

Canal Winchester

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



Meeting Minutes - FINAL

November 5, 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

Jarvis called the meeting to order at 6:46 p.m.

B. Pledge of Allegiance – Walker**C. Roll Call**

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

D. Approval of Minutes**MIN-18-047**

10-15-18 Work Session Minutes (**Work Session Minutes**)

MIN-18-048

10-15-18 City Council Meeting Minutes (**Council Minutes**)

A motion was made by Bennett to approve Minutes 18-047 and 18-048, seconded by Lynch. The motion carried with the following vote:

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

MIN-18-049

10-22-18 Special City Council Meeting Minutes (**Special Meeting Minutes**)

A motion was made by Bennett to approve Minutes 18-049, seconded by Amos. The motion carried with the following vote:

Yes 6- Bennett, Amos, Clark, Coolman, Jarvis, Walker

Abstain 1- Lynch

E. Communications & Petitions**18-121**

Ohio Division of Liquor Control Letter RE: Heavenly Treats 100 Winchester Cemetery Rd (**Liquor Control Letter**)

Jarvis: As per our convention we can hold a public hearing on that but with the absence of any known problems with the location we generally do not do that; no action required unless someone feels a strong need;

18-124

Ohio Department of Natural Resources Grant Conditional Approval Letter for Westchester Park Improvements (**ODNR Letter, Westchester Park Plan**)

F. Public Comments - Five Minute Limit Per Person

Hollins: Let me set this up a little for the applicant and Tom Hart is the attorney for the applicant; it was tabled at second reading and it was done at the purpose of the applicant being able to return to planning & zoning and revise their submittal to reflect only single family residential; they have done that and planning & zoning has returned it back to council with a recommendation that is contained in your packet this evening; it being second reading we need to take two actions this evening; one of which, once we hit the ordinance, will be to remove it from the table and get it back on your active agenda; and then as well we do have conditions in the recommendation from planning & zoning as you filter down; there is two conditions and what we'd like is a motion to amend the ordinance once it's back off the table to incorporate those two

additions and I'll tell you where at that time; at that point in time we'll have an amended ordinance and we'll put it up for third reading in two weeks at the next meeting; the applicant and the attorney are here; though I think to address some questions and they may want to have a few words even before that this evening to provide any additional information that may be helpful to council once it does hit third reading at the next meeting;

Hart, Attorney for Westport: thank you Gene for the context of setting us up; Mr. President we have a short presentation; we realize the public comment before the council meeting is five minutes so we can do that now or we can wait until the time the ordinance comes up; Jarvis: I think you may have been stepped outside Mr. Hart when I said we would relax the five minute rules this evening to allow that to happen; Hart: with Gene's context I want to set up Jack Matino from Westport with a little more context; as Gene said there were two conditions coming out of the planning commission; one was that we stay with the code and keep the lot coverage with the maximum of 30 percent; the other condition was that all front load garage doors/garages are to be a minimum of four feet behind the front line of the livable area of the home; that's your code today; Westport has no problem amending and going to the 30 percent lot coverage maximum to meet that first planning commission requirement or condition of approval; relative to the second condition, the front loaded garages must be four feet behind the front living element of the home, we are requesting relief from that requirement; we're proposing that all front loaded garages must be flush with the front porch or behind a the front porch; or the garages must be flush or behind the most forward facing architectural livable element of the home; along with that because the front facing garage is a critical architectural issue, along the way when we came to you and then went back to planning commission we agreed to the code standard that at least 20 percent of all the garages in the community would be side loaded condition; which really helps diversify the streetscape with front and side loaded, that all the setbacks be varied; the front of the homes be varied between lots so you'd have a mix of front setbacks; and then all the front garages have an upgraded architectural treatment so that with different types of garage treatment, carriage lights, raised panels; windows, different architectural things you can do with a garage door, they blend more with the rest of the architecture of the home; probably the main commitment is that every house will have a front porch; because we're real serious about making the front porch the architectural element that balances that front facing garage; no matter where you put it we are agreeing to what we think is a compromise standard; that front porch is a critical architectural piece that balance the houses; I think one of the challenges with that point is it's hard to visualize that; it's hard to talk about it unless you see it; so Jack prepared a brief presentation in the real world; in terms of renderings of what the homes will look like; and then actual photographs of homes showing that garage balancing when the garage is in the front; with that Mr. President if it's okay I'll turn it over to Jack;

Jarvis: I do have a quick question; I'm not sure who to direct it to; this information that we're just about to go over, was that discussed with planning & zoning as well as your objection to the second condition;

Hart: certainly the point was discussed; the presentation was not; we didn't know what the planning commission conditions before they voted were going to be; so we didn't have the visual presentation you're about to see; but it shows the condition;

Jarvis: did you object to it at the time even without this additional material;

Hart: what we tried to do and we did it here as well Mr. President, we turned in really the same list of elements in the code we could me and then elements of the code we asked for an adjustment; and that was

one of those elements; so there was definitely discussion on it but after they voted we didn't get back up and object, no;

Jarvis: I do think it's significant enough not to drag this out any further than we already have; but to loop back with them this additional information;

Hart: we're realistic; we thought that might be a possibility based on what you all decide tonight; it has been a long process but we're prepared for that if that's what you decide;

Jack Matino, Westport Homes: to answer that question Mr. President, much of this information that we're sharing with you this evening was derived from the outcome of planning commission; if you recall prior to this we were given a no vote or do not recommend to a recommend with two conditions; one of which we're immediately saying today that we're fine with the 30 percent lot

Coverage instead of the 35; and the other one being the architectural aspect of where the garage sits; whether it's four feet behind the body of the home or is it more important to make it a secondary element; and that's what we're trying to show to you today; Jarvis: just to clarify you're position instead of being four feet behind the main structure as the code calls for you're looking for something that would be either flush or behind the forward most feature of the house which is most likely the front porch; Matino: that is correct sir; what we wanted to do this evening, I'll start off with an architectural rendering of Middletown Farms; I guess the first slide that you could see here is; this first rendering has been prepared by EMH&T; this would show the actual styles of homes that we are proposing with the concrete driveways, the sidewalks, with the adjustments made to the front yard setbacks; staggered setbacks between 25 and 30 feet; additionally it is showing you the garage location with the architectural style to the garage location and real life homes that Westport Homes makes available today; so the plan that you're looking at there is a Barrymore plan; there is a Hollister plan; we wanted to show that along with the street trees and the concrete driveways; Jarvis: once again Mr. Matino these product models were they the ones shown to planning & zoning; Matino: what you're seeing here happened afterwards; but there were two dimensional brochures that were shown to planning commission; so not in this type of capacity with this type of professional approach; this is a similar shot just more from a street view instead of a bird's eye view; so again you're looking at the four sided architecture, the overhangs on the eaves at least a minimum of eight inches, windows on the sides, stone and brick plants; again just more along the lines you can see the massing in the architecture is staying very much focused on the front porch; third and final one just gives you a better indication of the side yard requirements; if this were to be Middletown Farms you're looking at the spacing between the homes, the side load garages intermixed with front load garages; so there's a lot of architectural diversity; again we're showing four sided architecture that we would be meeting along with the standards in the code; again this is a architect and engineers rendering; so we wanted to show some real life versions; this is a community that we're building in the Meadows of Millcreek in Ostrander; these are 80 and 90 foot home sites; these homes were built within the past twelve months; again we're trying to show that side load garage, minimum square footage of a front porch in this community is 100 square feet; again garages at the front architectural element of the home; equal to or sitting just slightly behind; so this is a community that we're building today; Clark: what are the size lots; Matino: these are 90's; Clark: how much squared; Matino: at this community they're right at about 20,000 square feet; so just under half; and again similar; just more photos; now the photo on the far right there you can see that's a big three car garage; but we do pull forward and make sure we're continuing to add the windows; the louver; gable vents; those types of things; and side loads; Bennett: would that be a floorplan that would be eligible; Matino: yes sir; Bennett: even though we're saying the garage would be flush with the front of the house; Matino: it's my understanding

with the side load garage, particularity with the three car that the garage can move forward because that is more of an architectural element of the home; the big concern was more the garage door; moving that out so far like the old snout house; Lynch: how deep are these porches that you're building on these houses that are functional; Matino: these are all minimum five feet; anywhere from five to seven feet; Lynch: five foot is not very usable for a front porch especially for as big as these are; has there been any consideration into making these porches deeper with the concession of having the garages more forward; a lot of these porches have gables over top of them; it wouldn't take much to extend that out that much further and create a functional porch; Matino: let me get a little further into some photos only because the further you bring that porch out as far as the pitch goes it's going to get into those second floor windows; and the more it gets into those second floor windows you could have egress issues there; because that's going to slope out; if we're putting that style of front porch or extending that front porch out with a 4-12 or 5-12 or 6-12 slope on the roof it may be getting up into the window locations; Lynch: I've seen a couple that have that; most of them were gabled

That I'm looking at in these pictures here; the ones in the renderings the 3d renderings are the ones I'm looking at; Matino: here's what we've found with all due respect; we've found that the front porch is the focus in many communities as far as architectural design; who uses them; very few; we still live in our backyards; though they're beautiful they can be accessorized with holiday decor, with a couple of chairs; but the reality in how we live today is we grill in our backyards; as you drive by people with beautiful front porches rarely do you see anyone out there; so I think it's more about the architectural massing and the style than the livability of the front porch; Lynch: kind of a pho porch; I'm sorry that was wrong; Matino: one more plan of one of the homes of the Meadows of Millcreek; every home that you see in here is a Westport Home; now what we decided to do is take a look at some other communities; this is Riviera; Dublin; upscale community; very high end; \$700,000.00 homes plus; builders in here would be MI Homes, Virginia Homes and Bob Webb Homes; again beautiful architecture; front porches is the primary element on the home; but as you can see garages are either equal to the front facade or set back slightly; Clark: they allow you to use the same siding next to each other like that; Matino: I'm going to say that one's darker than the other but I don't control what their duplication policy is; ours we would not allow it; we would want more diversity; Lynch: what type of siding is one those homes; Matino: the ones I am showing you here, this would probably be all hardy; all natural; Lynch: all the way around; Matino: but the ones I am going to show you down the scale they would be hardy and vinyl; this is Dublin as well; side load garage along with a front porch; and then Bob Webb home side load garage getting it no more of this is built in the Villages of Central College in Westerville; average sales price here is pushing \$500,000.00; these homes would have the hardy plank or the cementitious siding on the front and vinyl sides and rear; same thing here; so I believe and this is a good street scape, I believe what we're saying in this is it is about the architectural element and the massing of the porch and the complimenting the garage doors; versus whether a garage sits here or here;

Hart: and the big thing is how these homes are lived in today; one of the most prominent features that we continually get requests for a mud room, boot bench, bigger laundry, more space behind my garage because that's where my world comes in and out; that's where all the important people come in and out; and pushing those garages back really messes with the livability of the floor plan on the inside of the home; we're committed to this architectural control; we're committed to these streetscapes; we're very committed to making Middletown a community that Canal Winchester would be very proud of and one in which they would hold as a new standard; Bennett: Mr. Hart I appreciate this presentation; I'm a very visual person; this is very helpful; and you talk about the moving of the garages back four feet and the negative impact it would have but there's no visuals to demonstrate the negative impact that has; you've come and you said it

has a negative impact and I believe you when you say that but what would be helpful of there was a way to see on paper how that impact truly affects; Hart: to be quite honest Mr. Bennett I don't know of a builder that is in compliance with that except for Evan Farm; Evans Farm is a new 1,600 unit development in Orange Township and Berlin Township; it is predominately \$600,000.00 to \$800,000.00 home built on alleys; that is the only community and that is the only location where I know consistently these garages are built behind; I couldn't find; I could probably find one or two Bob Webb products but I couldn't find an MI product; I couldn't find other Fischer Homes product; I certainly couldn't find ours or Ryan Homes products; so to present that visual I would have had to draw something or create something or have an architect say this is how it screws it up; I think the reason that the code was put in place to begins with was to go back and avoid that 20 foot garage; that 18 foot garage sticking in front of a home that caused that snout house look; making the garage the dominant element; that's why the code was written back in 2006 and I completely understand that; this certainly isn't 2006 product; Jarvis: I think what you've shared meets the spirit if not the letter of what they're looking for; like you've said that was a reaction to the snout house and our situation is a little funny; now I realize the timing and sequence of what's been going on here is that planning & zoning has made a recommendation, they've added conditions to it; you looked at the conditions and realized you couldn't live with the second one; made some, I'm not saying you made some changes, but you sort of took a new look at it and you're sharing that with us now; they have not had the benefit of it and I can't speak for the others here; that's what we're here to discuss; but for me, I would feel more comfortable knowing that, rather than un-tabling the ordinance this evening, adding conditions that you're already telling me that you're having a problem with and knowing that planning & zoning didn't have the same information that we're enjoying right now that it would be better to loop back and speak with them in this new light and see if you are able to convince them that is the proper way to go forward; that way when we react to something we know it's gone through the, it's been properly vetted; right now this hasn't Hart: Mr. President I understood point well-made and taken; I would ask Mr. Haire is there any way that we can get on the next planning commission meeting and review the information; is there any way to accommodate us having our time back there fairly quickly; Haire: (response inaudible); Amos: I have a question on one of the designs on page five; the one with the extended garage that you said would fall under; Hart: was it a side load; Amos: this side load you have is a three car garage; I really feel like that pushes it just a little too far for me; even though architecturally I understand what you're saying that architecturally it looks better and side loads have a different but even if you shortened it to two cars it just feels like there's so much house in front; it's not appealing; maybe some people like that I don't know; but I feel like if it was just two cars it wouldn't have to push out so far and you can still accomplish your mud room and everything behind it; Hart: I wouldn't disagree; third car garages are encouraged in this community; and as I understand the way the code is written today, and I certainly respect your opinion of this home, the code is written today this would meet the code; and correct me if I'm wrong Mr. Haire; Haire: it would yes; Lynch: so on your application here where I'm looking at the Denali model, the Hampshire model, you're saying those would not fit in this Middletown Farms community because all of these have three car garages; the garages are huge; Hart: maybe I'm not seeing what was in the application; I apologize I don't know what you're looking at; the Denali with a three car should fit; was it a side load; Lynch: these are front loads and what are in our packet; so I'm looking at the Denali with the three car; Hart: the way the code is written today is the garage doors cannot exceed more than 50 percent of the width of the house; Lynch: and these do so they would not qualify; Hart: so the garage door in that example would be 16 feet and 8 feet which would be a total of 24; I believe that home is 52 feet wide so it would fall below the 50 percent; Hollins: so it sounds like procedurally you may want to leave it tabled until after the planning commission meeting; Jarvis: that's kind of how I was thinking but how do the rest of you feel; Coolman: I would agree with that because it needs to be a level

playing field I think all the way through the process; Amos: I concur; I think they need to see what we've seen tonight; I don't think it's fair for us to make a decision to something they have not been privy to; Hollins: and what I'd do as well, especially when you have a planned district in a text if there's any way staff and the applicant, Mr. Hart, can work together; the best possible thing is to get any final conditions after that planning commission meeting incorporated in to the text and come back to this body as a clean ordinance without conditions; really with a new version of text that you guys can fully look at and understand that; I'd encourage whatever we need to do to the text before third reading; Hart: If you we could have an ordinance copy that's pending; I'm assuming it has the subject matter of those additional conditions; we'll work on that tomorrow; Hollins: we can help you with anything you need; Haire: (inaudible); Hart: I assume some of the technical aspects of the development plan and of course that's part of the process that we would agree to that; that's always the case; Hollins: again I think that's where we got a little bit of time but let's try to hammer out what we need to at this stage; flipping the text; thank you council; that's very helpful going forward; Jarvis: thank you so much for your time and information; we appreciate that;

Jim Bohnlein, 6320 Rossmore Lane: the only thing I would like to comment is this the same company that built the same homes at Wagnall's; is this Westport; am I allowed to ask that; I understand from the news media there were some issues with some of the homes Westport built there; have those problems with those homeowners been completely taken care of and are the homeowners satisfied with your builds; I don't know if you can comment about that; I'm just wondering because; and if it would ever happen again; and if it does happen again the remediation may be better handled from the news reports; the only other thing I would say is all the people around here know that I am a big proponent of larger sidewalks; larger sidewalks make a community; not a development; this is a development; every picture I saw would have little skinny sidewalks and grandparents with grandkids who take them out for walks can't walk on a three foot sidewalk; joggers can't run on a three foot sidewalks when there are people walking on sidewalks; those are my two issues and if you could answer one or both that would be great; thank you; Jarvis: thank you Mr. Bohnlein; and we understand that we owe you a big thanks for your assistance on the grant application for the Westchester Park and that the home owners association that you represent its' a very big thing to do; it makes you feel good when you see that kind of a partnership on something like this; it's not all government; it's not all private sector; Bohnlein: right; we felt that it's going to be an asset to our community especially and also to the city of Canal Winchester; and we wanted to be able to have some input and if we could do that by pledging some of the money we are more than happy to do that; and we continue to watch what happens and being really excited about this; I think this is tremendous; this is going to set us apart; I really think it's going to make people look at coming to the Villages at Westchester maybe for some different reason other than maybe the homes or schools; I think it's going to be an asset and I'm tickled to death to be able to help with that; thank you; Jarvis: we are tickled too; thank you;

Matino: two things; I'll just touch on the development first that we are proposing; the sidewalks that are proposed in this community are minimum five feet wide; the perimeter of the community would have a minimum six foot; eight foot pathways and then there are six foot walking paths between the community itself; great question on the Warehouser matter that I presume you're bringing up; if you're familiar with warehouse; it is a large timber company that supplies all type so building materials throughout the world; Warehouser manufactures osb, 2x4's, trusses, all types of different wood and engineered wood products; in the state of Ohio it is required that if you're using an I-joist type material that, that I-joist for the basement construction would have to be coated with some type of fire membrane to longer or to increase the time of a burn; many people don't have it; you can use two by material, 2x10, 2x8 as floor joist or you can use oak and web joist or you can use what are called I-joist; Warehouser manufactured a product as a fire retardant

coating called flak jacket and it was one of a kind; it was a proprietary chemical that was sprayed or applied to the I-joists that were used in the basement that met the code of the state of Ohio; many states throughout the country; Warehauser hand changed the formula of their flak jacket product, I'm going to say November of 2016; and with that formula change they found that it was off gassing formaldehyde at a much higher rate than what was acceptable; at a fairly high rate; so it had a high formaldehyde content in it; this product went in about I'm going to say 2,800 homes throughout the country; we, Westport, were affected by this and we had roughly 140 homes that were constructed with the flat jacket product; immediately Warehauser came out and came up with a chemical spray on application to where you would take down all the mechanicals; you would spray a chemical that would retard the amount of off gassing that was occurring with the formaldehyde; now understand formaldehyde was not a reoccurring source; it wasn't going to continue, however it was causing an exceptionally high level in the homes; we notified along with Warehauser all of our customers; the customers were notified throughout the country and in many instances that coating was applied; the news did pick up on this; toxic homes is what they called it; she did a wonderful story; three times; people had to move out of their homes; many of the folks, 20 of the 140 homes that were affected the customer said we don't want that coated; we're not convinced that is going to fix it; in the meantime Warehauser had been working on another remediation type in which it was called product removal; and with the product removal they would sand or cryoblast or chip all of the flat jacket off of that I-joist but leave the structural integrity and then come back and put the coating on because it still had to have a fire retardant coating; we had a few customers particularly in Wagnall's that chose that method; however they were out of their homes while that method was being perfected; in addition to that Warehauser was beginning to deploy human capital that actually could do that process; finally the third and final choice of remediation was total joist removal; think about tearing a joist out and putting a new one in; instead what they did they came up with a method in which they would band or attach the I-joist and work it into the home and then cut the other one out; that was full removal and that came up much, much later; we worked closely with Warehauser; customers were compensated for the time away from their home; they were compensated; their rent was covered; their living expenses were covered; and not that this makes it right; but I do know several customers that got close to six figures in reimbursement; it doesn't make it right but Warehauser by all means a multibillion dollar company stepped up and took care of these customers; now I would be remiss if I didn't say there's two pending in which Warehauser may ultimately purchase the homes back; but that's the status; we were fortunate; it was a recall. It was a bad product; we have two outstanding; no pending litigations; the fact is it did happen; I can't promise that we won't have a product defect; I can only hope that if we do have a product defect like that we have a partner like Warehauser that did what they did; I hope that answers your question; Jarvis: thank you once again;

G. RESOLUTIONS

RES-18-018

Public Service

A Resolution To Authorize Filing Application For Financial Assistance Under The Land And Water Conservation Fund (**Resolution**)

- Adoption

Jarvis: this is the item that was discussed during the working session earlier this evening;

Bennett: Mr. Jarvis in our work session packet the resolution was titled resolution 17-018; Jarvis: that doesn't follow the pattern; Bennett: correct I think it was out of sequence; Jarvis: 2017; Bennett: I think it's a

type but I just wanted to note the fact that the resolution we forwarded had a different number than this one; Jarvis: so noted;

A motion was made by Jarvis to adopt RES-18-018, seconded by Coolman. The motion carried with the following vote:

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

H. 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, P&Z Recommendation)**

- Tabled at Second Reading

Jarvis: tabled ordinance that was also discussed indirectly this evening; I will just reach out to the applicant Mr. Hart; your direction forward is everything clear; Hart: yes sir; Jarvis: that's all I wanted to know; make sure you had a clear understanding; no un-tabling of that this evening;

Third Reading - None

Second Reading

ORD-18-036

*Finance
Sponsor: Amos*

*An Ordinance To Authorize The Mayor To Enter Into An Agreement With The Fairfield County Sheriff For Police Protection **(Ordinance, Agreement, Ex. A)***

- Second reading only

ORD-18-037

*Finance
Sponsor: Bennett*

*An Ordinance Authorizing The Mayor To Enter Into A Contract With The Fairfield County Commissioners And Fairfield County Sheriff's Department For The Housing of Prisoners **(Ordinance)***

- Second reading only

First Reading

ORD-18-033

Development

*An Ordinance Amending Section 1193 Of The Codified Ordinances Regarding Wireless Communication Facilities **(Ordinance)***

- First Reading Only

[ORD-18-038](#)

Public Service

An Ordinance To Authorize The Mayor To Enter Into An Amended And Restated Joint Self-Insurance Agreement With The Central Ohio Health Care Consortium For The Provision Of Healthcare Benefits For City Officers And Employees **(Ordinance)**

- First Reading Only

[ORD-18-039](#)

Finance

An Ordinance To Authorize The Mayor To Enter Into A Health Services Contract With Franklin County Public Health **(Ordinance, 2019 Contract)**

- First Reading Only

[ORD-18-040](#)

Finance

An Ordinance To Make Final Appropriations For Current Expenses And Other Expenditures Of The City Of Canal Winchester, State Of Ohio, During Fiscal Year Ending December 31, 2019 **(Ordinance)**

- First Reading Only

[ORD-18-41](#)

Development

An Ordinance To Authorize The Mayor To Enter Into A Real Estate Purchase Agreement For The Purchase Of Approximately 110.77 Acres Located On Bixby Road, Canal Winchester, Ohio Owned By Willis M. Alspach, Trustee Of Willis M. Alspach Revocable Living Trust, Joan A. Alspach, Trustee Of Joan A. Alspach Revocable Living Trust, And David Benjamin Alspach And Declaring An Emergency **(Ordinance, Purchase Contract)**

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

A motion was made by Clark to suspend the rules of second and third reading, seconded by Bennett. The motion carried with the following vote:

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

A motion was made by Clark to adopt ORD-18-041, seconded by Coolman. The motion carried with the following vote:

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

[ORD-18-042](#)

Finance

An Ordinance To Amend The 2018 Appropriations Ordinance 17-049, Amendment #5 **(Ordinance, Appropriations Amend Memo 5)**

A motion was made by Lynch to suspend the rules of second and third reading, seconded by Coolman. The motion carried with the following vote:

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

A motion was made by Lynch to adopt ORD-18-042, seconded by Amos. The motion carried with the following vote:

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

ORD-18-043

Development

An Ordinance Authorizing The Mayor And Clerk To Accept And Execute The Plat Of Trillium Avenue And Declaring An Emergency (**Ordinance, Trillium Ave Plat**)

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

A motion was made by Clark to suspend the rules of second and third ready, seconded by Coolman. The motion carried with the following vote:

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

A motion was made by Clark to adopt ORD-18-043, seconded by Coolman. The motion carried with the following vote:

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

I. Reports

Mayor's Report

18-125

2018 Mayor's Court Report

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

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

Fairfield County Sheriff

Cassel: thank you; if you would turn to the second page I know you're going to have some questions about the first shift down time; 70.2 percent; the reason that is so high is because I wanted to make sure the deputies were in the neighborhoods patrolling; so I had them put that on their log sheet; the time they got in the certain neighborhood and they time they left; so that's going to look or add more time to their downtime on their log sheet; so that's an inflated number; I just didn't want you to worry about that; that ensures to me that they're out there in the neighborhoods where I want them to be especially because it was October and Trick or Treat time; and I wanted to make sure of that; the total stats for the month of October there were 31 days; possible down time 89,280; total downtime they had was 60,079; for a total busy time of 67.29 percent; but again the stats on first shift were a little inflated because I had them log their times when they were actually in the neighborhoods; total dispatched calls for all three shifts were 460; pick up runs 1,052; multiple unit calls 240; reports 97; addendums 21; F.I. cards 2; civil paper attempts 20; building checks 4,811; vacation checks 52; traffics stops 76; citations 42; warnings 66; felony arrests 2; misdemeanor arrests 10; warrant arrests 16; OVI arrests 1; pink slips 4; charge packets 4; summons in lieu 6; misdemeanor

charges filed 28 in addition to the arrests; felony charges file 0; we were pretty busy last month; I imagine we'll be pretty busy again in November and December; the main this I want to make sure the deputies are in the neighborhoods; this is the time of year when the people are trying to steal out of cars and things like that; main thing like we did last year I like to see on the website just putting out a message of the do's and don'ts during the holiday season; like don't leave all your packages in your car and leave your car unlocked and stuff like that; that's all I have; Walker: it seems like the pink slips are up a little bit; Cassel: I don't really have an answer for that; it's just a random thing; a pink slip is basically where we get called to a residence and they say someone wants to harm themselves or somebody in the residence so we take them for a mental evaluation; on a good note we met with the major crimes director and he was telling us that the use of heroin is down and now they're going back to meth; and the reason that the use of heroin is down is because of fentanyl in the heroin and they're afraid they're going to overdose on it; it's neither here nor there; Jarvis: I would think a fear of death would be a big motivator; I know this is outside our jurisdiction but it is pretty close to home there was a report here within the last week of a shooting in one of the neighborhoods out there off Gender Road; I was wondering if you had any insight on that; I never heard any follow up on it; what it was about; Cassel: I know about as much as you do; just that occurred in Columbus police jurisdiction; that's about all I can tell you; honestly I'm concerned with what's here in our area more than the outer areas; I understand the concern; I will look into it though; Jarvis: if you happen to know please don't go to any special trouble on that I'll just did in the news; Cassel: I think we're blessed to be in a community that it's a nice place to live and drive; and being a law enforcement officer here in Canal Winchester is totally different than Fairfield County because I can't tell you how many people come up when I'm just out walking or driving around come up and say hey we appreciate what you're doing; so it's nice; it's a proactive type of law enforcement where you're not getting mean mugged all the time; Jarvis: oh like Bexley and Grandview; they're this tranquil place but one block or two blocks over it's hell's kitchen; it works; Cassel: I don't see that at all here in Canal honestly; I love patrolling in Canal and being part of Canal Winchester; the people that live here make it really nice; it's totally different than what I was used to; put it to you that way; it's kind of like a culture shock; that's why deputies transfer out here; Bennett: that's good; Walker: very good; a big thank you to the Fairfield sheriff's department for sponsoring the 5k that benefits the St. Jude research hospital this last weekend; Cassel: yeah I believe they raised \$20,000 toward it; Walker: it's the 5th annual; thank you

Law Director

Hollins: real quick; first and foremost no reason to request an executive session this evening; unless you all know of something that council wants to go into executive session for; also I will push out to you a memo my staff prepared; there is a new distracted driving law and it will cover the basics; it's not a huge change; it increases the penalty if distracted driving contributed to the commission of another offense; speeding, running a stop sign, etc.; and it does give a better idea as to what that form of distraction means; largely using a phone; a handheld electric wireless communication device; or engaging in activities not necessary to the vehicle's operation and would reasonably be expected to impair the ability to drive safely; and they give some examples; obviously talking on the phone; sending text messages, changing the radio station or eating or drinking while driving; it does not include using a speaker phone, blue tooth or other hands free device; it also does not include wearing ear phones or ear plugs; although that may lead to other offenses; the FOP got this exception in; the eating and drinking apparently you can still eat donuts and drive at the same time; Cassel: can I add to that; it's an additional \$100.00 fine on top of whatever the citation is; the part that kind of threw me off on that was talking to the passenger in the car; I thought that was a little extreme in my opinion; Hollins: between us girls it may bring up some enforcement; I mean you've got to prove that not

only was someone doing this but also it contributed to the commission of the offense; but it's a nice message to get out here; we are concerned about distracted drivers; we'll see how it plays out in the enforcement phase; Cassel: and it's a secondary offense which means I can't pull you over for doing it; I have to have an additional reason; example what Gene was saying if you're driving recklessly and I see oh you're texting that's why you went left of center then I could stop you and write you a ticket for driving left of center and another ticket for using your phone or what not; Jarvis: that's how seatbelts started out too; we're going to put them in the car but you don't have to use them and it became if you don't use them we won't pull you over for that offense but just like you're saying of there is something else you're doing and we notice you don't have a seatbelt on then we can site you for that; that's how they get you; Cassel: and its officer discretion; Jarvis: always; Hollins: and with that unless you have any further questions or sergeant has any further input to my report I have no further comment; Jarvis: was there any response to the consensus that was arrived at on the October 22nd meeting; Hollins: I have not gotten any reply to that yet although I think they're working on it; I'm still awaiting the formal; I think they indicated cryptically that it looks like it will work from a financial standpoint; I haven't seen beyond that Jarvis: I guess that surprises me a little bit; Hollins: I will follow up and get back to you on that as well;

Public Service Director

Peoples: Thank you Mr. Jarvis; nothing to add to my written report and works session report;

Development Director

Haire: one other item we did close on 18 Waterloo Street; it's the Marathon lot; we did close on that last week; so that's complete; we are the proud owners of that lot; Jarvis: there's a lot more meaning behind that than on the surface;

J. Council Reports

Work Session/Council - Monday, November 19, 2018 at 6 p.m.

Work Session/Council - Monday, December 3rd, 2018 at 5:30 p.m.

Public Hearing – Monday, December 3rd, 2018 at 6:00 p.m.

Haire: a couple public hearings that day; one is the rezoning for 69 acres on Winchester Blvd; and the other is the zoning text amendment to amend the landscape code; and the third is to amend the residential appearance standards; Jarvis: so we're doing this at 6 just to let it run wherever it runs to naturally and we'll start the work session after that; Peoples: work session 5:30 public hearing 6:00; we're allocating an hour for those three topics;

CW Human Services - Mr. Lynch

Amos: after the community project where we raised money throughout the community there was still about a \$20,000 debt still; the Brock Strong foundation stepped in and paid the balance of that off; they are now debt free; Jarvis: I did hear that; as far as community charity goes they do a lot of neat things; a lot of it is behind the scenes; you just hear about it through the grapevine; I've got a lot of respect for them; Amos: they are 100 percent give back to the community;

CWICC - Mr. Clark

Clark: our October 31st meeting was moved to November 28th which will be at 11:30 at the interurban building;

CWJRD - Mr. Bennett/Mrs. Amos

Bennett: our next executive board meeting is Thursday November 15th at 7:00 p.m. at Town Hall;

Destination: Canal Winchester - Mr. Walker

Walker: next destination meeting is November 27th 2018 6:00 p.m. interurban;

K. Old/New Business

Jarvis: there's a Veteran's Day program that is put on by the city; this has been going on for a number of years now on November 10th 2018; I believe that is a Saturday; this Saturday coming up; there's a pancake breakfast for the veterans and their immediate families from 8:30a.m. to 10:00 a.m.; it will be served by the scouts; and then there will be a program at Stradley Place at 10:00 a.m.; they're pretty moving; they usually have some good speakers; it's just a good feeling; good American feeling to be there;

L. Adjourn to Executive Session (if necessary)

M. Adjournment @ 8:14 p.m.

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

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