

# Canal Winchester

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



## Meeting Minutes - FINAL

January 3, 2022

6:30 PM

## Council Work Session

*Laurie Amick  
Jill Amos  
Bob Clark  
Chuck Milliken  
Patrick Shea  
Mike Walker  
Ashley Ward*

**A. Call To Order** *Clark called the meeting to order at 7:11 p.m.*

**B. Roll Call** *Present 7 – Amick, Amos, Clark, Milliken, Shea, Walker, Ward*

**C. Also In Attendance**

*Mayor Ebert, Matt Peoples, Lucas Haire, Amanda Jackson*

*Clark – I'm going to deviate from the schedule shortly to recognize Sgt. Walker has to leave us for the regular session. So she would like to give her report or answer any questions you have in Work Session.*

*Sgt. Walker – I have nothing new to report but I'd be happy to answer any questions you have.*

*Shea – Are you guys on your toes when it comes to the action that we're getting on the north side of 33.*

*Sgt. Walker – We are. My deputies are aware of it. We watch the news constantly. We talk with CPD and the surrounding agencies to keep in contact with what's going on. So we are aware of it. We are on our toes. We're patrolling the area extra hard.*

*Shea – When you say you're aware of it, is that from a specific law enforcement intel perspective or is more of just what we see on Channel 10?*

*Sgt. Walker – More of just what you see on Channel 10. What other agencies may come into contact with us, they put out certain alerts, if you will, that we get by email that say hey, this is what's going on in these areas. So, we are aware of what's going on. We're trying to hit our areas hard making sure that crime stays out of our area.*

*Shea – Is there anything you need from us, as a council body, to help you guys do your jobs better?*

*Sgt. Walker – At this moment, no. I think you do a great job in supporting us in what we do and that's very appreciated.*

**D. Request for Council Action**

[RES-22-001](#)

*Mayor*

A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF MARK CAULK TO SERVE A FOUR-YEAR TERM AS A MEMBER OF THE PLANNING AND ZONING COMMISSION EXPIRING ON DECEMBER 31, 2025

*- Request to move to full Council*

*Amos – My understanding was just from conversations with some people that have applied, the previous members were asked to reapply. And my understanding is that we did not receive an application from Mr. Caulk to reapply for this position so I am questioning how he is on our agenda tonight.*

*Ebert – Up until this year, there's never been an application process. That's why they were never asked. In the past, they were just verbal asked, would you like to rerun again. And that's what we did with Mr. Caulk. If they want to apply, they could but this was the first year there was an application process.*

*Amos – I believe in the meeting though they were asked to reapply. They were told they had to reapply. At the Planning and Zoning meeting, they were told if they want to regain their position they needed to apply for the position.*

*Ebert – I was not made aware of that. I'm the one that does the appointment.*

*Milliken – What was the reasoning for submitting an application this time as opposed to not in previous years?*

*Ebert – The application process was opened up to any body in the city. And that's on our website. And we've been doing that for upwards, I think we started last spring doing that. We have an application process online for anybody that'd like to apply. Prior to that, we could never get anybody to apply. Putting it online, we started getting a few applications. Some of them were not qualified because they may not live in town. And that's one of the requirements, you have to live in town. And it's like any other application, you kind of go through them and see what works.*

Amos – I reached out to Andrew today and I talked to Mr. Haire as well, just kind of asked for information on the past candidates and it's my understanding that we did have a large number of candidates in the last selection and their applications are held on to for 2 years. Without seeing the application for Mr. Caulk and just seeing the applications we have in front of us, I don't know that we're confident that we've made the right selections at this point. I think we that we need to receive an application from Mr. Caulk and be able to review these as well. I know that there were quite a few good candidates in the past that were told that their applications would be on file but I'm not sure they were considered in this round. I'm concerned that we don't have necessarily the right candidates on the board yet. I'm also aware that the person, out of the three candidates, four I think that I was given for this round, the one candidate who seemed very qualified to me, did not, and has served on the committee for quite a while, did not receive even a phone call to let him know that he was not being reappointed and that he found out by way of the posting of the agenda.

Ebert – Those applications do not expire. So, he could still be called, or whomever you're talking about, I don't know. That person can still be called at another time.

Amos – So that's two different issues. First of all, the one candidate that was not put back on who did apply for the position, did not receive any notification that he was not receiving the appointment. Not a phone call or anything from us. He actually found out he did not receive the appointment by way of the agenda. I have a concern that it wasn't proper practice. A conversation needed to be had with any body who did not retain their spot. But the other thing is, I've looked at the current candidates that we have and I've asked for the previous candidates and we had several that were very qualified. And I just wonder if we reached out to them to make sure they were considered for this position. And I know you say applications are held on file for two years. My concern is just that we had quite a few qualified candidates and I'm not sure when I took all the names, and redacted all the names, and just looked at applications, I'm just not sure that out of all the applications I reviewed, that these are the top two. I didn't have anything to go on for Mr. Caulk. That's my concern. Is putting them forward to looking at the applications that I was provided, I'm not sure, for me, that these are the top two candidates that I would have selected. And since you're asking for us to approve it, I'm not comfortable with that decision at this moment.

Amick – I just wanted to know if you could share a couple of thoughts around your appointments in terms of criteria. Like what specifically are you looking for when you make an appointment to the Planning and Zoning Commission?

Ebert – I assume you're referring to Mr. Carpenter.

Amick – Anyone, your general mindset. What do you look for?

Ebert – Mr. Carpenter is, I won't say a life-long resident, but he was raised here in Canal Winchester. He moved away because of family business and a few years ago he came back. He expressed an interest then, he wants to get involved in the city, the city he was raised in. He did own two different businesses during his tenure away from the city. He's business smart and he is very smart individual, I believe. I think he can think on his own two feet.

Amick – I really honestly was not referring to any one of the applicants, but in general you look for someone who has experience, that's how I'm inferring what you're saying. When you make your decision, there's some sort of decisioning criteria that you go through in your head or on paper to put forth your appointment. So when you do that, it sounds as though that you're looking for someone with experience. Is that a correct assessment of what you're looking for?

Ebert – Not always. But it's not always about the experience, in my opinion.

Shea – So what's it about?

Ebert – It's about integrity. It's about being honest. It's about knowing the city, the history of the city. Those types of things.

Ward – For someone being put on the planning and zoning committee, their job is to review legal and technical documents, right? So I think we're looking for what legal and technical engineering expertise do these candidates have.

Ebert – And we do have those people. But not everyone is.

Ward – But on the planning and zoning board, that's their job is to review these legal, technical engineering documents. What makes

*these candidates more qualified than someone like Mr. Vasko who's an attorney with years of experience.*

*Ebert – I think it's his business background. Mr. Vasko has been doing it for 18 years. And quite honestly, I've had people approach me in the past, and nothing against Mr. Vasko, saying it's time for a change.*

*Amick – The applications are kept on file for two years, is that correct? Of that pool of candidates, can you tell us how many are still in that two-year window?*

*Ebert – Probably, I don't know, seven or eight. I could be wrong, could be four or five. I didn't count.*

*Clark – But not all those are still possibly interested in serving. Some might have changed their mind.*

*Amick – Is there a withdrawal process?*

*Haire – There is not a formalized process for this. We created a process to try to open it up to more people, because we kept having people decline to participate. When we approach them, they would say the atmosphere is too negative, I don't want to be attacked on social media, I don't want to be part of the commission. So we're really struggling to get qualified people to want to do this. It's a volunteer position. Having someone who is willing to reapply to be part of it is a good thing because you can get that continuity, but it's becoming more and more of a struggle. That was why in March of last year, we created a process because we had a vacancy arise, we created a process to open it up to more people, and try to get new people involved. Every one that has ever applied is still under consideration because we created that process in March of last year.*

*Amos – Ms. Amick, to kind of give you a reference, from what Andrew sent me from the previous, there were 14 applications. Again, not all of them may have qualified. But there were 14 applications submitted in the last round in March. There was another 3 that were submitted and we have our one candidate who did not resubmit.*

*Haire – Many of the people that apply do not qualify because they are not residents of the city. So there's less than 14.*

*Amos – He did not eliminate them. That's just how many applied.*

*Haire – Right. He gave you all that were put in, submitted on the website.*

*Shea – Does P&Z run into a quorum issue if we don't put these through?*

*Haire – For a quorum, we need four members present. There's seven members on the board.*

*Shea – That process that you guys instituted in March, is it formalized in a process document or SOP?*

*Haire – No. We put an online application for any boards and commissions, a very generally document. It's all the same. If I want to be on the Street Tree Board, I fill out the same application and interest form as if I want to be on Planning and Zoning vs want to be on the Personnel Board of Review.*

*Shea – So it's de facto form for membership?*

*Haire – Correct. Because we struggle with many boards and commissions having any residents that want to be part of them. We sent this out I believe on November 23<sup>rd</sup>, we opened it up, and we received three applications, two of which were qualified by being residents.*

*Amick – At any point do we ever contact the people that are still in that two year window and ask them if they are interested, or would they like to withdraw their application? If I understand correctly, their application is good for two years and they can be put into consideration during that two year window, if they are still interested. Is that correct?*

*Haire – The only reason we would reach out is if the Mayor is interested in appointing them to a board or commission. And then we would find out at that time if they were still interested in serving or not.*

Milliken – Mr. Shea, I think you were touching on maybe a little bit what I was thinking. If we can confirm, Mr. Caulk did not fill out an application, is that correct? Is that what you were saying Mrs. Amos?

Clark – But he had an application filled out because he's currently serving.

Milliken – It was previous, ok.

Amos – Actually no because there was no application four years ago when he was serving. That's what Mr. Haire was saying.

Haire – I believe you were all copied on an email about Mr. Caulk's qualifications. If there's any questions about them, I'd be happy to answer what I can about his qualifications.

Milliken – What I was maybe getting prepared to through out there, if there's not a quorum issue with P&Z, would it be reasonable for us to table this for this evening, until Mr. Caulk puts forth an application?

Amos – I would concur with that. But I would also request that we would reconsider the previous applications. We have some, just looking at a few of them, this gentleman lives within the boundaries and is in urban planning. I believe that there's some candidates in here that may bring something to the table for us, that we should be considering. I would like that we look at our past candidates as well since we did say that we would keep them for two years.

Ebert – Again, an application has never been requested of a current board member, committee member. It's just a matter, do you want to run again, or like to serve again, yes or no. The applications are only for those that never served and we're trying to get information on them.

Amos – Why then do you think Mr. Vasko applied.

Ebert – Well, they can if they want. But that's up to them.

Ward – So you didn't tell them they needed to reapply this year?

Amos – It would have been in the Planning and Zoning meeting, and I don't think the Mayor attends them.

Haire – That probably would have come from Mr. Moore.

Ward – So do we know if Mr. Moore told them that?

Haire – I do not know that specifically.

Amos – But I do believe we should consider some of the other applicants. Looking at the applications that Mr. Moore, there are several on there, if they are still interested, I think they would also be good to consider.

Clark – This is a mayoral appointment. It's the prerogative of the mayor to bring who he wants to appoint on these committees. It's our job to vote yes or no on them. If those are his choices, I think we're running a risk of only having 5 board members and 2 are sick or can't make it, we don't have a quorum at our zoning committee and might be holding up pressing business to the city.

Ebert – And we've had that problem this past year. It's become more of an issue. We've almost sometimes had to beg them to be there.

Ward – The Mayor does appoint them but it's pending Council's confirmation. So at least for me, I'm just trying to do my due diligence and make an informed vote. And this is an important commission and I want to make sure we're placing the most qualified candidates. And at least one of the candidates on here does not appear to be qualified at all.

Amos – I concur. Currently, you are correct Mr. Clark, it is the Mayor's appointment. But it is Council's job to represent the community so we need to understand who we're putting on the board as well.

Clark – I'm very comfortable with both of those. They both have business background experience. They are both are residents. They

meet the criteria. Every body has different definition of the best qualification, that's arbitrary.

**A motion was made by Milliken, seconded by Walker to move RES-22-001 to full Council. The motion carried with the following vote:**

**Yes 5 – Milliken, Walker, Amick, Clark, Shea**

**No 2 – Amos, Ward**

**RES-22-002**

Mayor

A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF CHUCK CARPENTER TO SERVE A FOUR-YEAR TERM AS A MEMBER OF THE PLANNING AND ZONING COMMISSION EXPIRING ON DECEMBER 31, 2025

- Request to move to full Council

Ward – I've attended several Planning and Zoning Commission meetings with Mr. Vasko presiding as chairman and he obviously did his due diligence. He asked great questions and ran an efficient meeting. The applications were forwarded to all of the council members, Mr. Vasko's and Mr. Carpenter's, and expertise, Mr. Vasko talked about how he's an attorney. He understood the planning and zoning regulations and has served on the board. And Mr. Carpenter talked about running for Council and working on the charter committee. My question is why is Mr. Carpenter chosen over Vasko because looking at their applications, Mr. Vasko is substantially more qualified.

Ebert – As I stated earlier, over the past few years I've had requests for Planning and Zoning to make changes, from residents of this city. Mr. Carpenter, as I stated earlier, has owned a couple different businesses. He was raised in this city, he moved away for a period of time, came back because he wants to be involved in this city. Now, does that qualify him over Mr. Vasko? Probably not. But again, I've had the requests.

Ward – It seems like there were other applicants that have applied within the past two years that would be more qualified to review those technical, legal, and engineering documents.

**A motion was made by Amos, seconded by Shea to move RES-22-002 to full Council. The motion carried with the following vote:**

**Yes 4 –Shea, Clark, Milliken, Walker**

**No 3 – Amos, Amick, Ward**

**ORD-22-001**

Development

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT FOR THE PURCHASE OF APPROXIMATELY 2.5 ACRES LOCATED ON FRANKLIN STREET, CANAL WINCHESTER, OHIO OWNED BY TIMOTHY W. FISKE AND LEE OSTER

- Request to move to full Council

Haire – This ordinance would authorize the Mayor to enter into the real estate agreement which was attached to the ordinance there. This would propose that the city purchase approximately 2.5 acres on Franklin Street. It's actually on the alley behind the church there. This would help us further accomplishes the goals set forth in the Old Town Plan. The Old Town Plan designates that area as a future park area, so at the dead end of High St, kind of opening that up. Obviously, we have McGill Park which is on the other side of Walnut Creek and this would kind of being the first step in trying to further that goal in acquiring this parcel. We're proposing to acquire that parcel for the purchase price of \$99,900. Be happy to answer any questions you might have.

Amick – Is that particular parcel of land a flood zone?

Haire – There are portions of the parcel that are in the flood zone. Portions of it have been filled. So, there's approximately 75 feet off the alley that's been filled and raised out of the floodplain. But the remainder of the parcel is within the floodplain and the floodway. And it floods regularly.

Amick – Do we know the estimated cost to fill that in to make that land usable and non-flood zone?

Haire – No. Our intention would not be to fill that land or raise it out of the floodway. It would just continue to be a floodplain area.

*The 75 feet could be used for future parking or further development. The plan contemplates a trail and a trailhead in that area. The top portion of the lot would be usable. The rest would be usable for recreation. I don't know what that entails at this time. We'll mow it. It could be used for sled riding hill, things like that at this point. But until we would acquire further property in the area that we could develop it for recreation, it would just be open space.*

*Ward – Can you repeat the cost?*

*Haire - \$99,900.*

*Amos – At this point in time it is just an extension of potentially McGill Park. It will eventually connect to it, is that what I understand?*

*Haire – It could. There would be more acquisitions that would be required. But that would be the hope, that as parcels become available we could acquire more property there.*

*Amos – And other than the \$99,000 sale price, there's no additional commitment to financial obligations on this property?*

*Haire – Correct. Other than maintenance. We'd be mowing and maintaining the property.*

*Shea – Who made the offer? Did they approach us or did we approach them?*

*Haire – We approached them.*

*Shea – Where did the dollar amount come from?*

*Haire – That was their listing price. The property is actively listed on the market.*

*Shea – How long has it been on the market?*

*Haire – This time? So, it was listed previously. This time, a few weeks prior to us meeting with them and making an offer.*

*Shea – I remember when they filled that in. I'm not going to say that's the most solid piece of ground over there. Have we inspected it for stability because it wasn't packed down. It was just dump loads and dump loads.*

*Haire – We would do that if we wanted to further develop anything on it. We would do soil borings, if we wanted to do parking lots, things like that. We'd do some soil cores there to see what we're dealing with. It was primarily basement dirt that came out of Canal Cove, the subdivision. We know for the most part it's clean fill.*

*Shea – Absolutely. My concern is that that thing's been on the market before. It's not a really usable piece that we're overpaying for.*

*Haire – It's 2.5 acres in the core of our downtown. It's a pretty attractive price, in my opinion, for that much land and acreage in that area.*

*Clark – Was there an appraisal done?*

*Haire – There was not, no.*

*Shea – Can we get one?*

*Haire – We probably could, yes.*

*Shea – I think that would be prudent. You're asking to spend \$100,000 of the City's money on land in the floodplain that's been for sale a couple times. I don't think this is the greatest deal we can get on it.*

*Haire – There's significant interest in the parcel. I can tell you that.*

Shea – Ok, what does that mean?

Haire – We've met with numerous people about purchasing it. You can't buy a building lot in Canal Winchester for less than \$90,000, for a typical 8,000 square foot building lot. This is almost 2.5 acres. I understand there's some impediments to developing that and that's why the cost is reduced for this.

Amick – The only visionary statement I heard you say was potential trailhead. So that alley is very narrow. I don't know if it's classified as an alley. But it is very minimal in terms of throughput through there. And there's limited parking anywhere else around there for people who would like to take advantage of a potential trailhead. Is there another vision for that piece of property?

Haire – The greater vision is hopefully we'll aggregate all the parcels there and make them part of McGill Park.

Shea – And who owns that – is it Hummel's property after that?

Haire – Correct.

Shea – And that goes all the way to the creek, correct?

Haire – Yes.

Shea – Have we been in any kind of negotiations or contact with them to ask them about procuring land to finish this trailhead so we're not just throwing money out and then waiting for the next thing to happen?

Ebert – He has approached me in the past about buying the whole acreage, the entire acreage.

Shea – Has he given you a price?

Ebert – No, he has not.

Clark – Do you see any other path for a bike path, a trailhead to reach into our city without this piece of property?

Haire – Yes, we control property at the dead end of Trine St, where the former sanitary sewer plant was. We have property that goes back there. Basically, the Trine St, what most people consider is a driveway is actually city owned property that goes back nearly to the creek. But it doesn't connect all the way through to the property that's being developed as McGill Park.

Amick – Can you envision this piece of property ever being used for parking for McGill Park, say in the event of a large soccer tournament or something like that?

Haire – I wouldn't anticipate the current fields at McGill Park being used for that. It's quite a distance. But if we were to develop the other side of the creek then there's potential, yes. And that's looking at how you develop things out of the floodway or floodplain because pretty much the entire north side of Walnut Creek is floodway and floodplain. McGill Park sits much higher and that portion is much lower.

Amos – Based on the conversation, Mr. Shea is requesting an appraisal of the property. General consensus from everybody on that? I think it's a reasonable request.

Clark – I think it's a reasonable request.

Haire – Would you like a commercial appraisal or a residential appraisal?

Shea – What is the other competition for the lot?

Haire – And I don't believe we put appraisal contingencies in our contracts so I'd have to review that. A commercial appraisal, we could run into timing issues. It's much more extensive, much more expensive.



Shea – I think a residential appraisal would be sufficient. An appraisal an appraisal. I do know the difference between a commercial appraisal and a residential appraisal but I don't think we need a 145 page document to tell us if the land's worth what we're buying it for.

Amick – How is the property currently zoned?

Haire – It's zoned R-3 which is single family residential.

Shea – I'm looking at the Old Town Plan here and where B is at, which is what you proposed the Old Town Plan had for that trailhead, it's immediately adjacent to it. The B trailhead that's marked on here, is that a different set of land that we're talking about then?

Haire – I'm not sure which page you're looking at. There's a couple exhibits on there, some of which include this parcel and some are more detailed like zoomed in view of just the end of High St. So, it depends on which page you're looking at.

Shea – I'm on page 19.

Haire – Yes, the idea is that we would purchase this land and aggregate it to then be able to acquire all the parcels there over time.

Shea – Do we have contracts or options on any of this?

Haire – We do not. Generally, we would look at acquiring them as they're available. Funds would be better spent on developing the park at this point in time rather than gong out and acquiring additional land. The priority is developing the park. But as things become available you don't want to lose the opportunity. If two houses are built on this, we'd lose the opportunity to acquire it. And then it comes much more difficult to acquire the properties adjacent to it once there's another house there because people get upset, they don't want parking lots next to their house. So, as things become available we acquire them, then we don't deal with those issues down the road.

Shea – Does the city do any survey of any local residents that live adjacent to this to find out what their opinions are in terms of impact?

Haire – We have not.

Shea – Ok. This is only first reading, correct?

Haire – Correct. We have spoken to one resident adjacent to this and they're pleased that it's not going to be developed with homes.

Shea – Which resident?

Haire – Mr. Moore spoke to a resident of Washington St. I'm not sure which home. I could get that information for you, if you'd like.

Shea – I'm just curious because when you go back there through that alley, you've got the Washington St but you're also going to add a lot of traffic to the little alley there. What is that, Liberty?

Haire – We're not proposing any further development. This would just be vacant land. So, there shouldn't be additional traffic there because there's nothing being developed at this time.

Shea – But if it turns into a trailhead, you're going to have a lot of people parking there.

Haire – But we'd have to acquire additional land to have a trail, because the trail would need to connect to something.

Shea – Which is what you're going for, right? Which sounds awesome. Don't get me wrong, I think it's a great idea to add.

Ebert – It's just part of a long-term plan for McGill Park. Our goal, initially, for McGill Park was to acquire both sides of the creek, at some point in time. Obviously, we want to finish up what we started and then start on the other side of the creek once the current

side is finished. This just gives us a start in that direction, is all it does.

Clark – Any other questions? How about if I can ask to move this forward with the understanding that an appraisal will be done. It'll have three reads, it's just an ordinance. And we will get an appraisal before the final vote is taken. Is that reasonable?

**A motion was made by Milliken, seconded by Shea to move ORD-22-001 to full Council. The motion carried with the following vote:**

**Yes 7 – Milliken, Shea, Amick, Amos, Clark, Walker, Ward**

**ORD-22-002**  
Development

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A PRE-ANNEXATION AGREEMENT RELATIVE TO PROPERTY GENERALLY LOCATED ON BASIL-WESTERN ROAD  
- Request to move to full Council

Haire – This ordinance would authorize the Mayor to enter into the pre-annexation agreement with Roebing Development Company, LLC. and L&D Family Farms, LLC. which are the current owners of the 57.94 acres along Basil-Western Road. This is very similar to agreements we entered into last year on two parcels on Bixby Rd. This pre-annexation agreement sets for the terms that the property owner's willing to annex into the city of Canal Winchester. The contemplated annexation of this site would be to rezone the property to limited manufacturing to accommodate future industrial development. It's currently zoned R-2 which is a single-family zoning district in Violet Township. Surrounding parcels are zoned EU in the city of Canal Winchester both to the west, to the north, and to the east of this site. And to the south are M-2 which is a manufacturing district in the Township, R-2 which is single-family, and C-2 which is their commercial zoning district. The LM zoning district would permit the Roebing's to develop a speculative or build-to-suit industrial building. The current site plan which was distributed to you shows that the applicant is looking to build two industrial buildings potentially – 195,000 square feet and a 389,500 square foot building. These buildings would be rear loading docks with an office, storefront, and parking on the front of the buildings facing Basil-Western Rd. As part of this agreement, the city is agreeing to support detachment if the zoning entitlements are not committed to the company's satisfaction so it would give the property owner the ability to withdrawal an detach from the city once the site's annexed if it's not entitled to be used for the intended purpose which is industrial use. Would also allow them to do the same detachment process if a referendum is filed that would prevent the zoning from moving forward until an election or the same for a moratorium put in place that would prevent development. Happy to answer any questions you have about the pre-annexation agreement. I believe a representative of the applicant is here as well, if you would like to have them give any type of presentation or answer any questions.

Amos – You said this is office/storefront in the front?

Haire – Correct. This would a rear-loading dock so the loading docks will be on the north side. The south side that faces Basil-Western Rd would have kind of the office/warehouse type look to it.

Amos – Is this what I consider storefront?

Haire – This would be very similar to the buildings that have been developed on Winchester Blvd in look. They have multiple tenant spaces. They have glass, a storefront system. Typically, those are finished out into offices areas.

Amos – Or storing large stacks of skids in front of the window. Are you talking about behind Kroger?

Haire – Yeah, these aren't the same size as those buildings but yes, that's the type of building that's being contemplated here.

Shea – When we talked about this last week in your office, you did kind of mention it would be like a Violet Pointe, like an additional industrial park like Canal Pointe.

Haire – Correct. This area has kind of been marketed for the last 20 years as Violet Pointe. One of my predecessors, Mike Arcari, Phil Eichhorn, and John McGory, had acquired some options on some land there and marketed that as Violet Pointe. Now that's back 2006, 2007 pre-recession. And then they stopped doing that. But Fairfield County has marketed this area for years as Violet Pointe Industrial Park. This parcel specifically has been listed a few times on the market. It went for auction once. The city considered purchasing it but wasn't able to do that at the auction for future industrial use. The township considered it purchasing this parcel for future industrial use at one point in time. Like I said, it's been acquired. At the auction it was acquired by one entity. It's been

acquired since then by L&D Family Farms who owns numerous properties throughout Fairfield County and sells them for development. I think their intention is to develop this property. They have this opportunity in front of them currently.

Shea – And this land that's current zoned R-2 is in the school district?

Haire – It is in the Canal Winchester school district. It's in Violet Township. It has Fairfield County Utilities so water and sewer are available to this property through the Fairfield County Utilities.

Clark – Basically, the landowner and the developer would just have to go Violet Township, get it rezoned from R-2 to limited manufacturing, which has already kind of been advertised for 20 years that that's what was going to happen in this area. Then utilities are there. So, we could have these buildings whether we annex this or not.

Haire – That would be an option that would be available to them, to go through a rezoning in the Township.

Clark – And they're saying if we don't fulfill our agreement in this, that they can pull that agreement and go do that exact thing, correct?

Haire – There is a clause in the agreement that calls for detachment of the territory. Typically, how this works is we would have to approve an annexation because we can't zone property that's not annexed in the city. They would annex the property into the city and then immediately after that we would vote for the zoning. What they're saying is with this agreement if we voted to annex the property and we voted to deny the rezoning for any reason, that they could detach the property and return to the township. And then it would be up to the township to figure out what the appropriate zoning is.

Shea – So it's the same contractual language as what is happening over at the Schacht farm?

Haire – Correct.

Amick – In late 2021, an applicant for development in that rough geographic area had I believe withdrew his application and the request was they wanted to learn more about what was going to be happening in the Basil corridor. Has that been completed? Is there a bigger picture plan for that area?

Haire – There is not at this time, that I'm aware of it. I know that the owners of that parcel, the Weiser Development Company, they are actively working with other potential buyers there. And Mr. Ricketts who made those comments was aware of this project. This property has been in contract since I believe July, is what's referenced in the documents. It's been out there and been known for quite a while that they were looking at proposing this. I believe they're trying to get meetings put together between either the existing owners or the potential developers and trying to work together on a plan for that area.

Amick – Our corporation limit, if I understand correctly, it ends right before you get to Amanda Northern Rd. Is that correct?

Haire – We are on both sides of Amanda Northern Rd, on the north side of Basil-Western.

Shea – You said there was a representative from the developer here tonight? Can we ask some questions?

Craig Moncrief, Attorney, Plank Law Firm – We represent Roebing Development Company, LLC. which is an entity owned by Hemmer Construction Company which is a regional construction company, development company. They are out of the greater Cincinnati area. They've done a couple projects in Columbus, notably a logistics center in Etna Township and two buildings around 220-250,000 square feet in the Rickenbacker Airport area. They are in contract to purchase this land. Have both a pre-annexation agreement and development agreement in front of you. Essentially what they both speak to is as far as some type of roadway improvements along Basil-Western, agreeing to dedicate land to that. And then also a big thing is the traffic study. They will complete a traffic study which will say what they are responsible for as far as any offsite improvements. I know that's a big deal with the adjacent potential development, things like that. Kind of sets the tone for that. Annexations tend to take about 4 to 6 months so this is the very beginning of the process at which point we would file a rezoning application and kind of run them both simultaneously.

Amick – Can you say more about the roadway improvements? I did read that in the documentation but it was somewhat vague. Can you say more about what the thinking is there?

Moncrief – So, set in stone would be widening of the frontage on Basil-Western where the property is. The city's asked for 35 feet from the centerline of the road. The property owner would give that to the city. The rest would come down to the traffic study. There's going to be a 200-page traffic study done by engineers that says here's what, if you don't build this development here's kind of what roadway improvements are needed based on 2040, and if you do build it, here's kind of the additional roadway improvements. Based on that, the city would review it, and then they'd make requests as far as here the improvements you have to make because you are developing in this manner.

Shea – Do you know what the locations are of the two properties in Rickenbacker so we can take a look at their work product?

Moncrief – I can get you the addresses for it. I don't have them off the top of my head but I can get those to you.

Shea – Absolutely. That's kind of important to me. I want to make sure there's a quality product before we even consider this. Lucas, is there any way we can look at doing this as a Violet Pointe? With a development plan? One of the things I really, really like about Canal Pointe is you have users of all sizes and scope back there. You have big manufacturers, you've got small mom and pops, you've got everything in between. And I think that really adds to the stability of that park back there because you've got such a diversity of, not only size of buildings, but business back there. Is that something that we can look at?

Haire – If you look at the Basil-Western corridor, there are 9 industrially used parcels along Basil-Western currently. I would almost say that it already is somewhat of a small park because there's storage uses. There's contracting uses. There's warehouse uses. There's a number of uses that are already through that corridor. But yes, the property just to the west of this we just annexed. There was a zoning request in front of you. I think Mr. Ricketts represents the property just to the north of this as well which is the Thorton property. There's 100 acres there. I know he's trying to work a plan that will encompass the use of that 100 acres as well. And Mr. Helber who owns this parcel also owns 131 acres directly to the east of this. And I think his intention is not to continue to farm that long term because he's not a farmer.

Amick – This might be jumping the gun a bit but would you envision the traffic from this buildout to come back up to Kings Crossing and then over on to 33? Is that what you would expect the traffic flow to be? Or would you expect it to be further south on 33, where this traffic would empty out into Route 33?

Haire – As part of the traffic study, they will determine the proportional share that would go each direction. That will be done with the Fairfield County Engineer and ODOT. There's a memorandum of understanding that's out now, I know the county's reviewed that and provided comments. I'm not sure if ODOT has reviewed the memorandum of understanding. That's typically the first step in a traffic study. It's basically saying these are the parameters we're going to study, does everyone agree that's the appropriate parameters to be looking at. Again, looking at which intersections are appropriate to be studying. What is the share of traffic. So, 10% is going to go this way, 30% is going to go this way, those kind of things. That's being developed now. We've provided comments, we being the city engineer. Fairfield County Engineer who controls Basil-Western Rd, they've provided comments. I'm not sure if ODOT. I have not seen those yet. But Pickerington Road is planned for an interchange. You'll have 2.5 miles between Diley Rd interchange and Pickerington Rd interchange. And you have a parallel road along the highway. In terms of truck traffic, they could go to either interchange there depending on the direction they are going.

Milliken – Not to get on a tangent, but with regards to the Pickerington Rd interchange. Have you heard any discussion on improving the intersection at Amanda Northern and Pickerington Rd. I'm sorry. Not Amanda Northern. Basil-Western Rd and Pickerington.

Haire – I have not. That's a county roadway that's outside of our jurisdiction. That would definitely be part of the traffic study here is determining if there are improvements necessary there.

Milliken – OK, just wanted to know if there's anything preliminary on that.

Amos – You have a huge insight into what's going on and I know you have lots of little pieces, we have a work session scheduled for the end of January, would it be too much to ask you to present the big pictures of all the development that you see coming into town for us?

Haire – I'd be happy to do that.

Amos – *I think it'd make an excellent work session to understand the totality of it all.*

Haire – *There are other parcels in this corridor that are actively being marketed to other developers by their owners.*

Amos – *And you have a good insight on what's going on and a pulse on it so I think it would be great for us to see that. I'd appreciate it if you would plan to lead our work session for the end of the month.*

Amick – *If I could piggy back on that, I think it would be helpful to understand communities that touch us and what we know about what their development plans are as well. I think that would be extremely helpful. When I think about Winchester and Gender. It's kind of staggering what we're learning about that area so any other entity that touches us, it would be helpful if that could be part of that discussion.*

Shea – *Are these going to be speculative buildings?*

Moncrief – *Yes.*

Amos – *Will we have a vision of what you're proposing prior to the annexation agreement vote?*

Moncrief – *There was a site plan that was included with the application. It also shows too some locations of some pipelines which shows limitations on the property and where the buildings fit in with that.*

Amos – *But will we have a building design?*

Moncrief – *No, not as far as this process. But obviously with the rezoning, there will be more definite plans.*

Amos – *I throw this out there because your contingent on zoning passing. And it just seems to be it's more logical for us to look at a package before you go through the entire process.*

Moncrief – *I'll see what I can come up with. We have a site plan now that shows generally where the buildings will be. I can also include the website with what the business has done. I can see what I can come up with. But it is a little early with the annexation going to be another four months or so.*

Haire – *I can provide you with images of the current development they have in the Rickenbacker area. They just completed those within the last year. It's very representative of what these buildings would likely be and one of them is approximately the same size as one of these buildings. That would provide a good example.*

Amos – *Do we know if they're occupied yet?*

Haire – *I believe they have some space available. The majority of the buildings are occupied.*

Shea – *Do you know what rate they're going to ask for on this?*

Moncrief – *I don't.*

Shea – *I always ask because as things change so fast in our economy, it's not my job to tell your client how to run their business, but if you're going to ask us to make a lot of people upset, and continue to build commercial development like this, because it is a hot button issue in our community, that I want to make sure it's going to be sustainable. With where things are going with construction costs, and market rents, it's not my business, but I am curious because I want to make sure it's going to stay there and it's going to stay operated and you're going to have a tenant that's going to pay the common area maintenance. And make sure the thing doesn't fall apart.*

Moncrief – *That's understandable. And obviously things are volatile right now. I will see what I can produce.*

Shea – *Does your client have a set divestment strategy that they operate their business under? Will they hold this? Or will they sell it*

*in three years? Do they have partners? Tell me more.*

*Moncrief – I believe they’ll hold it. They have this Roebing Development Company that holds the building and will lease out.*

*Shea – Will your client come meet us as some point?*

*Moncrief – Yeah, yes.*

*Clark – This is the very early stages of a long process.*

*Haire – Mr. Shea, Hemmer is a construction company primarily. They have a very good handle. They build buildings for a number of other developers in the Columbus market and the Cincinnati market so they’ll have a very good understanding of construction costs and the way that’s moving. I’m sure Mr. Hemmer, when he arrives, he can explain that in more detail.*

*Amick – I have a quick question in terms of the word pre-annexation agreement. I’ve read the agreement. I understand that this is basically just setting the terms and conditions of if this were to be approved for annexation, this is what it would be based on.*

*Clark – Right.*

**A motion was made by Shea, seconded by Walker to move ORD-22-002 to full Council. The motion carried with the following vote:**

**Yes 7 –Shea, Walker, Amick, Amos, Clark, Milliken, Ward**

**ORD-22-003  
Development**

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT  
RELATIVE TO PROPERTY GENERALLY LOCATED ON BASIL-WESTERN ROAD  
- Request to move to full Council**

*Haire – This would allow the Mayor to enter into the development agreement with the same developer, Roebing, and they would agree to construct the proposed industrial building – 195 and 389,000 square foot buildings. An investment of approximately \$54 million. It sets forth the requirements for the improvements of Basil-Western Rd to a minimum of 36 feet in width along the frontage of that or as directed by the Fairfield County Engineer. Again, our anticipation is that will be widened to a three lane section throughout but that is not the city of Canal Winchester’s roadway and it will not be annexed as part of the project so it will really be up to the Fairfield County Engineer on what exactly would happen and what the extents of that widening are. It may exceed the boundaries of the property, but that is the minimum starting point. It also requires that the developer contribute to the offsite roundabout and Basil-Western Rd extension. The traffic study will show the proportional share of traffic that this developer has through that intersection and then they will be required to contribution based upon that proportional share versus the overall cost of the roundabout there. As part of that, the city would also create a new tax increment financing district and that would allow us to capture value increases on this parcel and adjacent parcels that could then be redirected back to help pay for the roundabout and construction, the realignment of Basil-Western Rd there. Those would be non-school TIFs so the school district is made whole. It captures other value increases that other entities would receive and directs them to infrastructure improvements in the area. This specific agreement also, after the roundabout is paid for, would allow the developer to recoup costs for some of their widening there, but again, that would be after the roundabout is paid for. The developer would contribute the necessary right-of-way along the frontage there. They typically require a 70-foot section, so 35 feet from the center line, that property would be donated as right-of-way to allow for those widening and improvements to take place. The agreement says that the city will support the creation of a community reinvestment area, which is a CRA. CRA areas allow us to negotiate with the developer to allow a 15-year, 100% property tax exemption on the property. That would be subject to specific commitments for jobs, payroll on the site, and then contributions or PILOT payments to the school. Those will be negotiated at a future date when we get further along in the process. With that, I believe that covers the majority of it unless the applicant has anything they would like to add or if you have any questions of me.*

*Amick – Same question I asked of ordinance number ending in 002, this basically sets for the terms and conditions for the development, but is still not an authorization or approval of any other action?*

*Clark – Correct.*

*Shea – Roebing and Hemmer, how are they related?*

Moncrief – Roebling is an entity solely owned by Hemmer.

Shea – Your client's looking to do two sets of development?

Moncrief – No, it's basically just an entity under Hemmer is developing the entire property.

Amos – The agreement is not contingent on a TIF or CRA, though, correct? Just annexation?

Haire – That's correct. It's contemplated in the agreement but that would be subject to Council approval.

**A motion was made by Milliken, seconded by Walker to move ORD-22-003 to full Council. The motion carried with the following vote:**

**Yes 7 – Milliken, Walker, Amick, Amos, Clark, Shea, Ward**

#### E. Old/New Business

##### 21-176

##### Bed Tax Allocation Draft Ordinance

Clark – I'm sure you all got a copy of that. This was drafted in the last council. It can be changed. There was quite a bit of discussion on the last council. We thought it was a fair agreement that allocated the money. Why don't I turn it over. I don't have a specific, Ms. Jackson, if you've got the specific information of the split of what we did.

Jackson – My intent with keeping this on your agenda this evening was just to make the new council members aware that this is out there. I wanted to give them the opportunity to digest it before we move any changes or brought it to council for actual approval. I guess I'll leave it up to council as to what they would like to do with it this evening. I am happy to provide any information that you would like related to the bed tax for those of you who maybe are not as familiar with what the bed tax is and how much money we collect and all of that. I'll look to all of you for some guidance on that.

Amick – I was approached by the Chamber of Commerce about this bed tax. How would they pursue getting, I saw there was 10% for this, 10% for that, how would they pursue getting at 10% allocation?

Jackson – That's up to city council. What's included in the ordinance right now is merely what was discussed not only with the Bed Tax Grant Committee in 2021 but also internally with staff and trying to use that bed tax money for ultimately where it's coming from which is tourism. We'd like to see it go back into tourism. All of this, we can change it.

Amos – Since the city is now funding money into the different areas, we do CIC, CWJRD, we're putting money into all these. With the addition of the Historical Society, would it be something that Council rules would need to consider potentially as a committee that we serve on, due to the amount of money that we're starting to filter in?

Jackson – The city doesn't have anything to do with the creation of the Historical Society and the make up of their board so it's not something we necessarily take part in.

Amos – So assigning like the do the JRD, assigning them to that kind of thing, who initiates?

Jackson – There's a difference there. The JRD, you are appointed to the actual Joint Recreation District board. You are a voting member. The other appointments that you made, Rules Committee being the exception, you are just a representative so you're supposed to attend these meetings and report back to city council anything that you believe they should be aware of. It would be up to council if they would like to appoint a representative to the Historical Society but it would not be a board position.

Boggs – One difference with CWJRD, is ultimately CWJRD when it was created, it was created by Council. Its board is determined by that enacting legislation, so that's how you have ex officio voting members representing Council. Whereas, the independent entity such as Historical Society, they create their own code of regulations. So perhaps they could choose to grant an ex officio voting membership, but otherwise it would just be a matter of sending a representative to the meeting to report back and create a liaison relationship.

Amos – My next question is, is it possible, because I do serve on the Historical board at this time, is it possible to separate the ordinance? I would like to be able to have a say in some of the other things, but if I have to excuse myself from voting on it, that's my concern. Because I'd also like to see the DORA receive some money towards the DORA which is solely based on travel and tourism. But I can't vote on it as it stands.

Boggs – Right. It would have to be done as a separate item of legislation. Something that would be discussed separately because you wouldn't be able to participate in discussions even of the legislation having to do with the Historical Society so long as you remained on that board.

Amos – But it could be pulled out as separate item so I could conduct business on the other elements?

Boggs – We can touch base about that and figure out a way to accommodate that.

Shea – Was the revenue on the bed tax about \$120,000 this year?

Jackson – It's continuing to increase. I'll get you a number at the council meeting, exactly where we ended the year. Keep in mind that every bed tax receipt is a month in arrears so we have not yet received December with the closeout just happening. But I can give you a year to date total was to what we took in last year. With the opening of the Hampton that significantly increased. As the Fairfield gets closer to opening, it will increase again. That was part of what pushed us to bring this forward. This bed tax fund is going to continue to grow so we just want to know that that money is being put to some use because right now, other than the portion that by law goes to Destination: Canal Winchester, it's just sitting there.

Ward – Can you help me understand, what strings are attached? Could we allocate money to the CWJRD or to an asset management plan for the wastewater treatment plan? Is it anything?

Jackson – The way the ordinance is written, 50% goes into the General Fund and the General Fund can be used for whatever. 50% goes into the Bed Tax Fund. Of the money in the Bed Tax Fund, half of that goes to Destination: Canal Winchester, the other half is subject to Council appropriation. So, it could be used for anything.

Ward – That's what these percentages are, that quarter, if I'm following that correctly?

Jackson – Yes, but it also sets aside money for the Bed Tax Grant program that Council has established and wanted to continue to offer which if you were at the last meeting, you probably heard them discussing those applications.

Shea – Destination: Canal Winchester is seeing a pretty healthy shot in the arm of revenue?

Jackson – That is correct.

Shea – Has any body looked and discussed how to reallocate those proportions or proposed legislation to or considered it?

Boggs – That is one of the limitations with the lodging tax under state law. There are two separate lodging taxes that are authorized by state law and the city imposes each of which is 3%. So, you have a total of 6% that's charged on a room. But the state law that authorizes one of those 3% taxes, requires that half of that be turned over to a convention and visitors bureau operating for the jurisdiction. That is the basis for Destination's allotment.

Clark – I just had under old or new business the police study. I just wanted to kind of update. We have met with the two firms that can do a police study. We're asking for submittals of those two of what it would cost to get the two between if we have the right number of officers right now employed by the Fairfield County Sheriff's Office and what it would take to cost out what a police department would be at this point in time for the city. Those should be to us, I'm hoping by the next meeting, unless you've heard anything Amanda?

Jackson – I did receive one today. I have not thoroughly review it, at all. That was from the first group that we met with, Peel9. I have not heard from the Ohio Association of Chiefs of Police at this time.



Clark – I'll double back with them and make sure they understand. Because I'd like to have both of them in by the next council meeting. We have a police study, I'd hate to call it a committee, but we've got Ms. Amos, myself, and Mr. Walker, on a study group to look at these applications. We can make a recommendation but I don't have a big problem with bringing both proposals, if we get two proposals, and having all of council just look at both of them. We can kind of drill down and give our two cents but you guys can look at it and see what we want to do and then we can take a vote to see who we want to go with.

Jackson – The one that we received today from Peel9 only addresses the staffing levels. It does not address the forming of our own department. They indicated that they are still working on that and it would be a little while before we got a proposal related to that.

Clark – I'm not so concerned about that because that makes sense because we would need that number anyway to move into the next phase of what our police department would look like. I think they can dovetail after they get that done and move into that whoever we end up picking to do the study. We also have a meeting coming up with Madison Township to continue the inquiry of getting a designated deputy assigned to Canal Winchester from Madison Police Department. That's ongoing as well.

Amick – Can we get an update on the comprehensive plan next steps or will that be in the council meeting?

Haire – I'll offer an update in my report.

Ward – It was left where one open spot on the development plan committee would go to a new council member, do we need to vote on that? Or nominate somebody? How does that work?

Milliken – I think if Mr. Haire is going to discuss that in council, let's maybe save that for old or new business in the council. But we can do that, I think.

**F. Adjournment @ 8:27 p.m.**

***A motion was made by Shea, seconded by Milliken to adjourn. The motion carried with the following vote:***

***Yes 7 – Shea, Milliken, Amick, Amos, Clark, Walker, Ward***