

Canal Winchester

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



Meeting Minutes - FINAL

September 8, 2020

7:00 PM

City Council

*Mike Walker - President
Mike Coolman - Vice President
Jill Amos
Will Bennett
Bob Clark
Patrick Lynch
Chuck Milliken*

A. Call To Order

Walker called the meeting at 7:00 p.m.

B. Pledge of Allegiance - Amos**C. Roll Call**

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

D. Approval of Minutes**[MIN-20-34](#)**

June 29, 2020 Committee of the Whole Minutes (**[COW Minutes](#)**)

[MIN-20-35](#)

August 17, 2020 Work Session Minutes (**[WS Minutes](#)**)

[MIN-20-36](#)

August 17, 2020 City Council Minutes (**[Council Minutes](#)**)

[MIN-20-37](#)

August 31, 2020 Public Meeting Minutes (**[Public Meeting Minutes](#)**)

[MIN-20-38](#)

August 31, 2020 Committee of the Whole Minutes (**[COW Minutes](#)**)

A motion was made by Lynch to approve Minutes 20-34, 20-35, 20-36, 20-37, and 20-38; seconded by Coolman. The motion carried with the following vote:

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

E. Communications & Petitions**[20-181](#)**

August 26, 2020 Northeast Ohio Natural Gas Letter (**[Letter](#)**)

[20-182](#)

August 31, 2020 J. Acklin Public Comment Submission (**[Comment Form](#)**)

[20-183](#)

August 31, 2020 K. French Public Comment Submission (**[Comment Form](#)**)

[20-185](#)

Prostate Cancer Awareness Month Proclamation (**[Proclamation](#)**)

Mayor Ebert: This year approximately 191,930 men will be diagnosed with prostate cancer in the United States alone every year- that's one man every 2.7 minutes and roughly 33,330 die this year from the disease- which means 92 men every day; and whereas in Ohio an estimated 7,030 new cases of prostate cancer will be diagnosed and an estimated 1,200 deaths will occur in 2020; and whereas men with relatives- father, brother, son- with a history of prostate cancer are twice as likely to develop the disease; prostate cancer is most commonly diagnosed cancer in American Men and the third leading cause of cancer death behind lung and colon cancer; and whereas 1 in 9 men are diagnosed with prostate cancer in his lifetime; 1 in 6 African American men will develop prostate cancer in his lifetime; overall, African American men are 1.7 times more likely to be diagnosed with- and 2.3 times more likely to die from prostate cancer than white men; men who serve in the military who have been exposed to chemicals and herbicides are at higher risk for developing prostate cancer; and whereas education regarding prostate cancer and early detection strategies is critical to saving lives, preserving, and protecting our families; the economic and social hardship it has on the families is huge; and now therefore I, Michael Ebert, Mayor of the City of Canal Winchester, do hereby designate the month of September 2020 as Prostate Cancer Awareness Month in the City of Canal Winchester and I encourage all male citizens to be proactive about their prostate health; thank you.

[20-186](#)Childhood Cancer Awareness Month Proclamation ([Proclamation](#))

Mayor Ebert: Childhood cancer is the leading cause of death by disease in children, and 1 in 285 children in the United States will be diagnosed by their 20th birthday; there are approximately 40,000 children on active treatment at any given time; and whereas the average age of diagnosis is 6 years old, compared to 66 years for adults' cancer diagnosis; on average there's been a 0.6 percent increase in incident per year since the mid 1970's resulting in an overall incidence increase of 24 percent over the last 40 years; and whereas two-thirds of childhood cancer patients will have chronic health conditions as a result of their treatment toxicity, with one quarter being classified as sever to life-threatening; approximately one half of childhood cancer families rate the associated financial toxicity due to out-of-pocket expenses as considerable to severe; and whereas in the last twenty years only four new drugs have been approved by the FDA to specifically treat childhood cancer; and whereas hundreds of non-profit organizations at the local and national level including the Friends of Faith Pruden Foundation are helping children with cancer and their families cope through educational, emotional, and financial, support; and whereas researchers and healthcare professional work diligently dedicating their expertise to treat and cure children with cancer; this deadly disease affects too many children and more must be done to raise awareness and find a cure; now therefore, I Michael Ebert, Mayor of the City of Canal Winchester proclaim the month of September 2020 Childhood Cancer Awareness Month; and urge all of our residents to observe Childhood Cancer Awareness Month and support this cause that so deeply impacts families in every community across our county; tonight I have one of these children; her name is Leah; Leah will be receiving this proclamation tonight; Leah is a victim of childhood cancer; she was stricken when she was four years old; she is now recovering; she is cancer free right now; I want to present this proclamation to Leah Macintosh, bring your mom too; Council, this is Leah Macintosh; Leah's mother: Thank you.

[20-189](#)Constitution Week Proclamation ([Proclamation](#))

Mayor Ebert: The first Proclamation I had is Constitution Week; September 7th 2020 marks the two hundred and thirty third 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 officially recognized 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 the public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designation September 17 through 23 as constitution week; now therefore, I, Michael Ebert, by virtue of the authority vested in me as the Mayor of the City of Canal Winchester, Ohio, do hereby proclaim September 17 through 23, 2020 to be Constitution Week in the City of Canal Winchester, and I ask our citizens to reaffirm the ideals 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; and this evening I have Nancy Schirm to receive this proclamation; Nancy do you want to say anything; she wants to say nothing, other than thank you.

[20-194](#)Madison Township Police Dept. August 2020 Statistics ([MTPD Aug 2020](#))

Jackson: Additionally, on your desk this evening other public comment submissions from the weekend; on September 6th, we received a public comment from A. Davis; on September 7th P. Klipa; and then today September 8th from an E. Jackson, M. Hysell, and J. Acklin.

F. Public Comments - Five Minute Limit Per Person

Adam Christ 6158 Dietz Drive: I didn't come planning on saying anything; but since there aren't too many other folks here; I would like to share the sentiments of my neighbors and most of the folks I have spoken to

in our community; we are concerned right now, this is an area that has provided quite a considerable draw and is an attractive community to those that are looking for a type a feel that Canal Winchester has become; and in a large part because of the golf course and the atmosphere that it offers; and what comes along to having access to that sort of facility in town; I don't think I can understand a case to be made for a transition from a property like the golf course to a property like a public metro park; given the layout that doesn't affect property values; or I should say doesn't diminish property values; for the folks in Westchester; considering we have seen substantial growth and attracted strong interest in folks who bring a lot in our community by having that as a draw; I think we would lose most if not all of that cachet should we see that change; at the very least I would like to emphasize if that move is made; some stipulations that it is maintained as a golf course; to maintain that same community environment that we enjoy right now; that's really all I have to say; sorry I don't have something more polished prepared.

G. RESOLUTIONS

RES-20-006

Finance

Sponsor: Clark

A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor ([Resolution](#))

- Adoption

A motion was made by Clark to adopt RES-20-006; seconded by Coolman. Motion carried with the following vote:

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

H. ORDINANCES

Tabled

ORD-20-033

Development

Sponsor: Bennett

An Ordinance Approving the Final Development Plan for the Greengate Residential Development ([Ordinance, Exhibit A](#))

- Tabled at Third Reading

Bennett: I was going to ask if Mr. Haire could outline some of the updated amendments that has been made since this ordinance has been tabled. Haire: Thank you Mr. Bennett; so Mr. Lynch, Mr. Coolman, and myself have met with the developer on a number of occasions over the month or so; and tried to get some resolution on architectural standards for the development; make it compatible and complementary with the adjacent Red Wood Development; the developer has now included architectural standards in their development text; which is in front of you this evening; this included 8 inch eaves on all sides of the homes; include windows on all garage doors; including a minimum siding thickness of .042; adding a masonry water table of two feet in height at the front most forward wall; including two design elements on each side of each one story home; and three design elements on each two story home; and these are all standards that would very closely match those of the Red Wood Development; and a lot of the text follows our residential appearance standards from when we changed them last year. Bennett: Thank you, Mr. Haire; and thank you to the developer for coming up to the standards we are trying to update. Lynch: This is one of the first developments that has come up to meet our 98 standards and I think it is a step in the right direction for higher quality development. Clark: I would also like to commend the developer for picking up the full bill for the added lane for Hill Rd. as well.

A motion was made by Bennett to un-table ORD-20-033, seconded by

Lynch. Motion carried with the following vote:

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

A motion was made by Bennett to adopt ORD-20-033; seconded by Lynch. Motion carried with the following vote:

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

Third Reading – NONE

Second Reading

[ORD-20-036](#)

Development

Sponsor: Bennett

An Ordinance to Authorize the Mayor to Accept an Easement for Sanitary Sewer Lines from Three Fountains CW, LLC ([Ordinance, Exhibit A](#))

- Second Reading Only

First Reading

[ORD-20-038](#)

Finance

Sponsor: Bennett

An Ordinance Approving The Editing And Inclusion Of Certain Ordinances As Parts Of The Various Component Codes Of The Codified Ordinances Of Canal Winchester, Ohio, And Declaring An Emergency ([Ordinance](#))

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

Bennett: Part of the reason we are waiving the second and third reading is to get these ordinances updated and applied to our current code; these are statutes that have been adopted by the state already and this is just getting ours up to match.

A motion was made by Bennett to suspend the rules requiring a Second and Third reading of ORD-20-038; seconded by Coolman. The Motion was carried with the following vote:

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

A motion was made by Bennett to adopt ORD-20-038; seconded by Coolman. Motion was carried by the following vote:

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

[ORD-20-039](#)

Development

Sponsor: Lynch

An Ordinance Authorizing The Mayor To Enter Into A Clean Ohio Trail Fund Program State/Local Grant Agreement With The Ohio Department Of Natural Resources For The Proposed McGill Park Trail Connector And To Declare An Emergency ([Ordinance, Exhibit A](#))

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

A motion was made by Lynch to suspend the rules requiring a Second and Third reading of ORD-20-039; seconded by Bennett. The motion was carried with the following vote:

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

A motion was made by Lynch to adopt ORD-20-039; seconded by Bennett. The motion was carried by the following vote:

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

Lynch: May I get a reason for the emergency, please. Haire: for the contingencies of getting the contract complete in a timely manner. Lynch: Very good, we have been talking about this for over a year now, getting this grant and everything, so it's finally come through. Haire: Yes.

ORD-20-040

*Development
Sponsor: Clark*

An Ordinance Authorizing The Mayor To Enter Into A Tax Increment Financing Agreement With The Mountain Agency Columbus, LLC (**Ordinance, Exhibit A**)

- First Reading Only

ORD-20-041

*Development
Sponsor: Amos*

An Ordinance Authorizing The Mayor To Enter Into A Sign Easement Agreement With Crossroads Christian Life Center, Inc. To Provide For A Sign Easement On Parcel 184-002666 (**Ordinance, Exhibit A**)

- First Reading Only

ORD-20-042

*Development
Sponsor: Lynch*

An Ordinance To Authorize The Mayor Convey A Tract Of Land Consisting Of Approximately +-0.26 Acres On West Waterloo Street To The Canal Winchester Industry And Commerce Corporation To Provide For Its Subsequent Conveyance To Jay Jala Hospitality, LLC (**Ordinance, Exhibit A**)

- First Reading Only

I. Reports

Mayor's Report

20-192

Mayor's Report

Mayor Ebert: Thank you Mr. Walker; Just a couple things; last Friday evening we had Music in the park; It went very well; we submitted our plan to Franklin County Public Health, and they accepted our plan right off the bat; also, the Brock Strong tournament went on over the weekend; there were sixty teams; Terry Johnson sent me an email letting me know he is appreciative of the City of Canal Winchester for the use of the fields and everything we did to help them get ready for it; I also need approval for August 2020 Court Report.

20-184

August 2020 Mayor's Court Report

A motion was made by Bennett to approve the August 2020 Mayor's Court Report; seconded by Amos. The motion carried with the following vote:

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

Fairfield County Sheriff- Sergeant Hendershot: We had 473 dispatched calls; 1262 pickup runs; with 276 multiple unit calls; took 94 reports; 36 addendums; traffic stops we had 256 with 64 of those being citations; and gave out 235 warnings; 1 felony arrest; 12 misdemeanor arrest; couple OVI arrest; 10 summons; 56 misdemeanors charges filed; 11 felony charges filed; busy time 1st shift had 71.8%; 2nd shift 78.1%; and 3rd shift had 55.8% equaling 69% busy time; the Mayor didn't mention it, so I will briefly we did have a meeting with Madison Township Chief; we talked about options and how they can document how they are in Canal Winchester; I think the meeting went well and they took a lot away from it; and we continue the relationship and them coming to help us out; that's all I have.

Law Director- Mr. Hollins: Just to make your night better, we do have a request for executive session; topics are potential acquisition of real estate; as well as personal; specifically appointment of a public employee; and that's my report unless you have any questions; obviously at some point in time on the agenda we can discuss the status of the golf course, if you want to do it now.

Walker: Lets, if we can, do it now. Hollins: OK, let me jump in from a legal standpoint; our understanding is, it is currently in contract to be purchased; there is a grant process that has not reached its ultimate conclusion; and I know the Metro Parks will be having a meeting about that; nothing has been submitted to us; when it is in contract, we are always careful; because there are such things; and I am not saying there any potential claim against us; but you don't want to interfere with contracts; we don't want to jump in a fray that's between two people and have one of them come after us; not speaking about this specific application- they have hired fine attorneys to represent them for the Metro Parks; and I think through this process so far with the public, they have become aware with some zoning restrictions; but potentially someone was mentioning restrictions; and those are types of things that during their due diligence process under this contract they want to take a very close look at this; we would be happy to talk to their attorneys about our understanding of the zoning restrictions under their due diligence process; I can tell you that when you are dealing with a counterpart public body like Metro Parks; our zoning restrictions does not apply at all to Federal Government; step back to State Government and State agencies and state created bodies like Metro Parks; its then a gray area; it's a balancing act; there have been court cases about if parks have to comply with things like that; that's why I am saying they have good council; and they will want to look closely at them and make reasonable efforts and we will encourage them to speak with our residents and go through their process and then see if they choose to conclude the transaction and take the grant money; and if they don't, it may open up other options; those options are not possible right now because it is in contract; that is the dying tour of what is going on; we will provide them with as much information; to make sure that have a full understanding of the context before they execute on a purchase contract.

Walker: Thank you, so we as Council need to be just updated on the research that is done. Hollins: We will get you some legal research in the form of a memo; so Council is up to speed on the nuts and bolts of the zoning laws; I can get you that via attorney client privilege at this point; I want to let you know information is our best friend at this point we want to get as much information as we can; public input is critical at this point; the interested parties would want know what the public thinks; and they have not sought that out yet. Bennett: So, reading between the legal lines- am I hearing you say, we as city officials have to be careful about how many comments or our public comments; because if our

comments were seen to cause some divide in the sale or the sale would fall through because of our comments that the city could then become liable. Hollins: That is exactly right; there is only so much we can do when there has been no application presented to us; our residents first stop right now should be with Metro Parks; if something is presented to us where we would intervene; but at this point we have not hit that juncture. Bennett: So I am hearing be cautious; so that also the public is aware of it; I know there was a public meeting yesterday with the Metro Parks; they have a board meeting coming up a week from today at 3 p.m. at Walnut Woods. Hollins: and before that meeting we will be working with their attorneys for Metro Parks so they are better prepared for that meeting. Clark: are we OK to attend that meeting and not say anything. Hollins: you can always attend as a private member of society, if you don't then get together and have a discussion about it. Lynch: it was brought to my attention from P. Klipa, he was asking about an ordinance 59-90 application 89-19 condition 9. Hollins: Yes, the original Westchester zoning. Lynch: and the fact that it states any deviation has to go through P&Z as well as Council to be approved; so if you can look into that and let us know; and then can override city zoning, is that what I am hearing. Hollins: there are some level of state immunity to local zoning requirements; it's a gray area; let's say there were to be a zoning restriction; for a private land owner it would be black and white; but for a public body it becomes gray; matters of policy and matters of politics I think Metro Parks would want that information; Metro Parks requested a public records request about the zoning codes just today. Lynch: So they are doing their due diligence now, as appose to after they were to close. Hollins: Yes, they are trying to get as much information as they can. Clark: If we all agreed we wanted to see that stay a golf course and not turned into a park; what resolution/document could we express to Metro Parks if they purchase it that we can show we want it to stay a course. Hollins: I do not know the process, and how other bodies can express their desires; I know there is a letter of support. Bennett: Back to what you were saying about the letters of support; for grant processes I know that when we do OPW Grants we do a public meeting, we ask people to write letters of support, they also have the ability to write letters of opposition; I know the city did not write a letter of support; but can the residents write letters of opposition to the grant making authority. Hollins: They would have accepted any type of written submission from the residents; but it is my understanding it has already been through the local there's a district reviewer; and it has been forwarded to the state; it would have been back during the review process; which was back in May. Bennett: and yet it was never public.

Finance Director

[20-187](#)

[Finance Report](#)

Jackson: I have nothing in addition to my report or to Work Session this evening.

[20-195](#)

[August 2020 Financial Statements](#)

Public Service Director

Peoples: I have nothing to add.

[20-190](#)

[Public Service Project Updates](#)

[20-191](#)

[Construction Services Report](#)

Development Director

Haire: There has been a lot of question about the parcel next to Panda Express; that is a future location of Bank of America; there is a strip center planned for across the street in front of Aldi, which will have the Smoothie King.

20-193Development Report**J. Council Reports**

Work Session/Council - Monday, September 21, 2020 at 6:00 p.m.

Work Session/Council - Monday, October 5, 2020 at 6:00 p.m.

CW Human Services - Milliken: Pantry numbers are up 100 new clients this month; they are looking at starting to think about the Reindeer Run; but that is if we hold Christmas in the village; adopt a family happening in October; Aletha wants to use her emergency fund; so if you know someone who needs assistance, please reach out; we are looking to hire another driver.

CWICC - Mr. Clark: Next meeting is September 30th at 11:30 at the Interurban; McDorman update from today; we went over more final budget numbers; going through item by item type and what material is going where; it is looking like legislation is going to be ready it's not confirmed yet; the first meeting in October; am I right Ms. Jackson. Jackson: That's what we discussed today but we will see if we hit that target or not. Clark: So if it is no that then it will be the second meeting in October; that's is all I have.

CWJRD - Mr. Bennett: Bennett: Next meeting it going to be on September 17th at 7pm and those are held online of course; the JRD also have several adult programs; feel free to sign up Mr. Clark; adult tennis is kicking back off; adult soccer will start this Sunday; and then we just received clearance from the school to proceed with our men's basketball program and our indoor volleyball; and then I guess um, I would also, just like to take a moment to address some of the feedback received on the Joint Rec doing some racial bias training; while I would be all for it; I think we have to be... we need to developed a plan with how to proceed with that; that challenge again is; the Joint Rec is a registration funded model; so whatever your cost are that is what the cost is to run the program; requiring extra training for coaches; that is an extra cost; so that will drive up our registration cost; now that challenge that we have is; we are short volunteers; so we need to look at how to compensate volunteer; that will also drive up cost; and we already hear that our prices are high; and that raising those cost also has a negative effect on minority families and families of color; there is a very fine line of how we navigate that; even though I am whole heartily committed to racial equality and providing the best programs we can; we have the fiscal responsible programs; I guess that's just my comment; we will continue to look forward into that; I have no problem hiring full time employees; currently we have one; and asking them to complete that training; but asking every coach; again, in theory it's a great practice; but then asking that requirement for 30 soccer coaches; the cost again; just wanted to share with everyone we are taking it seriously; but there are other factors that weigh into that; you could see your fees go up; and then a challenge to those families who are already struggling to pay those fees; we don't want to drive a bigger impact on them; I just wanted to share that with the public; there are two sides to that coin; and like I told Mr. Clark; I have no problem making it a requirement to those who receive a benefit from the Joint Rec; but currently coaches don't, and if I give them that it drives up registration cost; Ms. Amos, do you have anything to add. Amos: No, actually; I was thinking along the same lines; there are so many factors we need to weigh in; we will continue to looking into resources. Bennett: Yeah, there

may be grants we may be able to apply for that could enable us to do that; just bear with us if we don't implement these strategies immediately; we also have a fiscal responsibility to everyone.

Destination: Canal Winchester - Mr. Walker: 22nd annual meeting will be at 6:30 on September 26th the destination for that is unknown right now with COVID; the Farmers Market will run through the end of September. Coolman: I would like to add the Reindeer Run is a Destination event; Let Aletha know we still might have it even if there is no Christmas in the Village; it all depends on where we are at this this COVID thing; we are looking to grow it bigger; also on the meeting Mr. Walker mentioned; originally we were going to have it virtually; but now we are going to have it in person with; we are looking at locations that we can have proper spacing; we will broadcast that once we figure it out.

K. Old/New Business

Milliken: I just want to go back to the golf course for a moment here; for those who couldn't get away from our Labor day plans; there were people here in attendance yesterday; is there anything noteworthy that we should put on recorder. Walker: according to Mr. Hollins; Mr. Clark was there and Mr. Bennet was the; but at this point- Mr. Hollins? Milliken: I just wanted to know what went on there. Hollins: There should be minutes somewhere. Bennett: It was an open house sort of public forum invite; what I would share is there were 100 or so residents, and they expected a good crowd; a week from today at 3 PM Walnut Woods is there next meeting. Hollins: It is going to be a continuing conversation. Bennett: That is what they are doing Tuesday; they were going to at that time authorize the executive director to proceed. Hollins: The only public vote they have taken is to apply for the grant; there last vote has not been taken yet. Bennett: Something that the executive director made clear was their date to close is December 15th; so they are in their due diligence period. Walker: I didn't even know the meeting existed until Saturday; I can only imagine part of council not knowing about it.

L. Adjourn to Executive Session @ 8:05 p.m.

A motion was made by Bennett to adjourn to Executive Session; seconded by Lynch. Motion was carried with the following vote:

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

Council returned from Executive Session at 9:41 p.m.

M. Adjournment @ 9:42 p.m.

A motion was made by Lynch to adjourn City Council; seconded by Bennet. Motion was carried with the following vote:

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