

Canal Winchester

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



Meeting Minutes - FINAL

September 4, 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 7:23 p.m.

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

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

D. Approval of Minutes**[MIN-18-038](#)**

8-20-18 Council Work Session Minutes (**[Work Session Minutes](#)**)

[MIN-18-039](#)

8-20-18 Council Meeting Minutes (**[City Council Meeting Minutes](#)**)

A motion was made to approve Minutes 18-038 and 18-039 by Lynch, seconded by Bennett. The motion carried by the following vote:

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

E. Communications & Petitions**[18-094](#)**

Ohio Division of Liquor Control Letter RE: Chipotle Mexican Grill (**[Liquor Control Letter](#)**)

Jarvis: is this a request for public hearing; Jackson: kind of; this is to see if you want a hearing in regards to this liquor permit; Haire: it's just a notice; they're changing the type of liquor permit that they have liquor only; they currently have margaritas there but this will allow them to also have beer; Jarvis: it's a practice of council historically to waive the requirement for a public hearing unless there's a known issue with that establishment; Lynch: that is an entertainment district anyway where they allow a lot of liquor permits in that area; Hollins: they would be permitted to get a D5J permit; they have not applied for that; Hollins: we would certainly let you know if we have liquor establishments that either come up for renewal or want a new and we have had issues with; that is not the case with Chipotle and that's when we'd have grounds in essence for requesting a hearing when we've had problems; we'd document a problem; we'll let you know if we ever run across that situation;

[18-095](#)

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

Mayor: Whereas this year approximately 164,690 men will be diagnosed with prostate cancer in the United States alone; every year that means one man every 3.2 minutes and roughly 29,430 will die this year from the disease, which is one man every eighteen minutes; whereas in Ohio an estimated 5,810 new cases of prostate cancer will be diagnosed and an estimated 1,110 deaths will occur in 2018; and whereas been with relatives, fathers, brothers, son with a history of prostate cancer who are twice as likely to develop the disease and whereas prostate cancer is the most commonly diagnosed cancer in American men and the third leading cause of cancer death behind lung and colon cancer; and whereas one in nine men are diagnosed with prostate cancer in his lifetime one in six African American men will develop prostate cancer in his lifetime; overall African American men are 1.7 time more likely to be diagnosed with and 2.3 times more likely to die from prostate cancer than white men; whereas education regarding prostate cancer and early detection

strategies is critical for saving lives, preserving and protecting our families; the economic and social hardship it has on our families is huge; and now therefore I Michael Ebert, Mayor of the city of Canal Winchester, Ohio do hear by designate the month of September 2018 as Prostate Cancer Awareness Month in the city of Canal Winchester; and I encourage all male citizens to be proactive about their prostate health; at this time I would like to hand this off to Linda; she's kind of the push for this proclamation every year and kind of has been the last five or six years; I think she told me earlier that she has 192 proclamations read in the state of Ohio this year which is great; and how many overall; Linda: like 193 in Ohio, Indiana, New York and North Carolina; Mayor: and we were one of the first to help you get this going; so we're happy to do it;

Linda Hoetger: I'd like to thank you; I get emotional; but my husband was diagnosed June 19th 2009 with an aggressive form of prostate cancer; at that time I didn't want to sit back and do nothing; so I started contacting elected officials and saying hey we need to do something about prostate cancer; we need to let guys know that they're not alone; and since I've been doing this I've had more elected officials who email me back and say you didn't know this but I've had prostate cancer; or my father has died of prostate cancer; I'm from Columbus Ohio; three of my son Columbus, Georgia; my father's from Columbus, Indiana; I contacted Columbus, Georgia to do a proclamation; I contacted Columbus, Indiana and the Mayor goes you didn't know this but 25 years ago my father died of prostate cancer; I don't like to hear those; he sent it to his secretary; her father died of prostate cancer too ten years ago; I don't want any more men to keep dying from prostate cancer; we can make the awareness out there; get you guys tested; we need to keep you here; I'm also the grandmother of a bi-racial grandson who is two years old with prostate cancer on both sides of his family; this grandma does not want to have her grandson hear you have prostate cancer; I just want to thank you and we need to keep raising awareness; and thank you for every year that you keep doing a proclamations and we just need to keep it up;

Ray Hoetger: they say the average age for getting diagnosed for a man with prostate cancer is just what my birthday was last Thursday, 66; I was actually diagnosed just before my 57th birthday; I was diagnosed when I was 56; for me it's like when I got diagnosed, you have prostate cancer, now what; I was really stupid; I can't say it any other way; we knew nothing about it; since then I've talked to my brothers; I've tried talking to my sisters; my parents both passed away before I was ever diagnosed; my father dies at 62 from a heart condition; his father died at age 50 from lead poisoning; he got shot playing cards in New York City; so I'll never know if he had prostate cancer or not; I am first generation prostate cancer patient and survivor; early detection I think for me; I was told before I turned five in this journey nearly 100 percent of men that get diagnosed and have their cancer attended to survive five years; my loving wife found this statistic that said if you have your prostate removed before the age of 60 you have an 83 percent chance of living 20 years; believe me I look both ways before crossing the street; and I figure I at least got another eleven years so; I really need other men to just sort of say hey Doc check that box give me a blood test; every man is like I'm not using that finger Doc; I don't want you to use it either so; after I got diagnosed I was walking into doctor's offices and unbuttoning my pants and starting to drop my drawers and they go what are you doing; well you're going to do a DRE aren't you; let's get it over with; it's not the most pleasurable thing but it is important; and they most common sign that you have prostate cancer is there is no most common sign; I would get up 2 times in the middle of the night to go to the bathroom; I had no pain; I didn't have anything; I just had an enlarged prostate that had cancer in it; I've gone through surgery, hormones; ladies I don't envy you with those hot flashes; and radiation and over the last three years I've been on a hormone holiday; so I've had hormone therapy for six years and they're still pretty flat; it's not a pleasurable trip but I have been laughing about it; but it's very serious; any questions for me; Mayor: we're glad you're here; Hoetger: well I'm glad to be here; and I hope to see you next year; Mayor: we'll be here; Jarvis: thank you so much for sharing

your story; you're obviously on a very important mission; thanks for your candidness; Walker: thank you for the awareness; Hoetger: oh and firefighters have a greater chance of getting prostate cancer; I know this for a fact because one of my career fields in the air force was a firefighter;

18-099Madison Township Fire Report - August 2018 ([August 2018](#))

Chief Fasone: Thank you Mayor Ebert, members of council and staff; just to jump on the bandwagon I was diagnosed at 49; prostate removed at 50 and here I am today three years later; I'm a survivor as well; I'm celebrating my second month of having my packet into you guys; that's tow in a row; I appreciate that; just to echo off of the report just really quickly; this is the month of August; August 25th we had the AGM event out at Brewdog; we had an inspector out there for the fireworks; we had a special duty medic crew out there; everything went pretty well; it was a little muddy; also on the 25th we had our ribbon cutting ceremony for our third station; I appreciate Mr. Bennett coming out and celebrating with us; we had a lot of support from the community and elected officials; and then Labor Day I have in your minutes here that fire marshal Hite did the setup with assistance for the inspection of a food vendor; he actually farmed that out to inspector Owens; so I will be interested in any comments and how that went; I thought the parade went well; it was very hot I can tell you that; other than that we had four incidences of fire in Canal Winchester's jurisdiction that resulted in a loss; the first one was on Jennings; there was food on the stove; the infamous French fries; we had an electrical fire when an HVAC blower motor when out in a furnace; and then on Gender Road you had a freezer door sensor go out and an employee used a dry chemical extinguisher on that which results in a very powdery substance taking over the store; so we have to call the health department and they have to come in and do the inspection so that business was out of service for a couple hours and that would go to explain that; if you see we had two auto fires which were actually one in the same; the first one was on State Route 33 where we didn't even find it; but then later on High Street we found it; they had left the scene of an auto accident; I think it was a 2013 Chevy Equinox caught on fire on the side of the freeway there; it was a total loss resulting in \$12,000; so that was \$14,700 for the month; other than that of you have any questions; Walker: I'm sorry I missed that I had to work that day; Mr. Jarvis was there as well at the ribbon cutting; Fasone: Oh my I'm sorry you're right; you even said hi to me; Jarvis: thank you chief we appreciate your time and for coming out to talk to us;

Jarvis: I am aware of one other communication that took place; council was notified by Mrs. Santore regarding the Brewdog; she was bringing it to our attention Brewdog's share holder event how loud it was; being 1.7 almost 2 miles away; she felt that the sound was excessive; so she wanted to share with us some of the particulars of that; one thing I wanted to remind everybody is it's kind of hard to remember when you're kind of going through things like that, that if the clerk of council is not aware of it, it won't make it on the agenda as a communication so I'm calling it out verbally; it's one of those things like a pop fly that goes out between center and right field and they both sort of watch the ball fall down in between them; and nobody catches it; that's kind of what happened here; Pat did answer the mail; and I'm glad that she chose to come elaborate some with us and hopefully have some ideas; are there any other communications or petitions that did not make the agenda;

F. Public Comments - Five Minute Limit Per Person

Jackie Marion, 106 E Columbus St: I'm here this evening to talk about speeding; the last time we came last fall we asked a lot of people to come and we thought tonight we wouldn't because it's so hot; but I think we would have had room for them; I have a petition for you this evening which has 89 signatures on it of people that are concerned about speeding particularly on Columbus and Waterloo; but some of them come from other parts of town; there are 50 signatures for Columbus and Waterloo; and our concerns are for safety; our

concerns are for quality of life for the people that live on that street and respect for the residents; we've tried a lot of things; we came to the council last year and there was a deputy hired after we came; I don't think he was intended just for that issue; but he has been patrolling the streets and when we see somebody stopped for a ticket we all applaud; we appreciate that; I know week before last two people ran the red light here and they got tickets; and a week ago Saturday I was sitting down here and saw another person run the light and unfortunately not a deputy there at the time; but there is a major problem in this town with speeding; the problem is not solved; the deputy cannot be all the places that he needs to be; and we've tried some things on Columbus Street; probably many of you saw the first day of school we had big poster signs out that said 25 mph on the back of our vehicles; we parked our vehicles on both sides of the street so that people would slow down; we have green men out occasionally; we yell at people; we frequently ask people to slow down with which I understand is the slow down sign; most often we get an unkind rebuke in return; tonight when I was walking my dogs I saw a car coming down the street at 25 mph; I was so pleased; but that car turned into a driveway and the four cars behind immediately gunned it and went out of town; I also saw tonight while I was on my walk, I was with Brian's wife Ashley, a truck came down Columbus Street and as soon as it passed the speed wagon and did what I think is called laid rubber; is that the correct expression; it went barreling out of town; so there's a lot of lack of respect for people in this town; and I think that's an unfortunate thing; I don't know how you instigate respect; maybe a ticket for \$125.00 would be a goal in that direction; but I guess we'd like some answers; what happens when we come to council and I give you a petition with 89 signatures on it; what's the procedure; what kinds of things can you do to help us make our streets safer; it's important to us; and I guess we'd also like to know some results from the tickets that were generated this year since the deputy was hired as compared to last years; and how much greater was that; we don't have answers we have suggestions; speed humps; more stop signs more 25 mph signs; more deputy presence on the streets; we honestly think we have a problem; and to poke a little fun at my friend Mike Coolman; Mike are you ready for this; Coolman: I have no idea what you are proposing here; Marion: we hope you care as much about a coyote being attracted by chickens being a danger to this community as you do about the speeders in the town because it is really an issue; you've given us a band aid but we really need a tourniquet; thank you all; let someone else talk;

Katy Santore, 386 S Sarwil Drive: to her point I will state that six years ago I was cited for speeding on Waterloo and I haven't done it since so it's a good deterrent; I will admit I was rather disappointed in the lack of response to that email and if I needed to take additional action to get on the agenda I wish you would have responded after the email; it's been over a week since that was sent to let me know what I needed to do; Jarvis: that was a botched play; that's what I was saying in so many words; and I apologize for that; that was untimely; but also your point was made and it's a discussion topic that we've had in the past and this is just sort of the latest so we would like to hear what you have to say; Santore: I think my concern is we're now a city; population has grown; we've brought in a lot of different businesses with a lot of different concerns; Brewdog is a great thing for the community; I'm not going to put them down as a business; they are very flippant if you call them and express any kind of concern as to something that they are doing that you don't agree with; I was told they worked with council and they worked within all of the city ordinances for that event; so there was nothing any of us could do; I'm not sure how accurate that statement is but I would love to know; I live two miles away; I'm sorry I should not hear the base; I should not hear lyrics over my air conditioner, my refrigerator noise, my stove noise, and my t.v. with surround sound speakers; it's a little ridiculous; I know there are other complaints on Facebook which I know many of you may not follow social media but I happen to; there are many complaints on social media; and I know some people like my neighbors who are older and don't use those kinds of formats were also very concerned and expressed it to me that they thought it was a little ridiculous as well; I think having known that there were other issues with

noise with other establishments sort of like Brewdog but on a smaller scale brought before you before; I would have thought more of a concrete action to kind of initiate some laws to govern this city for the respect of the residents and the protection of the businesses as well would have been instituted by now or at least discussed; I understand a gentleman's agreement was somewhat in place with one of the other breweries; I've worked with contracts before in jobs I've had; I worked for a rather large company who did business with large companies; I know we had those agreements in place and we would go back to those businesses and say hey your told us you'd pay this; and the first response we got was that wasn't my understanding or well it's not really in writing so you can't enforce it; so I would like for council to actually look into taking some action into putting in a city wide noise ordinance for the protection of the residents; I just think that would be a good idea as well as looking into the speed because that does affect everybody in the community not just a few; and I did have to chuckle when I overheard some of the chicken stuff; there was a lot of concern over chicken noise and how that would affect neighbors and things; I grew up on a farm; I know what chicken noise is and it is definitely not what I experienced that day or others; the other thing I would point out is the fireworks issue; we tend to have a lot of those; I don't drive by Brewdog; I don't follow them on social media; I don't know what their blue flag meant until one of my friends who is an investor informed me what it meant; you probably have a lot of veterans in this community who also don't know what that means and do not expect fireworks when they see something like that; it's very disruptive to them; it's a health issue to them; and I would think as a small and wanting to have a small town feel you might want to look into initiating some sort of action around that; thanks; Jarvis: thank you so much for taking the time;

Jim Bohnlein, 6320 Rossmore Lane: two comments about the last two topics; just tonight as I was walking across the street I watched the light get red so I could start out across the street; I got halfway into the street with the red light and a car came this was zipping by me; it's amazing; that light had been red for three or four seconds at least; secondly, I live less than a mile away from Brewdog; heard nothing; it was not an issue at my house as far as noise; couldn't hear it; and I paid attention because my wife started seeing things on Facebook and said it was too loud; it's one day' the fireworks might be two or three days; it's over by ten o'clock; I think the fireworks are a great thing; it's really nice to have it in the city; they do a great job; I can see it from my front porch; it's loud but I can get over it; thank you;

Brian Vance, 43 E Columbus St: I just wanted to piggy back on Jackie's concerns; I've got two boys; twelve and eight; I'm more the vocal guy that's yelling slow the hell down when you drive by the house at 50; there was a car overturned probably coming back from the tavern that had a few too many and hit one of the neighbors car across the street and flipped over on its top; I understand you can't control; people are going to act the way they're going to act; it is what it is; this is me thinking out loud; even a three way stop at Trine; I don't know if that works; it doesn't seem like it would be a traffic problem or back up; the speed bumps may be an issue for snow removal obviously; the speed humps the decorative ones that are kind of not so abrupt; more and more kind of gradual; it's a long stretch on you way out of town; I've probably been guilty of speeding it on my own; I'm the last one to call someone out but now that I live on the street I've got kids; Theresa lot of kids on that street; probably at least ten junior high and younger on that street and I don't think anybody here would want; I think we just need to do what we can to police that street; more police officers in probably not the answer; we can't afford to have a police officer manning the street 24-7; it's unrealistic; maybe you guys can put your heads together and figure something out; thanks; Jarvis: thank you Mr. Vance;

Joe Messerly, 255 E Waterloo St: I took around the same petition that Jackie turned into you I believe; everybody that I went and talked with were all concerned about speeding; they had other issues in town too

they came up with; nobody disagreed with the speeding; this is something that were trying to get stopped; were putting out signs; were yelling at people; we now can't really park out in front of our house; on occasion when we've had events we park our cars a little bit in the road to try to slow them down; people walk up and down; we are now having more people walk in from Canal Cove; we have children across the street from us that our kids on the south side go and play with and on occasion they almost get hit; so we are concerned about it; most of the parents form East Waterloo street can't be here tonight because they're with their kids; I have two kid that are off at some sort of event tonight; so speed humps or something we were wondering if it's something you can consider; we brought it up before, speed bumps; the problems with plows came in and we were hoping they might have something that can be removed in the winter time; outside of patrolling it; making it where word gets spread not to speed in town; I don't know what to do; but it is frustrating; like we said before we don't have any more tools; if you know of some let us know; we put signs up and take them down regularly; but we put them back up; other than that we get insulted when we do it; people yell things at us and we don't like it; when they hit somebody I'm sure they'll be asking for mercy; maybe you can bring them to us and well show them all the mercy were shown when we yell at people; but we don't want anything to happen; and I know you don't either; so if you come up with something that would be great; thank you; Jarvis: thank you Mr. Messerly; none of this is new; and it's going to be under discussion and it's going to be a continual perpetual topic; but I wanted to say one thing before too much time went by that is you guys should be commended for the grass roots effort that you are undertaking and not waiting for someone to solve the problem; taking this into your own hands; and you're probably catching some flak from the drivers but it's better than waiting for the ultimate solution; it's something; we appreciate that; Messerly: we think when somebody gets hit something will get done; I think we'll go over the top then; and I don't want that to happen; Jarvis: I live on E Waterloo St. too and have been there for 26-27 years so I have seen an increase in the traffic; I will tell you, maybe I'm sleep walking, I do not see a chronic speeding problem; I see the occasional one; and they're flagrant right when you do see them; the volume of traffic is just always there; and my kids and my grandkids I always tell stay away from the street don't go past the sidewalk; a child doesn't always do what you tell them to do; hopefully it will never come down to that; Messerly: the one thing Bruce, down here where it's 25 and people get worried speeding through here probably; but when they get out past Trine Street they really open it up; Jarvis: leaving town; Messerly: yeah, you know until Waterloo itself out there goes down to 25; there's a lady out there that has a sign that says 40 something underneath it she has her own personal sign out there; it's not polite; it doesn't look good; it says 40 mph then has some saying down at the bottom that's not all that great; we don't want to do that; but if the road out there could be changed out there to 25 maybe it would help; maybe people would realize they don't have to go 45 mph; Jarvis: refresh my memory now Joe; at what point, we're headed east; Messerly: where Doc Hahn's house used to be; where Doc Hahn used to live; his son lives there; it's just before Canal Cove on the right hand side; it turns into 40; Jarvis: and it stays that way all the way through Waterloo; Walker: I would like to add too whether there's fifteen children or one child on the street if there's a speeding problem it needs to be taken care of; if it's a habitual problem it needs to be take care of; Messerly: and if you all come out and sit on my front porch you'll see tonight that we have a speeding problem; its real; thank you; Jarvis: thank you;

G. RESOLUTIONS

RES-18-011

Public Service

Sponsor: Jarvis

A Resolution In Support Of The Columbus And Franklin County Metro Parks Replacement Parks Levy ([Resolution](#))

- Tabled

Jarvis: this resolution was tabled by us two weeks ago; pending some additional information that Mr. Peoples was going to seek form the parks service; franklin county metro parks; and was able to find that information; Mr. Clark you had a question or were you satisfied with that information that was received; Clark: yes;

A motion was made to un-table Resolution 18-011 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 Resolution 18-011 by Jarvis, seconded by Coolman. The motion carried with the following vote:

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

RES-18-015

Finance

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 to adopt Resolution 18-015 by Amos, seconded by Clark. The motion carried with the following vote:

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

H. ORDINANCES

Tabled

ORD-18-017

Development

Sponsor: Coolman

An Ordinance to Create Chapter 188 in Part One of the Codified Ordinances Of Canal Winchester Enacting An Admissions Tax ([Ordinance, July 2018 Updated Draft](#))

- Tabled at Third Reading

Jarvis: is there any reason to un-table this ordinance this evening; Coolman: I would like to refer to our law director; Hollins: thank you Mr. Coolman and member of council; I did have the opportunity to read the minutes form the last meeting and had the opportunity to review the ordinance; the July updated draft of the ordinance to make sure we have addressed all the questions and issues; I think the last one would be the up charging of meals as a form of covering the cost of entertainment and what I wanted to make clear was I think we addressed that in the July updated draft because it is now limited to places; restaurants frankly aren't one of the places that were going to collect that; believe it or not it is addresses in there; if Brewdog it applies to them I a couple different ways and they wanted to make sure if they held an event that was the type of issue that they could do which was really a charge for meals not an admission charge; so well work with them on that; but any other restaurant at this point it is not going to apply to those restaurants; Bennett: I do have a question for staff; the annual shareholder meeting was there any costs associated with that event that we would have collected an admissions tax at that event; parking or; Haire: there was a ten dollar ticket cost; Bennett: there was a ten dollar ticket; Hollins: we'll get them next year; Bennett: I was just

curious how it applied to that; because I know it was a shareholder event and I didn't know how that was ticketed; if it was free for their investors in the stock program or if there was still an additional ticket charge on top; Haire: so there was a ten dollar ticket cost and they did open it up to non-shareholders and it was twenty dollars a ticket; but it was a limited number; Bennett: thank you; Hollins: if that answers your question I think it's ready to be removed from the table and voted on if you guys are satisfied with the current form; and I was telling; we were talking earlier; we need to live with it for a year and see how it goes and we may bring changes back; Bob and I were discussing that earlier; it may not be the be all end all but; it's a good start;

A motion was made to un-table Ordinance 18-017 by Coolman, seconded by Bennett. The motion carried with the following vote:

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

A motion was made to adopt Ordinance 18-017 by Coolman, seconded by Bennett; The motion carried with the following vote:

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

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

Jarvis: still in a holding pattern; this was remanded back to planning and zoning;

Third Reading

ORD-18-027

Development
Sponsor: Clark

An Ordinance Authorizing the Mayor and Clerk to Accept and Execute the Plat for the Villages at Westchester Section 12, Part 2, Phase III ([Ordinance](#))

- Adoption

A motion was made to adopt Ordinance 18-027 by Clark, seconded by Coolman. The motion carried with the following vote:

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

Second Reading

[ORD-18-030](#)

Public Service

Sponsor: Lynch

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

- Second Reading Only

[ORD-18-031](#)

Public Service

Sponsor: Coolman

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

- Second Reading Only

First Reading

[ORD-18-032](#)

Finance

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

- First Reading Only

I. Reports*Mayor's Report*

Mayor: Thank you Mr. Jarvis; I didn't have a written report; but I do have some things I'd like to update you on; this was the 98th annual CW Labor Day Festival; we had a decent weekend; crowd might have been a little bit thin; we had two 92-93 degree days; mark your calendars Trick or Treat is Wednesday October 31st from 5-7 p.m.; make sure you mark that; prescription drug take back day is Saturday, October 27th from 10-2 p.m.; we are requesting that people bring pills; no liquids; no creams; pills only; needles need to be taken to a pharmacy or their own doctor's office; that's all I have; Jarvis: thank you Mayor Ebert;

*Fairfield County Sheriff**Law Director*

Hollins: thank you Mr. Jarvis; I do request an executive session at the end of our meeting; that for purposes of discussion of pending litigation; of quasi-judicial proceeding and to discuss confidential information relating to business strategy trade secrets etcetera of an applicant for economic development assistance; all pursuant to 121.22g of the revised code; Jarvis: well that doesn't sound to good; Hollins: I didn't even say a brief executive session did I this time; Jarvis: it doesn't sound brief; Walker: will we discussing in executive session the variance on the; Hollins: yes, that's the quasi-judicial; I'm sorry I should have made that clear

Finance Director[18-097](#)[Finance Director's Report](#)

Jackson: Thank you Mr. Jarvis; I do not have anything in addition to what was discussed in work session this evening;

*Public Service**Director*[18-096](#)[Public Service Project Updates, Construction Services Update](#)

Peoples: Thank you Mr. Jarvis: Nothing to add to my written report;

Development Director

[18-098](#)

[Development Update](#)

Haire: nothing beyond my written report unless there are any questions;

J. Council Reports

Work Session/Council - Monday, September 17, 2018 at 6 p.m.

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

CW Human Services - Mr. Lynch

Lynch: CommUNITY week is coming up this coming up this Sunday the 11th and it runs through the 16th; they're again trying to raise money to offset the cost or finalize the construction cost for their new facility;

CWICC - Mr. Clark

Clark: we met August 29th; our next meeting is October 31st at 11:30 at the Interurban building; Jarvis: what is the workload of the CWICC right now; is it light or heavy; Clark: no it's heavy; Coolman: it's excruciating the world load at the CWICC; a lot of stuff happening; Jarvis: they need to compensate someone for all that trouble;

CWJRD - Mr. Bennett/Mrs. Amos

Bennett: we have not had an executive board meeting since our last city council meeting but our next executive board meeting is Thursday, September 20th at 7 p.m. here in Town Hall; Jarvis: is the JRD office still up in the balcony; Bennett: officially yes; but we are a little more mobile; this is the digital age so; it's the official office space but not utilized 100 percent of the time

Destination: Canal Winchester - Mr. Walker

Walker: the next meeting is September 25th 2018 6 o'clock at the Interurban;

K. Old/New Business

Walker: I would like to bring up at the last meeting we talked about Columbus Street, Waterloo and different streets and the speeding issue and the tubes I believe that we had discussed about the results of what the speed tubes had brought us in of whether it was a speeding problem; where we were on each street; each road; what you might have found on that Mr. Peoples; Peoples: I have not done one in quite some time; I guess recently this year we did conduct E Waterloo and E Columbus Street last year; E Waterloo Street definitely did show some issues with speed through there; especially as they sat east of the county line; basically after you get to the curve; you probably see it every day people are speeding up to get out of town; same thing with coming back into town; I will say that was done before the work at Canal Cove with the turn lane in there; the addition of that turn lane from an engineering standpoint should have an effect on bringing speeds down; additionally we went in there and right at the curve we put some striping in there to try and neck down that area; think about before where it was wide open from curb to curb; so what we're trying to do is make the perception that the lanes are narrowing; that will get you to slow down right at that curve; so we haven't done a study since that; our two counters are; we got to do an update to the; and I think we have an actual problem with our two so they haven't been able to get out; Columbus Street from an engineering standpoint did not show there was a speed issue; that's not to say that people don't speed on the street;

that's to say from a speed standpoint they work on the 85th percentile; so if 85 percent or lower of the people traveling on the road are within five miles an hour of the speed limit then its tolerable speed is basically what they're saying; there's definitely people seen that are going above that amount through there; based on the study that was done last year the 85th percentile was 27-28 mile per hour; so 85 percent of the people traveling through there are going less than 28 miles per hour; that's just on Columbus street there; I believe the East Waterloo was 34; that does indicate some issues through there; that's why we did some of the striping that we put down through there; tried to engineer the road to make it feel like its smaller than what it is; Jarvis: Mr. Peoples what else can be done in those areas short of throwing a lot of man power or resources at it; what's the next logical step to address that; Peoples: there's the enforcement obviously though there; awareness with the signs that they have out there; we use the speed trailer; it's a little bit more difficult in that area because we don't have that nice curb area that we can put it into to; we just recently moved it down to Columbus Street; our speed trailer at the beginning of the school season we like to have it on Washington Street; Washington Street is probably our worst area for speeding and it's right at that Dietz Drive in my estimation and it would be East Waterloo right as your coming into town; Jarvis: somebody had shared with me that on East Columbus Street that the speed meter, I can't think of the correct name for it, that people use it to clock their speed; they're not necessarily using it to go oh my gosh I'm going over the speed limit but to deliberately use it to see how fast can I get this up to; Peoples: I would say the younger people use it to see how fast they can go before they get up to it; not all of them obviously; or people who really don't care how fast they're going anyway; again that's just an awareness thing to get those residents or people going through there that don't realize they're speeding; it happens all the time on that street; especially when you're going downhill all the way from High Street on your way out; there's a little bit of a grade there and it's a long road; especially when you get past Trine Street; it's open; there's nobody parking there; at least in the section from High to Trine; you got a lot of people parking; I see the trucks were in there; when they do construction work it makes it pretty tight through there; so the speeding issue is more prevalent on the East side of Trine Street just because it's such a wide open space and there's nobody that parks their cars down there for the most part; Hollins: that and we don't patrol art of this county; Peoples: that's on Waterloo Street; Walker: Mr. Peoples there's speed humps and speed bumps right; and there's no other alternative; they have what's called a speed table as well which you go up on travel a little bit and then go down; Walker: does that affect the snow plows; Peoples: they all can; it slows them down; my biggest issue is that these are on thoroughfares; these are designed to get people moving through the area; it's not a residential type of things these are the thoroughfares; you do not see these type of devices on thoroughfares; Jarvis: several years ago when I first started on council like 98 or so I remember asking you know if you kind of knew the council, I said I see a problem here; Trine Street needs stops signs as a way of regulating traffic; and as I recall the answer back then even though I pushed as hard as I could but it is a thoroughfare and I don't know if it's state code but something says they can't have anything like that on a thoroughfare; it's for back into a neighborhood; because I raised the issue and by comparison you go down Trine Street toward Jennings and Hocking and Kramer there's stop signs on every one of those; but those are not thoroughfares; so I had to throw the towel in then and I don't think anything has changed; Peoples: no, we did Dietz Drive and there was a lot of complaints on that about speeding over the years; especially in the afternoons when school dismissal time; not blaming it all on the kids because it was a wide open street; there was a big push to put stop signs in at the intersection of Dietz and Thrush; that's really where you get into that residential area; we ended up putting in the medians down through there; again it gives people the illusion that the lane is narrowing so you don't have a lot of room to go as fast as what you think you can; Jarvis: but the stop sign was not; Peoples: but the stop sign was not; especially in that area where it's a t intersection; you would have had people backing out of their driveways right into an intersection like that; so that was one of the big issues with that; Walker: I do know one time we were talking about lowering the speed limit going out Waterloo

both ends and coming in Washington Street like you said before you get to Diets or just possibly lowering the speed limit a little bit sooner before we get to the 25 mph in front of the school; like you said that seems to be an issue there and I believe we had discussed that approximately a year to a year and a half ago; when will that tube be repaired too; Peoples: it's just in troubleshooting right now because we're not really sure what wrong with it; it's a newer unit; I think we got it in late 2016 if I remember correctly; so it's not something that is just broke and wore out; it's something that there's an update that needed to be done and then they have to be able to troubleshoot it; Walker: how many of those do we have right now; Peoples: we just have the one tube; Lynch: what does a set of those traffic tubes cost; Peoples the counter itself was \$450.00; Lynch: that's it; Peoples: yeah; Lynch: they're cheap; Peoples: yeah and right now it's just figuring out what's wrong with it; whether it's the unit itself or the tubes that actually go across the street; whether they have holes; because it all bends; it's just like if some of you can remember going into a gas station and ringing the bell; basically it runs off that technology; Peoples: do you remember that; Lynch: I can still hear them; it seems to be that this is going to be a perennial problem for this community; as it is I'm sure for every community; back years ago when you were on this Bruce you ran into problems; it came up last year and it's coming up again now; we can talk about it and talk about it and kind of discuss solutions but I think what I was kind eluding to last meeting was how can we create some kind of SOP (standard operating procedures) for how we deal with traffic complaints so that way people aren't just calling you Mr. Peoples all the time or the Mayor complaining about this or coming here with petitions and such; if they do how can we how can we deal with it collectively in a very logical systematic manner to help solve the problems; in a way that we get the city involved, council involved and some of the residents in the areas where it is a problem or where they perceive a problem; and that way we can do it step by step; I was reading this article and it's by the ITE (Institute of Transportation Engineers) they basically have a systematic approach as to how communities can deal with traffic issues; so my thought is why don't we put this in a work session next week and talk about how we can actually come up with a solution; whether we come up with a committee to put together some recommendations or what; let's come up with something unless there is some kind of procedure in place already; Peoples: it has been; we went out and collected data; which is a start; and when we share that data it's not received well; we're going to be collecting the same data; one other thing too to add to the previous topic of speed; my understanding the sheriff's department has been out especially on Columbus Street; Lynch: they've been doing a great job; Peoples: they're out doing some counts; so they will have their own set of data based on their observations; Lynch: yours is a little more accurate; there's a little skewed given the fact who doesn't slow down; Peoples: well they've been trying to hide themselves; they're not sitting out there with their lights on saying speed; Lynch: no, it has made a difference; Mayor: as Matt said we do the surveys; we put the data out there; and then basically people call us liars; they say we're fudging the numbers; we don't fudge numbers; Lynch: I understand that so maybe the concept would be to get a group of people that actually studies these different areas not one or two people doing it; maybe we get some of the residents in the affected areas to be part of that so they themselves can take it back; maybe Ms. Marion gets involved and she can look at the data and then tell all of her neighbors; she sells it not you guys; but let the residents sell it to the residents; get them involved; I think you'll have much better success; Mayor: what's that going to do; Lynch: transparency; it gets it out; Mayor: we're transparent now; Lynch: I'm not saying you're not transparent ; creating a vehicle to get the word out to other people through the people who are involved in that group; they might look at you guys and say well yeah maybe the numbers are skewed; Jackie Marion comes to my neighbor's house or Brian's house and says Brian this is the facts and information and this is what we found based on the studies; Brian would you be okay with Jackie telling you that; Vance: sure; Lynch: he's going to believe it more; there's less chance of you guys looking like the bad guys; not saying you are; I'm just; I'm just trying to find solutions; we could talk about this all night; we've got a lot of other things to talk about so can we bring this maybe to a discussion in work session; Jarvis: are you saying that the next

committee of the whole as a topic item; two weeks ago when you brought this up; we needed to talk to staff to try and figure out what they've done already; they're collecting metrics; if you or anyone I don't mean you specifically, if anyone questions the validity of that data then yeah it's useless; Lynch: and I'm not questioning it; I got the stats right here; thank you for sending that Mr. Peoples; Jarvis: if you do accept it you see the pattern in perception there's a slight disconnect and I don't think necessarily that means somebody is telling the truth and somebody isn't it's just probably a case as Matt pointed out 85 percent of people are following the speed limit and it doesn't go into the red zone; but who knows maybe that other fifteen percent are flooring it out of here; they're just excessive; I don't know what the solution is but part of the process I believe is when the public comes in and says you can say it's a lagging indicator but it's an indicator that there is a problem there and that gives you a reason or probable cause to go set up the meters and verify; once you've verified it now you can make it an enforcement kind of issue; and then it will go away for a while but then it will come back; Mayor: I think the best thing to do myself we can put out all the meters we want but eventually they grow immune to them or just fly right on by or do whatever they want to do; I think enforcement is probably the biggest thing we can do; hand out them tickets right and left; I hate to sound like Brice; but if that's what we want to be maybe that's what we have to be; Coolman: I would just like to say that there are communities around that envelope and there's communities in Columbus and communities that envelope Columbus that are known speed traps; you drive through Upper Arlington; what do you know about Upper Arlington besides there's money there; you know that if you go one mile over the limit you're going to get pulled over; that's the precedence they have set; the way they did that is just as Mayor Ebert was saying it's enforcement; they have a problem with because in the more affluent areas around central Ohio younger kids have nicer vehicles; nicer vehicles that travel a little bit faster and they like it and they think that they can get away with it; so my opinion is if you guys remember we gave the order earlier this year for more enforcement on East Columbus and more enforcement on Washington Street and Waterloo Street; the following meeting we had questions posed to us about why are all the cops pulling people over; Mayor: right; Coolman: remember that; that was earlier this summer; I truly believe short of; down Columbus Street; I don't think it's out of the question at Columbus and Trine to look into maybe the cost of a flashing light; flashing yellow on Columbus and red where the stop sign is on Trine; and reflective paint; crosswalk indicators; lights will slow people down but the best lights are the flashing red lights in your rear view mirror; I really think that's the answer; Jarvis: that's kind of where I was leading earlier; that there are some cards that have not been played; they're not very expensive cards; they may not solve it completely but maybe it will have a cumulative effect; let's go ahead and play what we've got and if that doesn't do it then we're up against a more expensive or it may become a, as the Mayor pointed out, speed trap town and we'll have that reputation but that will fix it; Walker: we talked several months ago about the LED signs; the signs that have the LED lights around them you see up around a lot in the north end areas; we discussed even some things like that; and what Mr. Lynch had mentioned too; isn't it a possibility that the statistics that we get from Columbus, East Waterloo, West Waterloo, you do such a great job of putting letters out in the city; no we can't do that with every ordinance and everything but just possibly to put that in the city letter of what the findings were there then everyone has it; you can't miss it then; it's coming with your water bill and here's our findings with the tubes on Columbus Street, Waterloo, all of the streets that have been mentioned; I mean would that be something; Mayor: you mean the welcome letter from the Mayor; Jarvis: that's kind of happy news; a vehicle for it; there are other ways to get it out to the public; maybe it's a portal on the website or whatever; if you want to drill down into the stats; I just don't know how much trouble it is to get it form whatever form it is into one you can read that way; Walker: I guess I was just kind of thinking broadcast it everywhere; whether it's good new or bad news I would say that it would be good news if those findings are; Coolman: the findings are good to educate people with but if you don't back them up with enforcement they mean nothing; Walker: I understand that; I was just backing up there on what Mr. Lynch had mentioned

about getting it out there; Lynch: getting the word out; communication is just one part of the whole thing; enforcement is part of it; traffic calming techniques and there's probably a good dozen to two dozen different techniques to be applied to any traffic issue on top of enforcement; enforcement is expensive and traffic calming techniques are permanent; 100 percent fool proof; nah but they certainly help; I think it's just a matter at looking at all these different things and figuring out what is best for each application; we've already applied traffic calming techniques in many different areas; Dietz out here on Waterloo you striped it; there are things that are being done; but how do we decide what gets done where and educate the public; Jarvis: do you think council should be part of that process; Peoples: those are all engineering controls; we actually go to work with our engineer to put those things together; that's not a policy type of decision that's made; it's very technical; Jarvis: being so Mr. Peoples I don't know when our next committee of the whole meeting is and I don't know the sense of urgency here; some measures can be taken right now but what you're talking about is something that I think would be something we can sit down and talk about in a group setting if staff is willing to kind of take point on that as far as what the options are and perhaps from an engineering standpoint what could be done; I don't know how else to get to the end of this conversation other than that; having a break out group is something that all of us are concerned about; I want all of us to be in on it; and we can't do it independently without staff and I think staff would want their specialists in on it also; maybe we can just put a placeholder in the next committee of the whole meeting with this as a topic and thrash it out; Lynch: put it on the agenda; because it's just going to keep coming up over and over again; Jarvis: is staff in agreement or do you foresee any problems with that; let me rephrase that; do you have any problems with setting that up as a committee of the whole meeting topic and discussing this in more detail; Peoples: Mr. Lynch had a study or guidance document there; I have a couple on file as well; we kind of use that as tools in the tool box type of thing; we don't have a formal adopted policy; we just look at empirical data and try to work with some things that have been able to be addressed in the past; we find out; we take that data; first of all we have to see if there's a problem with that and then we can start using some of those tools to put in there; Jarvis: right; and I don't think anyone here is second guessing; it's just that well what else can we do there and how do we measure it; and if it needs something else applied what's our next step after that; and have a contingency plan of some sort until we get to the point that we don't have anything else we can try; Bennett: well I think it's really just about steps and procedures and how we would go through a process; you start with a petition to get traffic signals; so residents even are aware of if you get to this step; if we do a study and if the 85th percentile is in range that's the last step; Peoples: honestly it doesn't even take a petition; there was a phone call from a resident in Winchester Village that read a newspaper article and said hey there's people over here; it's a 36 foot wide street; not a whole lot of parking on the road; Bennett: Mr. Peoples I didn't mean to imply that it isn't something that the city addresses when a neighbor calls; Peoples: and I just meant it didn't have to be that formal of a process because we got those tubes; they're not expensive; we can get them out there; Lynch: it sound like we got a lot of the parts and pieces in place and I think it's kind of almost a way completing the loop and again getting the residents involved and engaged so they can help sell whatever the information is that you guys come up with so that they can buy into it and be happy with the results; or at least understand the results; Jarvis: is that enough direction to at least schedule something for the next committee of the whole meeting; Peoples: I think we're good; Jarvis: if not come back and ask and I will try to put a fine line on it; Clark: regarding back to responding with the constituent with Brewdog I thought we had a protocol that when we all get emailed we were not to respond and bring it back so we send one email out; she's my next door neighbor; it looks pretty bad on me to not respond; Walker: that's how I understood it as well; Jarvis: that's what I thought too; Clark: how are we going to do this; because if it's not going to happen we need to respond; Jarvis: I'll admit I'm not an email hound; most of the stuff I get and probably you as well is junk mail; somebody is trying to sell something to the city or whatever; so I don't get overly excited about it when I jump out of bed in the morning; I check email and a couple days

can go by; if you see something like that your first instinct should be that Amanda has it as the clerk of council; from that point it can be coordinated on the back if an official response needs to come back; what Mr. Lynch did he bought some time but he opened the door to hey feel free to come in with us especially if you have some solutions to the issue; her thoughts not to get too specific about that was that we should have a noise ordinance; well some of you guys weren't here through all of that but we were here and how you get there from here is beyond our ability to figure it out; once you start doing that and you have a decibel reader or whatever or you get into barking dogs; is it a spike or is it a sustained spike; it's a mess; and I think everybody decided that it would be better to just kind of try to be good neighbors about it; that's what's kind of worked for a while; but I'm off point here; what I wanted to say was if you get something like that you don't know if its venter field or right field and they're both watching that pop up ball come down in between them and nobody catches it and it's a double; so we messed up on that by not making sure she had a copy of that; staff action was required; it could have been done at a timely manner; Walker: the reason that we had changed that too was too many people were given different answers; Jarvis: yeah and we run the risk of contradicting ourselves; Lynch: and I apologize for sending that out; I was trying to be as vanilla as possible with my response just basically saying tell us what's on your mind and bring some solutions; without taking one side or the other on it; speak up and be heard; Walker: we're behind that; that was great; I think that was a good job doing that; I'm on the other end what else can you say; you're just waiting to, I think the city if they hear about it they are to contact Mr. Jarvis; or if we hear about it we're supposed to contact the city; Jarvis: it's okay to give me a call but your first instinct should be Amanda as clerk of courts so it can coordinated with whoever on staff; whoever focuses on that kind of an issue; and it might be a multiple; it could be a streets or zoning kind of an issue; who knows; Amos: but if it's sent to all of us like that; we all didn't respond; who should be responding; Jarvis: who is going to jump on this; let's get staff involved in it; certainly any one of us to be responsive are welcome to go back and say hey I've made city staff aware of this; waiting to hear back from them in the meantime; Clark: but then she's going to expect that I'm going to get back to her; if we all say that we'll get back to you when we hear from Amanda; so then are we going to send her seven responses back; Jarvis: no; Coolman: I think the message there and our protocol, she' my neighbor too, and to be honest and verbally I told her we have a protocol; I will not respond to you individually and nor will any of the others probably because we're supposed to our president who then will get with the city and then one of them will contact you; from what I remember the protocol was if we all receive it we're to check with Amanda to make sure she received it and if she receives it and it's a pretty standard topic or standard response then Amanda can give out a response unless we have a specific message to convey; Walker: since you're both neighbors I would have a conversation with her again to let her know that we didn't leave her hanging; Jarvis: 999 times out of 1000 staff is going to have the remedy; now this particular case is just being aware of there were some complaints about noise; I think Brewdog should be aware that those complaints were made; Mayor: they're aware; Jarvis: and that's something that we really didn't know after this last event or we could have said they've been told; the solution for the noise ordinance is really, really problematic; Coolman: see I don't think that's the real issue once we sit down and explain the difficulty behind noise ordinance; I think what the real repulsion is, is when these folks call in at the event and they're met with in gratuity; their message was; she wouldn't have so upset if it wasn't for how she was told when she called in; and we heard the same thing with Loose Rail; they called down there to Loose Rail a year ago and that's the same thing you were told; the people that were running told us that it's none of our business; there's np ordinance; we can do what we want to do; Jarvis: I suppose it's whoever picks up the phone; Walker: that is not how we handle it; the Mayor spent many times going in there and we as council people to monitor the sound and it did have a great resolution; Mayor: yeah I monitored at Brewdog; Walker: we are very proactive and it worked out; winner didn't take all; it was figured out without rolling up the streets and doing some possible noise ordinance that would stop the school band from playing and Christmas

in the Village and everything else that might happen; and that's what our concern was with creating a noise ordinance in Canal Winchester; we want to be careful where we go with it; Mayor: I also monitor speeding; Walker: I saw you sitting out there on Columbus Street; Jarvis: we will talk about controls in more detail at our next committee of the whole;

L. Adjourn to Executive Session @ 8:49 p.m.

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

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

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

M. Adjournment@ 9:42 p.m.

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

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