

Canal Winchester

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



Meeting Minutes - Final

June 19, 2017

7:00 PM

City Council

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

A. Call To Order

Donahue called the meeting to order at 7:05pm

B. Pledge of Allegiance - JarvisC. Roll Call

Yes: 7 Bennett, Clark, Donahue, Jarvis, Mershon, Walker, Wynkoop

D. Approval of Minutes

[MIN-17-030](#) 6-5-17 Council Work Session Meeting Minutes

Attachments: [6-5-17 Work Session Minutes](#)

[MIN-17-031](#) 6-5-17 Council Meeting Minutes

Attachments: [6-5-17 Council Minutes](#)

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

Yes: 7- Mershon, Clark, Bennett, Donahue, Jarvis, Walker, Wynkoop

E. Communications & Petitions

[17-186](#) ZA-17-004 Recommendation from Planning and Zoning to consider a Zoning Text Amendment to Chapter 1171.03 Conditional Uses in the Limited Manufacturing District (LM)

- ***Set Public Hearing date for August 7, 2017***

[17-187](#) ZM-17-002 Recommendation from Planning and Zoning to consider a rezoning from Old Town Single Family (OT-SF)

to Old Town Commercial (OT-C) for property located at 18 East Columbus Street (PID 184-000328)

- ***Set Public Hearing date August 7, 2017***

Jackson: Amend conditional uses set public hearing date for 8/7; Donahue after work session; Jackson: yes scheduled public hearing

[17-190](#)

June 16, 2017 Letter from Residents of W. Mound, W. Waterloo, and Elm Street RE: Loud Music at Loose Rail Brewing

F. Public Comments - Five Minute Limit Per Person

Dan Kueper 53 w. mound street: talk about quality of life with loud music at loose rail; open air music forum; around west waterloo street; several occasions hear music through closed windows; while sitting on the back porch of my house; when we moved here enjoyed living here; enjoyed listening to peace and quiet; until loose rails and their music; key goal of that plan retain existing charm of old town when you play load music; wasn't my first preference coming to council; spoke to owner of loose rail; weren't receptive; said no noise ordinance; just because there is not a noise ordinance doesn't mean they can play music as loud as they want; nuisance regulations, request that city of canal regulate these; Canal Winchester has a public nuisance regulation; noise level are considered tolerable; would like to enforce public nuisances regulation; appreciate in sometime in the future to indication what the plan it addressing loose rail about this issue;

Matt Ahlstrom: 41 w mound street: concerns of enjoyment of life; loose rail brewing company; subject to the same city ordinance; to be a good neighbor they should adhere to that ordinance; counted no less than 10 times during the week

and weekends in which they have been in violation; states chapter 11 nuisance ordinance; walls in home are shaken by live music at loose rails; Loud music for 6-7 hours at a time;

Carolyn Sittler 40 West Mound Street: want loose rail to succeed; 8 days or night where city hosts festival and or events; gladly tolerated such nuisance for the community at large; my understanding loose rails has an occupancy of 94 people; when a business will affect the quality of life for sake of 30-40 people that is not good; noise has exceeded the noise level we have noticed from festivals from downtown canal; had to close our windows and turn up air conditioners; on June 9th my husband and I had to shout to each other in our home so that we could be heard over the noise in loose rails; asking that they have a reasonable level of noise; so we can enjoy life on or porch, in our homes and our yards;

55 west mound Leslie fisher: have tall big windows in my house; last year in December had two brand new furnaces put in but no air conditioner; never needed; I will not close my windows or conduct business because I can't hear; and that's what happened; I was on the call for a meeting with head banging music playing from loose rail; I was asked by the company if I had my tv on; I had to close my doors go to a further point of my house and sweat so that I could hear on my conference call; Saturday people were chattering and phones going; past weekend sitting my back yard and music was playing until 9pm; what has to be recognized is it can't be at the expense of home owners; I didn't come home not to be able to enjoy my home; I won't shut my windows or be shoved out of my house; they were informed of the problem; it needs to be shown in return; can't go to my office or sit on my patio;

Julie Cecutti 17 w. mound: watched canal change and grow; love where I live; husband was watching tv on the front end of our house; don't have air conditioning; had to shut back doors so that he could hear the tv; cussing and loud situation; asking to enforce the noise level; love we are growing and developing; couple things we need to remember; location; all of the historical downtown residential property have been steadily rising in price; noise can reduce the amount you can get on property value by 10-12 percent; if you wanted to move and that noise continues; you have to be honest when showing a home; do you think anyone will want the house knowing they aren't going to sell the home; the value will fall; then possibly effect the surrounding streets; loose rail is the new kid in town and I don't think that we need to have the new kid in town change what hasn't been broken for the last 30-35 year; bands are good; just need to lower decimal level

Mayor: in contact with loose rail; said they were working on the issue; Donahue; so this is going to be monitored; Mershon: who monitors the noise; Mayor; anyone who notices it if you are driving by; Mershon: what if you tell the deputies to lower it if there are complaints; Cassel: you have to decide what action you want us to take; have to come to a reasonable decision to make that happen; Owner should just turn the sound down and then it will just go away; Donahue: I worked the brew fest; first group was fine; second was way too loud; I think it's just the section of who they have; at harvest moon and village wines there are no complaints; where I live I can hear 33; the proper music would be great; I'm just one of 7; also if there is a band and they are using foul language that needs to cease; are going to be events; I agree with as long as you are good neighbors; Gene: if somebody does talk to them directly we will too; nuisance zoning it is directly towards manufacturing; have to use those standards; Ohio supreme and some extent federal laws give us

some disorderly conduct statute; don't make a point in charging people criminally first; we try to resolve without filing criminal charges; if it continues we do have tools; court will allow us to use disorderly conduct; but you have to have proof; it's a process; keep communicating with us; Kueper: nuisance regulations were more for manufacturing?; gene; yes if you look at the end it's not a good legal tool because it refers to manufacturing; so your focus should be on disorderly conduct; case law supports you on that;

G. RESOLUTIONS

[RES-17-011](#)

A RESOLUTION AUTHORIZING DESTINATION: CANAL WINCHESTER TO OPERATE THE "CANAL WINCHESTER BLUES AND RIBFEST" ON THE VARIOUS STREETS AND SIDEWALKS OF THE CITY OF CANAL WINCHESTER

Sponsor:

Mershon

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

Yes: 7- Mershon, Bennett, Clark, Donahue, Jarvis, Walker, Wynkoop.

[RES-17-012](#)

A RESOLUTION STRONGLY OPPOSING THE STATE OF OHIO GOVERNOR'S PROPOSED 2017-2018 BUDGET, WHICH PROPOSES CENTRALIZED COLLECTION OF NET PROFIT TAX RETURNS AND OTHER PROVISIONS RELATED TO THE MUNICIPAL INCOME TAX WHICH WILL CAUSE A SUBSTANTIAL LOSS OF REVENUE NEEDED TO SUPPORT THE HEALTH, SAFETY, WELFARE AND ECONOMIC DEVELOPMENT EFFORTS OF OHIO MUNICIPALITIES

Sponsor:

Mershon

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

Yes: 7- Mershon, Clark, Bennett, Donahue, Jarvis, Walker, Wynkoop.

H. ORDINANCES

Third Reading

[ORD-17-022](#) AN ORDINANCE TO SET THE SALARY AND FRINGE BENEFITS OF THE MAYOR EFFECTIVE JANUARY 1, 2018

Sponsor: Donahue

Attachments: [ORD-17-022 Mayor Salary](#)

Bob wood 7952 : we live in violet township and Pickerington school district; as a family moved in 1958; I'm here to address 3rd reading or 17-0022 mayor fridge benefits; give you input and support ordinance sponsored by Mr. Donahue; want to give an example why the mayors salary should be raised; he called myself and another resident into his office on a Saturday regarding concerns about how the historical society was going out of business; no plan; about the same time barber museum had been rumored to leave canal Winchester; again mayor addressed that issue and wanted us to take a more active role in both those endeavors; if it wasn't for the mayor and city council they wouldn't exist anymore; we started the process with the school so it wouldn't leave canal Winchester; spent a lot of spring and summer going to the community; had great support from community and business to get the museum put together; encourage you to go to the school and take a look; in final stages of being put into place; town should be very proud; handicapped accessible; support of canal Winchester historical society to

make this move; been a team effort; two examples I give you to approve raising the mayors salary; I served on council the 90's for 4 years; today most cities this size has an administrator that runs the city for them; our mayor doesn't have an administrative assistant; we have a full time mayor with no assistant; Donahue: 5 minutes up

Mike Cooleman 44s. high street work; 323 sarwill residence; involved in many nonprofit; speak on behalf on resolution for mayors salary; a lot of you know I work side by side through our event like blues and ribfest; labor day festival; brewfest; historical society; a lot of people her have an vested interest in our city; that happens because of leadership of our city; I have worked aside council members and city employees; I got involved because of the prodding of the mayor; because of his vision, action plan, and connections it was able to come into fruition; take a look where we were; 2004 I would work in my office at 6pm and the town was empty; elevated the city where it is now; do you want to continue to grow; or high several level of executives or assistant; our mayor is always available; thinks it's important to take a look at that and consider it; we have a hard working mayor; you see the results with the nonprofits;

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

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

No: 2- Jarvis, Mershon

[ORD-17-023](#)

AN ORDINANCE TO SET THE SALARIES OF MEMBERS OF COUNCIL EFFECTIVE JANUARY 1, 2018

Sponsor: Bennett

Attachments: **[ORD-17-023 Council Salaries](#)**

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

Yes: 7- Bennett, Clark, Donahue, Jarvis, Mershon, Walker, Wynkoop

Second Reading - NONE

First Reading

[ORD-17-025](#) AN ORDINANCE APPROVING AND ADOPTING THE 2018 TAX BUDGET

Attachments: [ORD-17-025 2018 Tax Budget](#)

Sponsor: Bennett

Read for First Reading

I. REPORTS

Mayor's Report

[17-188](#) Mayor's Report

Attachments: [Mayor's Report June 19, 2017](#)

Mayor reports: brewdog is having fireworks 7/2 let off from their property; expecting a lot of people in town should be fun;

Fairfield County Sheriff

Law Director

Hollins: request executive session pending/ threatening litigation.

Finance Director

[17-191](#) Finance Director's Report

Attachments: [Finance Director Project Update 6-19-17](#)

Jackson reports: pool and concession revenue; membership down a little; concession up from last year already

Public Service Director[17-192](#)

Director of Public Service Project Update

Attachments: [Public Service Project Update 6-19-17](#)

Peoples Reports: investigating possible opwc funding; looked at Groveport road project didn't have the best scoring would not have funded in the last 6 to 7 rounds; taking a look at the project; major waterline upgrade on that area; so we don't have to tear up gender road just repave; council actions; public meeting; probably scale park; mainly focus on waterline and drainage in that area; Bennett; topic of curb side recycling any update; Peoples: no met with swayco gave copy of our host contract with Waste Management; gave us a very good feeling with meeting them;

Development Director

Haire: p&z conditional use permit on AutoZone; couple plats coming up; for village of Westchester and who else?; enter comments; July 17 or 24 little over month for steering committee; 10-12 members; cwjrd member and council member; figure out who you want to represent;

J. COUNCIL REPORTS*Work Session/Council**WEDNESDAY, July 5, 2017 at 6:00 p.m.**Council Recess**No meeting July 17, 2017**Work Session/Council**Monday, August 7, 2017 at 6:00 p.m.*

CW Human Services Representation – Wynkoop

Destination: Canal Winchester Representative – Mershon

*Canal Winchester Industry and Commerce Corporation Representative – Clark
July 12 at 11:30am Interurban building next meeting.*

CWJRD – Bennett Next meeting July 20th

Old/New Business

*Bennett; follow up on Cow on different livestock one was bees;
Bexely has recent code on bees; any chance to follow up or
explore the code regarding to bees; Haire; I know he is doing
some research don't have anything beyond that;*

Adjourn to Executive Session

Council went into Executive session at 8:04pm

A motion was made by Clark, seconded by Bennett that this meeting adjourn to executive session pending possible threatening litigation. The motion carried by the following vote:

Yes: 7- Clark, Bennett, Donahue, Jarvis, Mershon, Walker, Wynkoop

Out of Executive session at 8:41pm

Adjournment

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

Yes: 7- Bennett, Mershon, Clark, Donahue, Jarvis, Walker, Wynkoop

Meeting Adjourned at 8:41pm