discussion; I know that was talked about but I thought it I was just going to present a guidance document at an upcoming council meeting; Jarvis: that would be great; we just didn't want to let it die here and now like I said it looks to me like it's more of a perception issue but there's also communication; Peoples: right and I already*

have in there that the studies would be communicated with the residents; Bennett: just one other follow up on the study; I would just keep in mind while that may fall in line with Mr. Peoples; numbers taken by a police car I would say probably skew on the lower end; if you see a patrol car; Jarvis: but the tubes would probably not care anybody right; Bennett: probably not; I'm just saying if those numbers align; it would be interesting to see; because you think you'd actually be going slower in front of the patrol car versus the tubes; Peoples: my preliminary document has that the tube speed study would be done when there's no active enforcement out there; we do put in there that one of the steps would be active enforcement; make a little bit of presence; which I haven't shared with them by the way; Jarvis: I'm kind of curious when you've got those tubes out there' it's all based on the time between the first wheel and the next wheel getting it; but then you have things like trucks with a wide wheel base; so how do you get things like that resolved; Peoples: they are able to calculate how that works; they do it by what's called classification; it will go up to a I think it's how many axels it will go; I don't believe that the semi-truck and trailer will work but a dump truck with multiple axels will; so there are provisions for that; Walker: I did just come across for the first time a school coming up to a school it was an LED light and it really lit up slow down or the speed limit; if we get to a point; I've seen a lot in the north end where you have to stop signs with the LED around them and even speed limit signs but this school thing was different it was overhead and I thought maybe they've had some issues there; Peoples: with LEDs coming out now there's a lot more options out there for those types of lighted signs; the LED lights don't use the energy that an incandescent bulb does so you don't have to wire it up; you can have just a small solar panel; we actually have one that is not ordered yet but it will be one of the tools in our toolbox to be able to put out there; we're not going to make these permanent signs because if you have something that is always flashing at you it's just going to wear out; talking about the train tracks and same thing with the speed trailer; we don't leave it out all the time; all of that will be in the guidance document; Jarvis: this discussion will never end; Lynch: but at least you put something in place which is outstanding; thank you;

#### Law Director

Hollins: you'll just love me; if you don't mine very, very brief executive session; for purposes of discussing pending litigation at the conclusion of the regular meeting; other than that unless you have any questions no further report;

#### Finance Director

##### [18-101](#)

##### [Finance Director's Report, August 2018 Financial Statements](#)

Jackson: thank you Mr. Jarvis; one item in addition to my written report this evening; last month at the beginning of August you approved the city of Canal Winchester entering into an agreement with the Regional Income Tax Agency (RITA) to be our income tax collector; I got information from them today that in the agreement that we signed we are required to appoint a delegate and an alternate to the regional council of governments that oversees RITA; basically this is the board that then votes on official business of the regional council of governments including appointing the RITA board; I know this is all very confusing; we need to appoint this delegate so that we have a vote as a member of RITA; and then again an alternate in case the delegate cannot be there; this does not need to be any formal registration but I do need a motion from council to approve those two positions; at this point we would like to appoint myself as the delegate and Stacey Williams our finance specials as the alternate; Mayor: those are my appointments by the way; Jackson: yes the mayor has to make the appointments but that is what we would like to recommend to council this evening

**A motion was made to confirm appointment of Amanda Jackson as the representative for the RITA board and Stacey Williams as her alternate by**

---

*Amos, seconded by Lynch. The motion carried with the following vote:*

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

*Public Service Director*

**18-103**

**Public Service Director's Report**

*Peoples: thank you Mr. Jarvis; just a couple things to add to my written report; hydrant flushing starting this week; it will disrupt the system a little bit; if you do find some brown murky water or something like that please just run your tap a little bit; it does happen from time to time; we're flushing out; what the flushing does is keep all of that from building up and making it worse when you pull your tap on; sidewalk letters for the sidewalk grant program went out last week; those residents will be given a month then it will go on their taxes; Walker: I'd like to express my thanks; I live on Kramer Street where a fire hydrant was hit the clean-up was amazing and everything was done really well and we appreciate that; Clark: was that you; so if you'll extend my thank you to all the city workers that were there; there was a lot of brown water; they cleaned up and even came back again and cleaned up; Jarvis: the composition of that brown water it's just basically rust and some kind of sediment; I mean it wouldn't harm you if you drank it; Peoples: no; it's just rusty water; think about the inside of most of our pipes are ductile iron although the plastic pipe percentage has grown and has been grown with the new subdivisions and projects we're getting; there is still iron left even though we have iron filters and its below thresholds established by the EPA; it still does get in the water; and little tiny bits and pieces that come off the inside of the pipe; the inside of fire hydrants and that type of thing; there's always going to be valves just moving around so it's always going to be in there; that's what the flushing does is gets that out of there instead of allowing it to build up; since we've been feeding the phosphate the time for the hydrants clear as we're flushing them has decreased significantly; Amos: Mr. Peoples with the vandalism that occurred last week city wide what did that entail for your group; Peoples: a lot of clean up at this point; my understanding is that they believe they caught the individual that did that; that person spray painted a lot of stuff; and we had just gotten done cleaning up from the last time he did it; it was at a smaller rate down at the cover bridge; we power washed all that off then he hit it again; I think there were three days down there last time cleaning up the covered bridge; just power washed the inside of that off; this time they got signs that we were not able to get all of the paint of so we'll have to replace some of the signs; so that type of thing; Amos: do we believe we're going to get restitution; obviously we're going after it I would hope; Jackson: I would say we'll go after it but in my experience the chances of us seeing anything is nil; Amos: and then I had a resident ask me and honestly I don't know; she asked if there was a clear coat that could go on some of the signs because of all the new city park signs we've done; that would help protect it from paint and things like this; I have no idea; Peoples: they do have a spray paint that goes on there; but it can dull your finish; the new signs we just got out there cleaned up pretty well but some had some film on them; the new parks signs down at James Kelly Preserve with the trail marker signs on it, it actually came out pretty well; the surface is a different material the reflective coating that we have on all of our entry way signs is the same sheeting material as all of our stop signs; so it's a reflective material; so it just dulled those a little bit; Amos: thank you for all the work you put into it; Walker: it just hit me; no Mr. Clark it wasn't me or anyone in my family that hit the hydrant; (laughter)*

*Development Director*

**K. Council Reports**

*Work Session/Council - Monday, October 1, 2018 at 6 p.m.*

*Work Session/Council - Monday, October 15, 2018 at 6 p.m.*

*Committee of the Whole - Monday, October 29, 2018 at 6 p.m.(TENTATIVE)*

*Jarvis: COW; I am not going to be here but go ahead with it if there are pressing matters; I'm just letting you know;*

*CW Human Services - Mr. Lynch*

*Lynch: they just finished up with community week; evidentially they raised about 35,000; Amos: we're waiting for official numbers but we believe about 35; Jarvis: was that their target; Amos: 55; it's a darn good start; Jarvis: It's a good chunk;*

*CWICC - Mr. Clark*

*Clark: we're meeting Halloween; October 31<sup>st</sup> 11:30 a.m. at the Interurban building;*

*CWJRD - Mr. Bennett/Mrs. Amos*

*Bennett: really no update; we haven't had a board meeting in a while; we have a board meeting Thursday 7:00 p.m. here at Town Hall; also I would like to just; one other thing about community week; one other thing that was really great by the end of the week we saw people taking on their own initiatives for community week that really hadn't been part of the core group initially; it was amazing just to watch that spirit grow; Jarvis: what kind of things; Bennett: Cornersmiths put an offer out there on social media during the moonlight market that if you made a donation of a certain amount they would give you 50 percent of your purchases for the evening; Amos: Fantasy Cupcake picked up one; Bennett: Fantasy Cupcake was auctioning off cupcakes all week; and then did ten percent of their sale son Saturday; Amos: we saw some online fundraisers kick up; that were feeding right back to them; Bennett: another local resident who sells crafts and she was donating money from her goods back to that cause as well; so if you bought some of her goods off of Etsy she was donating as well; those were all initiative that weren't really part of the ore start; and it just goes to show you; Jarvis: you want to start the fire but you want it to spread; Bennett: and we kind of hoped it would but it goes to show that the community we live in these things really do happen like that; it's really cool to watch*

*Destination: Canal Winchester - Mr. Walker*

*Walker: the next meeting is September 25<sup>th</sup> 20158 6:30 at the interurban;*

## **L. Old/New Business**

### **[APL-18-001](#)**

Notice Of Appeal Regarding The Denial Of Variance Application VA-18-009  
By Planning And Zoning Commission To Approve The Keeping Of Chickens  
On A Residentially Zoned Property Under One (1) Acre At 42 Elizabeth  
Street

*Jarvis: we have one item to act upon; there is an appeal of a denial to a variance request; Hollins: and in doing so know for the record staff that the law department did distribute to council two draft findings of fact conclusions of law; one does deny the variance and one would have been to grant the variance with conditions; so the motion as a friendly amendment and to adopt the finding of fact in conclusions of law denying the variance proposed by staff; Jarvis: I'm going to have a little trouble repeating that verbatim; Hollins: that's okay we have it on record; the motion would be to deny the variance and to adopt the proposed findings of fact conclusions of law denying the variance proposed by staff; Clark: and agreeing with planning and zoning; Hollins: that's true; and affirming planning and zonings denial; Mayor: so yes does what; Hollins: a vote of yes*

*denies the variance; and would take four yes votes to pass any motion; Jarvis: okay I want to make sure this is crystal clear to everybody because I thought I had it and I just lost it; A motion was made by Clark to uphold the decision of planning and zoning and denying the appeal request, seconded by Coolman. The motion carried with the following vote: Mr. Hollins: to be clear if I answer no when the roll is called I disagree with the denial; Hollins: correct; Jarvis: if I said yes that means I uphold planning and zonings decision and I deny it; Hollins: correct;*

***A motion was made to deny APL 18-001 and to adopt the proposed findings of fact conclusions of law denying the variance and upholding the decision of Planning and Zoning by Clark, seconded by Coolman. The motion carried with the following vote:***

***Yes 4 – Clark, Coolman, Jarvis, Walker***

***No 3 – Amos, Bennett, Lynch***

**M. Adjourn to Executive Session @ 8:26 p.m.**

***A motion was made to adjourn to Executive Session to discussion pending litigation by Coolman, seconded by Bennett. The motion carried with the following vote:***

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

***Council returned from Executive Session at 8:29 p.m.***

**N. Adjournment @ 8:29 p.m.**

***A motion was made for adjournment by Lynch, seconded by Bennett. The motion carried with the following vote:***

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