

# Canal Winchester

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



## Meeting Minutes - Final

**May 4, 2020**

**6:00 PM**

### **Work Session**

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

A. Call To Order at 6:00 pm

B. Roll Call

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

C. Also In Attendance

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

D. Request for Council Action

**ORD 20-021**

*Development*

*Sponsor: Clark*

An Ordinance to Amend Part 11 of the Codified Ordinances and the Zoning Map of the City of Canal Winchester, Rezoning an Approximately 1.279 Acre Portion of the Existing Tract of Land from General Commercial (GC) to Planned Commercial District (PCD), Owned by Winchester Office Park, LLC., Located at 6355 Winchester Blvd. (PID 184-003366) and Declaring an Emergency ([Ordinance](#), [Exhibit A Site Plan](#), [Exhibit B Development Plan](#), [Exhibit C P&Z Letter](#), [Exhibit D](#))

*- Request to move to full Council*

Haire stated this ordinance will rezone 1.279 of an existing 2.6 acre tract of land and proposing to rezone from general commercial to planned commercial development and this is a portion of the parcel that's on Winchester Blvd. at 6355 Winchester Blvd; what's being proposed is a 16,500 square foot office building on this site; the zoning permits office and all general office uses in that location; the proposed tenant of this site is a school called The Learning Spectrum; The Learning Spectrum would like to occupy this building but the current general commercial zoning district doesn't allow a school as a permitted use, so what this ordinance would do is rezone this portion of the property to planned commercial district; there is an adjacent planned commercial district that is to the east of this parcel for the Winchester Investment Corporation and this proposes to extend that same development text so it would be all the same so it would be all of the same standards that are in the existing development text that has been in existence for approximately twenty years and it would apply those to this portion of the parcel as well. We have already approved the office building, permitted and approved that building to be built on this site; the rezoning is to accommodate the user of the school to go in that location. If you review your packet you will see in there I included the site plan proposed for the layout of this...the Winchester Office Park development, there are four office buildings, the first two buildings have been constructed and what they are proposing is to have two buildings instead of one at the rear and so that building layout which is building three on the plans, page 17 in your packet, and you can see on page 19 of your packet how it's laid out with the zoning districts with existing general commercial and the portion of the parcel that would be rezoned to planned commercial district and then the architecture of the buildings would match the existing buildings built in the front so it would be the same materials, color scheme, same bricks and stone used on those buildings; the only difference would be at the rear of this building that would face the new Fairfield Inn hotel that is under construction, they would incorporate some cement board siding

to the rear elevation rather than brick in all locations and that would be similar to materials that are incorporated on the Fairfield Inn; that is the only architectural change that is proposed there. With going to planned commercial district it would still allow all of the uses that are allowed in the general commercial district and it would also incorporate the uses allowed in neighborhood commercial and suburban office; in suburban office that is where schools are permitted so that is how it is permitted in this district. We had the rezoning public hearing on April 13<sup>th</sup> and there was no one in attendance at the meeting and no public comments on the that rezoning; the Planning and Zoning Commission held the public hearing on this on February 10<sup>th</sup> and again there were no public comments on the rezoning at that meeting and Planning and Zoning's recommendation was for approval of the proposed rezoning. Amos asked if their intention is to put in a gym and is that the reason we need to go to a PCD? Haire replied he has not seen the internal plans for this proposed school, we don't have the building layout for the interior of the building at this point in time because we are not permitted to issue a permit for a use that is not permitted in this building. So, all we have seen is the shell permit at this time. Amos said she just wondered because the height of the roof they are going to need for that, I just wanted to make sure it fit within the guidelines. Haire said this school is for children that have autism and other special learning needs so I am not sure what the interior of that space will look like; I know that they do have some outdoor play areas at each end of the building that they will be incorporating into the site plans, we have talked about those. Lynch asked about changing this from GC to PCD, there are three parcels here, is there any advantage to take all three parcels and change it to PCD instead of just the one middle section...office in the front and the hotel behind it, why not do the whole plot? Haire replied each parcel is owned by separate entities and this is only requested for the portion of the property that they own; the front two buildings have now formed a condominium association and those buildings have been sold and the rear parcel is a different developer that is building that. Lynch asked is there any advantage to doing that or not really? Haire replied there is no change in how they would be used by rezoning that, but typically rezonings are driven by property owner's applications. Bennett asked what other permitted uses would be allowing in this building if we rezone this to PCD? Haire replied all the uses that are permitted in general commercial are also permitted here; neighborhood commercials are more limited in scope than what is permitted in general commercial and typically encompasses all of that; suburban office has a few other uses that are permitted there, so in suburban office they will allow schools, it allows convalescent homes so that is how the assisted living facility is located adjacent to this and Primrose is located adjacent to it so I believe those are all the other uses; funeral homes may be a permitted use in there as well...more complimentary uses. Bennett said if the Learning Spectrum doesn't take hold ten years from now the other things we are looking at are with similar uses in this district. Haire replied that is correct; it is my understanding they are signing a fifteen-year lease on this space as well. Coolman asked about the declaring an emergency on the ordinance; Haire replied yes, it has been a long time frame to get this rezoning approved; we have certain requirements to act; we had sixty days to conduct the public hearing, we were actually sixty-one days to conduct that public hearings, and then we have forty-five days to act from the time of that public hearing so we are running up against the time to get that completed and the owners would like to break ground here in the next week or so to get this building moving forward.

***Motion to move ORD 20-021 to full council made by Clark; seconded by Amos***

***Motion carried by the following vote:***

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

ORD 20-022

Finance

Sponsor: Amos

An Ordinance Authorizing the Issuance of Not to Exceed Nine Hundred Fifty Thousand Dollars (\$950,000) of Notes in Anticipation of the Issuance of Bonds for the Purpose of Acquiring Approximately 110.244 Acres of Land and Interests in Land at the Corner of Bixby and Rager Roads and All Necessary Appurtenances and Improvements Thereto; and Reimbursing the City for Any Moneys Advanced for Such Purposes; and Declaring an Emergency (Ordinance)

*- Request to move to full Council*

Jackson said I think you will remember that last year we issued \$950,000 of notes to purchase the property at Bixby Road for development purposes and we anticipated that we would have closed on the sale of that and be able to pay off those short-term notes which are coming due in June. Unfortunately, the sale of that has been pushed back and the closing date will occur after the maturity date of last year's debt issuance. Therefore, rather than use spending the cash at the moment, we are going to roll over these notes for another year, so essentially we are saying we are going to issue another \$950,000 in debt to replace last year's debt; and when that sale is finalized, currently estimated closing date by end of July, so, we shouldn't have these notes outstanding for too long; we will pay these notes off plus interest and get that off the books. You will notice there is an emergency declaration on there but not to say we need waiver of readings, it will go three readings, but the emergency declaration is necessary anytime we issue any type of debt, so it will be three readings, I don't need approval on this until June. Amos asked what is the additional interest that will we have to incur for extending these notes out? Jackson replied it all depends on when we pay them off but approximately \$30,000. Lynch asked a question of Haire; what is the status with the development of that property, with the purchaser; Haire replied I believe at our last meeting we talked about the delay in that and so the developer Northpoint had a partner on the project and we were scheduled to close on March 19<sup>th</sup> and the partner notified them on March 18<sup>th</sup> that they could no longer move forward with financing their portion of the project; and so they asked for an extension of their contract until July 2<sup>nd</sup> and the CWICC granted them that extension to July 2<sup>nd</sup> so they can find either another financing partner or if they can get this financing partner comfortable with the economic situation of the days since it changing rapidly and they could still be part of the project; we have followed-up with the developer, with Northpoint, on a number of occasions and they are still intending on moving forward and they are making progress toward securing that financing partner, so it's still their intention to close hopefully in late June on this project; we have building permits here that are ready to be issued in our office; they have contractors that they have already awarded contracts to so we are confident they will move forward as soon as they can get their lender on board. Lynch said so once they get their money and transfers are made they can hit the ground running with developing this; Haire said correct; Lynch said looks like they got all their ducks in a row. Amos asked with the extension are we adding any fees to them so that we are not incurring the entire interest rate; Haire replied we did not propose a change in the terms, only the date of the contract; Amos asked is there a reason for that...I don't think that it was our issue that it was held up, it was an issue on their end, that's what it sounds like; Haire replied it is, yes; Amos said I am wondering why we are not coming back to them and asking them to help potentially to pay for the incurred interest; Haire replied the goal is to keep the project moving, obviously we are in extremely uncertain times, and so my goal was to basically keep this project moving forward, we are still selling the property at approximately a \$700,000 profit, so it is more than enough to take on any of the fees we would incur in additional interest.

***Motion to move ORD 20-022 to full council made by Amos; seconded by Lynch***

***Motion carried by the following vote:***

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

**ORD 20-023**

*Construction Services*

*Sponsor: Milliken*

An Ordinance to Authorize the Mayor to Enter Into a Contract with American Boring, Inc. for the Construction of the Bixby Rd. Waterline and Sanitary Utility Extension Project and Declaring an Emergency ([Ordinance, Exhibit A](#))

*- Request to move to full Council*

Sims stated this legislation is for the contract to be awarded to American Boring to extend the water and sanitary sewer to that Bixby Road site; in addition to wanting to get it there to serve the property we also have an agreement with the developer to have the utilities available to them when they are actually ready to connect as part of our agreement with them; there is not a lot of detail on this. Lynch said it seems pretty straight forward. Clark asked about the funding part of this is not part of the general fund but will be paid as part of a TIF or something like that, is that correct, Lucas maybe you can jump in; Jackson responded that is correct Mr. Clark, we did an appropriation amendment earlier this year to advance funds from the water and sewer connection fund to the Gender Road TIF fund to pay for this project and as funds come in to the Gender Road TIF fund they will reimburse the water and sewer connection fund; Clark said ok, that is what I thought.

***Motion to move ORD 20-023 to full council made by Milliken; seconded by Lynch***

***Motion carried by the following vote:***

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

**ORD 20-024**

*Construction Services*

*Sponsor: Bennett*

An Ordinance Authorizing Execution of the 45 East Waterloo Street Municipal Complex Renovation Preliminary Services Agreement with Lehman Daman Construction Services, Inc. and Declaring an Emergency ([Ordinance](#))

*- Request to move to full Council*

Sims stated this legislation is for the preliminary services agreement so the first half of the design-build contracts for the municipal complex; I did share a tremendous amount of information with you, I apologize for the length of it but I felt it was complete anyway. So, after looking at the proposals and interviewing the two top candidates we felt very strongly that Lehman Daman Construction Services definitely had their finger on the pulse of what we are looking for particularly with their partner Triad's experience with public facilities. So, we would like to move forward with them on the first contract, the preliminary services contract, basically they will do the design development as part of that working with the staff and other stakeholders to develop the floor plan and the details of what it will look like and during that process will also establish the cost for the construction of the building. Certainly, I know it is a lot of information. Lynch asked how are you defining preliminary services, the design conceptual, but what is your definition of that? Sims replied the preliminary services goes beyond the conceptual drawings it would be what we provided in the RFP the criteria document would be conceptual, this will

actually be the design development, so the architect, the engineers, the mechanical, electrical, engineers will all be involved to pull this together; it's basically just short of what you would call permit drawings, the super level of detail about how big this pipe is or that duct work size, so we would have a complete set of documents at the end of this sufficient enough to move to a construction project so even if we took the option of not going directly into construction we would have ownership of these design documents, they would belong to us and we would have these basically available to move forward whenever we wish with construction.

Lynch said this is made out to Lehman Daman Construction Services, you mentioned Triad, so is it my understanding then that Triad is the architectural and engineering portion of this project and Lehman Daman is the actually install construction portion, two different companies or same company, cause I know Triad is its own company, I know they are in two different locations, so is this contract with Triad to develop the drawings or with Lehman Daman to develop the drawings with Triad; Sims replied the proposer is Lehman Daman Construction Services, they are the general contractor, and Triad Architects is their partner, they work for them, as guess technically they are sub-contractors, they are not a joint venture in this particular case; so they are a sub-contractor and they work hand in hand with Lehman Daman, the value of that quite frankly is that Lehman Daman is costing the project and looking at constructability as Triad is designing. Lynch said so Triad is sub-contractor for Lehman Daman; Sims said that is correct and they will sub-contract to a civil engineer as well; Lynch said ok, very good, both good companies. Coolman said agreed, I think we talked about that in previous meetings about the great partnership of the general contractor and the sub being able to work together to get to the end result quicker without big disagreements or different visions and they can work hand in hand with us; Sims replied that is correct; one of the benefits of design build is that it is as we are working with the designer and working with the contractor the three parties are working together through issues and on suggestions, working to find value and cost savings and it's very important the contractor is a part of that conversation obviously cause the construction cost of very large and so having someone in there with knowledge of efficiencies is going to be very important to us. Coolman asked about the declaring an emergency clause attached to this, I read in the packet it is to keep up with schedules and getting started in a timely fashion; Sims replied yes, the reason is to comply with the schedule, we had contractors provide us preliminary schedules with their proposals and we'd like to keep the contractors close to that so they are working on the information they proposed to us; Lehman Daman preliminary services period was longer than the others, it's a significant amount of time, so we are looking at construction around July area probably at the soonest so it would be best to get started on this so if we choose to move right into construction we want to do that so we can basically get concentrating on the improvements to the building so that we would be able to move in early part of next year and then wrap up first thing in the spring and not delay the site work and things of that nature into next summer.

Coolman asked if your communication with both Lehman Daman and Triad they both have green lights in spite of this coronavirus pandemic, they are still working, they are active, they are ready, staged, ready to go; Sims replied that is correct, we asked that of all the contractors and they have not seen issues at this point, their materials are still arriving, their sub-contractors are still working, I think even just here in the last week to ten days we have got a better feel that things are getting back to work, they have not had any issues with labor impacts at this point and hopefully thing continue to only improve; I feel very certain that by mid-July when by the time we talk about the construction contract we are going to have a much clearer picture of what the future holds and what we are going to experience in the next couple of months as things get working back toward normal. Coolman said so what this ordinance does is commits us to the \$91,000; Sims replied that's correct.

Clark he also has a financial question to Ms. Jackson...I assume we are going to take on debt for this project...McGill Park phase one and also the McDorman building when it's all built out...what percentage of the budget of the debt service will that take out of our general fund, and if you can't answer that tonight that's fair enough but maybe just give some thought to that question and maybe answer it next time, but to get an idea of how much debt, can we take it on, can we manage it and is it serviceable for our budget; Jackson replied our total outstanding debt, general debt, so this does not including anything that would be payable directly from a water and sewer fund, so anything payable from general fund, our income tax money, property tax money, building fees, those types of revenue sources; at the end of 2020, because we are already budgeted for all our payments for the year 2020, but on 12-31-2020 we will be just under \$6.3 million dollars total in outstanding debt payable over the next nineteen years, so it is very low in that respect; our highest single year is actually 2021 and that is just over \$1.2 million dollars in total debt; just two, three, four years ago we were paying well over \$1.2 million dollars in debt out of the general fund every year. So, our revenue sources, our revenue stream has increased since those two, three, four years ago but our debt is actually staying the same if not getting smaller, that's kind of the simplified version of it so taking on new debt is something the base and assets of ours for several years, when we first purchased McGill Park I had several different banks contact me asking if we were going to issue debt because they want to buy our debt because we are sitting very well financially where there is zero risk associated with buying our debt, so can we take it on, yes, with specifically the Bob McDorman building municipal complex project that will be roughly \$250,000 principle payment a year and as we go out for twenty years...actually that would be a ten year note...that's note a huge chunk of money compared to where we have been and maybe where we were three, four years ago; and I have sort of budgeted for some of McGill Park in 2020 so the debt amount we would have to issue for McGill Park would be less so that helps us; there is a very complicated formula in the revised code that I won't get into because if you don't have a finance background it will just be too much information but there is a debt limit in the revised code of what we can issue and it's based on our assessed valuation, so as our assessed valuation continues to grow our debt limit that we are able to issue continues to grow; we have not issued any debt that moves us any closer to that limit, we are not even 50% to that limit, so we are doing just fine when it comes to the debt, now we'll take this one project at a time and look at what is best for the debt issuance in that moment based on interest rates, based on whatever financial impact we see from COVID-19 impacting on us, we know where we are at now, we'll see where we are at in a couple of months when we start talking about a construction contract and we'll assess our options then. Bennett asked have we officially got confirmation of a tenant for the municipal complex and then Mr. Sims does that tenant commitment in any way impact our preliminary renovation services agreement. Sims replied he is not the one in communication with the tenant but my understanding is they are in a holding pattern at the moment and have not made any formal commitment obviously given the situation with the COVID-19 response, so I don't believe there is any formal commitment at this point, we are hoping that will change as things improve and something we'll know a lot more about by July or so as people start to understand what the impacts were to them. The second question about the tenant space really has no impact on what we do outside of...we will be looking at the coordination necessary with the build out outside of the tenant space, if there are things we can do more efficiently to help that build out we want to do that in the course of our design so ideally we would like to have some of that overlap...the tenant has already engaged some folks at this point, they may not have a formal commitment with us but I know for a fact they are working with professionals on their end of things; it would be ideal to have perfect coordination, but the division of who is doing what is pretty clear so we wouldn't be left with a question of whether or not we should build this wall or that wall, it's really going to become a matter of

coordination of things like the council chamber space and use, so I guess the short answer is we don't need...the tenant space will not affect what our contract with Lehman Daman and our moving forward but there is potentially some impact on the level of detail of coordination that could come from this; my expectation is we will still be in conversation with the tenant regardless of the formal agreement; Bennet said that's sufficient. Coolman asked how soon would they start; Sims replied immediately, they are very anxious; interestingly the two top proposers were very excited about doing this project, I spoke to Miller Valentine again today and they are disappointed and they were really looking forward to the opportunity here and they liked the project itself, but Lehman Daman is very excited to get going immediately. Milliken asked if they are ready to go and ready to get started, just out of curiosity, do you have any idea why they have the longer preliminary period? Sims replied they discussed that with them, they had the longest preliminary services period and consequently the largest cost because they were spending the most amount of time in the design phase; the short answer is that you get what you pay for; they are firm believers, as we are, that money spent up front is better than money chasing a problem later, so they were basically prepared, however, their knowledge and understanding of a public building and how many different groups that affects and getting that input and also the understanding of the idea if they are going to attend a public meeting that information has to be shared with multiple people and smaller groups and filter out to others and bring it back; a lot had to do with their understanding of the process and their approach for the design of this building; interestingly if you would break down the cost per week the Lehman Daman cost is slightly less than Miller Valentine per week cost, it's just that Miller Valentine was going to put less time in on the front end and more in the tail end.

Amos asked about potentially 30% of our companies may not re-open and there have been people in the community that have picked up on that and I just heard you say that you are willing to reevaluate once we get the quote in for construction so I just want to...at what point in time can you evaluate how this is going to impact our community with COVID and with a lot of our manufacturing plants being shut down right now; how long do you need to wait for it to be safe for those things? Jackson replied she sent out a memo about a week ago and that kind of outlined how our question worked so without going into a whole lot of detail at the moment I would refer you back to that but essentially our income taxes are collected on a delayed basis so we are just seeing the effects of businesses being closed but at the same time...this was going to be part of my report later so forgive me if I end up repeating myself...but May is always our largest income tax collection month because of the April deadline so anybody who pays their taxes in April we get those funds in May, but due to the push back in the deadline this year we are not going to see a huge increase in our collection in the month of May, so I may not have an answer for you on some of this until the fall because of the July 15 filing date as it relates to 2019; now for 2020 we are seeing right now and we are going to continue to see over the next several months; unfortunately I don't think it's going to be as quick as people think that we are going to see this; overall for the year our income tax collections are still up regardless of what is happening with our businesses, I can't speak for the businesses re-opening, I'll have to throw that one to Luke, but it is something we have to continually watch every time we get money in, and I looked this morning and we are up about 6% from this point of where we were last year but we are still up, I guess is the moral of that story. Amos said please understand I am getting questions, I can read the report, but not everybody can read it, I just wanted you to address it because they like you better when it comes to finance than they do me; Jackson said just for the public knowledge the memo is in your packet; Amos said thank you, not everybody is looking at it, hopefully we can point it out to them to see. Coolman said from a public standpoint, I would like to invite the public, with specific questions, there is an open-door policy with the city, with every director in the city, to contact my telephone or email as they are still working, I would advise instead of waiting around

for the next council meeting if you have an immediate question there is nothing wrong with that, contact them and ask them cause the information is readily available so please feel free to contact anybody at the city, you can email or you can call them they are all working, I just wanted to lay that out there.

***Motion to move ORD 20-024 to full council made by Bennett; seconded by Lynch***

***Motion carried by the following vote:***

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

**ORD 20-025**

*Finance*

*Sponsor: Coolman*

An Ordinance to Amend the 2020 Appropriation Ordinance #19-069, Amendment #2 ([Ordinance, Exhibit A](#))

*- Request to move to full Council*

Jackson said this appropriation amendment goes with the notes that we discussed a little while ago; this is more for accounting purposes. I need to record in our system the expenditure of the \$950,000 that we have to pay for the 2019 debt that we issued; so what is going to happen on the books is that we'll see the \$950,000 coming from the 2020 issuance and then we'll see the \$950,000 go out for the payment of the 2019 issuance so that will be a net zero effect but we will have to pay interest on the 2019 which amounts to \$34,342 so that is the only cash that will actually leave our coffers in relation to the debt issuance; just like the debt ordinance earlier this will be going for three readings.

***Motion to move ORD 20-025 to full council made by Coolman; seconded by Walker***

***Motion carried by the following vote:***

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

**E. Reports**

*Matt Peoples -*

Peoples stated he wanted to highlight from his written report the Westchester Park, the contractor is pretty much done with that except for the electric we had a little delay caused by the Coronavirus obviously and South Central Power needed an easement and they were having a little bit of trouble with that due to their no contact orders and as soon as that's done we'll have electric in the building; everything's done pretty much on site, they are going to have to wait probably until summer for some of the restoration as some of you probably know the ground out there is very wet we put quite a bit of drainage in it last year as part of the phase one project but still a lot of water with the spring rains and that type of thing, so, if you get a chance to go by and look at it, unfortunately not allowed to play on the equipment at this point though.

*Lucas Haire -*

Haire stated he has a few highlights, and wants to clear up something first...the 30% of businesses closing, I am not sure where that came from, I did mention that there are likely businesses closing in Canal Winchester as a result of this; I don't personally don't know of any businesses that have decided to cease operations on a permanent basis; there are a number that have closed down obviously temporarily with the state orders but on a permanent basis I don't know of any. There are a number of projects that are

still moving forward so we are still having new projects that being proposed and new projects that are moving forward. Winchester Pet Clinic is a project I know a number of you are interested in and been dragging out for a number of years well they finally got conditional use and site plan development approval for their building. The redesigned that building due to a number of design challenges they faced in the original design of that building and the escalating costs of the building, so they redesigned to make the building a little smaller footprint and eliminate the basement from the building completely and hopefully they plan on starting construction later this summer on that site. Shooters is still moving forward with their plans, they have got their final engineering approvals and they intend to break ground here in the next weeks, they are trying to get a closing for that lot but with the county agencies being closed it has delayed a lot of real estate transactions so that is something that we are trying to factor in with our proposed real estate transactions; there's a lot of difficulty in getting documents recorded right now. Skelton Truck Lines is just beginning to get their site work started on their site at Canal Pointe, so it's good to have those projects moving forward. Residential activity is very strong still we haven't seen any slow down in that in terms of permitting; we have permitted 42 houses this year which is more than half of what we did all of last year, just through the first four months of the year so we are seeing a lot of activity there. The Turning Stone project, they have had the models only up at this point, they have their first inspection for units on for tomorrow so they will start breaking ground on those; I believe we have permitted twenty units so far there so you will see a lot of those coming out of the ground there in the very near future. Some of the other projects that are moving forward...Opus is continuing aggressively on their building; if you haven't been out there I suggest you take a drive out there behind Kroger and Home Depot and take a look at those buildings, the scale of them is unlike anything else we have in the community but now that all the walls are up and they are getting the roofs on the buildings the site is really coming together. One last update, on the McGill Park project we did receive the grant agreement today from the federal government and from ODNR and so that should allow us, once reviewed by our legal counsel and we can get that signed, we can move forward with that project. That's been a long time coming so we are glad to finally have that agreement and the issues resolved between the state and the national park service. Coolman said that is fantastic about the park, the grant agreement, it has been a long time coming, great job of the city for following through with that and all the directors, that is fantastic. Lynch asked if we had heard anything from our Middletown farms people on that development; Haire asked from the applicant that proposed on it previously or from another developer or from the property owner; Lynch said either one; Haire or any of the above; Lynch said I know the previous person proposed...Jack Monteo was there at a meeting a couple months ago, is anyone else looking at that property; Haire replied, yes, I have discussed the property with other home builders recently and I have talked to the property owner, I haven't spoken to Westport Homes or their legal guardians regarding it; Lynch replied, got it, fair enough, thank you.

*Amanda Jackson -*

Jackson stated for the Dr. Bender Scholarship we have not received any more applications since the last time we met at the beginning of April, so if anybody knows anyone that would be eligible please encourage them to apply and the deadline for that is May 15<sup>th</sup>. As I mentioned earlier I included my COVID-19 impact memo in the packet therefore it would be available to the public. We already touch on an update to that, the fact that we are ahead of where we were this time last year; I will say that from an income tax standpoint we now receive our income tax in two dumps basically from the Regional Income Tax Agency at the beginning of the month and one in the middle of the month; we got our deposits for the beginning of the month of May and we are already ahead of where we were at the end of May last

year so that is a positive note; as I said it will be a couple more months before we see how hard this is going to hit us; I have faith that it is probably going to be less than 10% based on the numbers I have seen thus far and when I say 10% I mean 10% of the income tax world, but as Mr. Haire just alluded to with the number of building permits that he talked about having issued, that is very positive for us, it is helping us offset any decrease we might see in our income tax revenue. One other reminder, typically your Ethics Commission financial disclosure statements are due in May, that has been extended to July, but just a friendly reminder that you all need to file those. Bennett asked what is the deadline for the Bender Scholarship, the new one; Jackson replied May 15<sup>th</sup>.

## F. Items for Discussion

### 20-101

#### Waste Management

Peoples stated from the last council meeting discussion about the Waste Management (WM) host agreement proposal we have had more communications with WM, they did come back and modify a few provisions in their contract; the additional carts and the annual increase were the two biggest contractual issues along with the automated cart system that was proposed as well, so we do have some updated proposals on that, but most of the communication I have had with council members has not been on specifically WM but the fact that we have not...that we really don't have anything to compare to, we are not looking at a side by side comparison for costing purposes and as a matter of fact I do not believe we have gone out for proposals on our waste contract in at least twenty years and I would argue that we have not had a proposal since 1988 when WM moved into Canal Winchester, we have always had the host agreement and before 2000 I really do not have the historical knowledge on that but it has been some time before we have actually gone out for bids on this, there were very legitimate reasons for doing so but as I said some of the communications I have had it seems to be the feeling is it is time to do so. I did provide some guidance for the members on steps we can take, obviously we have been working with the SWACO consortium for some time so we have the ability to go with that program and we have the ability to just go out on our own feet process in a similar process similar as the design-build, just put a proposal out there for them to bid on that; going out for an RFP would require waiving competitive bidding process in a way similar to what we have done with the McDorman building design-build, this would be just for trash services, that seemed to be the route, per the comments, seemed to be the best choice. The SWACO consortium there is nothing wrong with going with that, I think we have controlled our destiny for some time with our own waste contracts and if it seems like a little bit of an apprehension on entering the consortium...I know some of the entities in there are very please with it, but I don't know if we are ready for that step at this point so I guess based on those comments my recommendation would be to go out for a RFP process, waive competitive bidding and get an apples to apples comparison of a couple different firms, obviously we would invite WM into that and any firms in central Ohio; I know Rumpke, Local Waste, and I am not sure if Republic is still out there, I have seen their trucks but not sure if residential. Those are the four that I know of, if there any other ones, I know there are some smaller companies out there that I have seen some trucks, that may be interested in bidding for our residential services. I will say for WM from my standpoint from a contractor or a conflict resolution standpoint, whenever there is an issue, they are rare, but they do pop up, their customer service is phenomenal and being able to address those concerns, so they are a corporate resident and I have had discussions with them, I called them today and told them this is the direction I thought it was going to go, was to go out for a RFP and they were very understanding of our business arrangement, but for me it's very personal because I have had the personal relationship I have built with them over the years. For those of you who are involved in some of our events

they are always on top of that and we want to make sure that they...that we give them all due deference to our process and they will definitely be included in the RFP process if council is okay with going that direction.

Coolman said it is kind of hard for me to personally look at a new pricing contract with one of our service providers when we don't have a level playing field comparison to make against other possible service providers; with that being said personally I am involved in couple of other organizations where we interact with WM, they are great community partners, they have shown their support of our community through these other events that we have and do their part for the two biggest events that our city hosts and they do it willingly and they do it professionally without a hiccup, but with that being said to be fair to our community as well if we haven't had a RFP in over twenty years then what are we looking at, what are we basing our decision on, a level of service to service contract that includes all the services we talked about previously I think that is a prudent call to put it out there for RFP, that's just my opinion only. Clark said I would piggy back off of that, I have nothing against WM, they are a great company, a home town company, I respect them, they are professionals at what they do, I personally have not had any problems with them at my house but I think with it having been twenty years, that long, that we owe it to the citizenry of Canal to take this out and get a bid and get some others to try to compete and hope we come up with the most competitive price and package that we can get for the citizens. Bennett said for any residents listening as well, when we say waive competitive bid that doesn't mean that we won't be requesting multiple proposals it's just a different sort of process; I think that is key, we pick the vendors that we know have a reputation that we want to work with and control our own destiny a little bit more and it gives us more flexibility and I think that is key but I would also agree that WM is a great corporate resident, they have always been great to us, great to work with, they have bent over backwards to help the Saturday morning recycling program, I don't have a bad word to say about them, I think we owe it to the residents that we are doing our due diligence. Lynch said I think it is good business to go in this direction. Coolman said just remember we have to waive the competitive bidding process but I would be in agreement with that...Mr. Peoples is there anything else. Peoples said no, we have some work to do, we have the August 31<sup>st</sup> deadline so we have to turn some things around pretty quickly for the legislation to go through, I've got to work with Gene a little bit more to see where we are with that process, we already have some comparisons from proposals we can gather some of those, with that direction I will move forward. Coolman said yes, please.

### 20-102

### Bed Tax Grant Discussion ([Bender 5K Update](#))

Jackson said in the packet is an email we received in regards to the Dr. Bender 5K classic in relation to the bed tax grant funds that were awarded last December; obviously with the Coronavirus situation some of these events are taking on a new form and the Dr. Bender 5K classic is one of those. They want to potentially shift to a virtual race and they basically want to know if you guys are okay with them keeping the funds and using it for the virtual race or if you would rather them not. And to piggy back on that, given the current situation in Ohio I anticipate getting some more of these requests so I would like some direction from council if you would like to take them on an individual basis or if you want to turn that over to me and have me work with them, it is completely your call. Coolman asked when you say you got to work with them what does that all entail? Jackson replied I guess see what their original application was and look at what they are proposing to use the funds for now and essentially I would be using my judgement to see if they are still meeting the premise of their original application but maybe in just a little bit of a different form; the Dr. Bender 5K classic may be a good example of that, they still want to hold the event it's just not going to look the same as it would typically look, that is sort of my thought on

it. Coolman asked how does everybody feel about that? Milliken replied in their email they would possibly like to have the money for 2021, I think that is something to consider to when this comes around again, next time around if they are another applicant, then we let you keep the funds from last time, take that into consideration, think about how many applicants are out there, I think that is something to consider for this particular situation. Amos said I am ok with the virtual race, it kind of goes along with it, taking into consideration everything that is going on, my question would be if we allow people to keep the money that is not the way the rule is written, the rule is if they don't use it in the fiscal year they have to return it, so we would have to do some sort of amendment on the record modifying that based on the situation. Jackson said I would say probably not given that this is sort of a different scenario, this is your money, this is what you budget for, this is your program, you can kind of do with it what you want, I don't think it's necessary to do a formal amendment but I guess that would be up to you. Milliken said I also think this could be a great opportunity for the city to extend a little bit of generosity to some of these programs...this whole Coronavirus situation is affecting everybody, it affects charities with what they do, I understand wanting to reclaim these funds, but I am also open to extending a little bit of generosity here during this time. Coolman asked Mr. Lynch did you have something you tried to say. Lynch said yes, thank you, I think we take this on a case by case basis and we talk about it like we are doing in this situation, in this situation I agree with Ms. Amos in that they are creating a way to do their event just in a different way being it virtual I would say continue to give them the money, if they don't use it all then they can credit back to us, but I would say case by case and in this particular case let them hold onto their money for their virtual race. Bennett said have they shared any expenses, they haven't from the email, I was kind of curious what kind of expenses you have for a virtual 5K. Coolman said I agree with that question, I would like to see more detail of how they are going to handle the virtual 5K, so I agree with that statement; I agree with Mr. Lynch about the case by case basis personally, I think we set a precedence that if they end up having money left over, we set the precedence with two other previous situations that if they didn't use it as intended on their application they had to return the money; so I am not in favor of them parlaying the money over into next year; I am in favor of them reapplying next year for bed tax money, I have no problem with that, but as far as them hanging onto what was awarded to them this year, but not use it until next year I am not agreeing with that. Amos asked if they return the money does it go back into the general fund or we potentially use it for next year? Jackson replied it would go back into the bed tax fund because that is where it is paid out of. Amos said so we could potentially have more to give out next year; Jackson replied potentially yes. Milliken said I am in favor, too, of taking them on individual basis. Coolman asked do you want to vote on this...I think I am hearing we want to move forward and allow them to have the virtual 5K but we would like to have a little bit more detail about how they do that, right; Jackson said I received an email earlier today from an individual who is ... the new race director in training is what he said and he is more than willing to answer any questions you have about this so if you have any specific questions you would like for me to ask of him please let me know you can email them to me and I will send them to him and get some responses for you, like I said he is more than happy to do that. Milliken asked about the other applicants, are we going to wait for them to come to use or are we going to reach out to them, how does that work? Jackson replied that was going to be my next question, I have not gone through the applications from last year, or I should say those that were awarded funds but the one that comes to mind right now is Relay For Life, I am not sure what their plan is at this point but I know their event was scheduled for June so that is the most upcoming event that I know of, I have not heard from them so I don't know if you want me to reach out to them to see what they are doing, ultimately it's going to all fall back on me so I can do what you would like, if you would like me to reach out I can or if you want them to come to us I can sit back and wait, you guys give

me the direction. Amos said I can actually help you on the Relay For Life, so they approached me and said they are looking...Relay For Life is pulling most of them in and asking them to do a virtual style race so they are still hosting events and things like that I don't know how they are going to use the money but they are still doing virtual races and doing online activities and potential stations where people can go occasionally. Jackson said so okay if you are okay with doing a virtual race for the Dr. Bender 5K then are you okay with doing a virtual Relay For Life and allowing them to keep the money for 2020? Amos replied that with the same stipulations that they give us some idea of how they plan to utilize the funds; Coolman said I agree with that; Coolman asked do we all agree with that? All in agreement with verbal or nodding yes.

Clark said this is nothing to do with the Bender 5K but the bed tax grant discussion in general; as this money increases over the years and more and more hotels come online and the fund comes up, the amount, I would like to see us name like McGill Park as a recipient of part of this money, I mean some of these applications, I am having a real hard time believing they are bringing in people to our community; they are all worthy causes and they are all good things to do but I don't think they meet the merit of the meaning of the bed tax is set up for. McGill Park is obviously going to be the cornerstone of our community when it's built and it's going to bring people in and they are going to want to have Dairy Queen and restaurants and everything else. I would think like 50% of what we give as council could go to McGill. I think our other marquee event that brings people in is Labor Day, I would think like 25% could go to Labor Day and then 25% can go to the grants for the non-profits. I wanted to throw that out for you to chew on ... I think the grants probably, as more and more comes in, the money is probably going to stay about the same, the 25% of, maybe a few years off the bat it will be a little lower and as it grows that will just grow back up and the grant grows with the hotel coming online. Amos said we have discussed that we would have additional funds coming in from the new hotel coming up plus we have been getting increased funds from Bew Dog, the last time we re-evaluated the bed tax grant we did it 50/50 so it's 50% humanitarian style for after proms, Relay For Life things like that, and the other 50% was travel and tourism based on who was bringing in the amount of people into Canal Winchester, so that's how we broke it out the last time we re-evaluated bed tax. Bennett said I love the conversation, I love trying to figure that out, I think at one point we had talked about trying to do this at a Committee of the Whole; Lynch said we did; Bennett said and I don't know that we will be appropriating any funds until after the next Committee of the Whole so I don't know if this is a topic we can add to that agenda; Lynch said I agree Will, we did bring this up several months back and at a Committee of the Whole and tried to spur this type of conversation; I do believe we need to try to rethink how some of this money can be used, I don't think this is really the time or place, I think we all need to think about it and come up with our own ideas and come together in a Committee of the Whole and hash it out. Clark said I am fine with that, I just wanted to bring it up. Jackson said for your reference technically our next Committee of the Whole would be scheduled for June 29<sup>th</sup> with COVID I am not sure that will happen and then after that the next one would be August 31<sup>st</sup>. Bennett asked Ms. Jackson what is the challenge with hosting it on the 29<sup>th</sup> of June? Jackson replied depending on the Governor's orders; Bennett replied could we not host it in this format? Jackson replied we potentially could; I guess it would be up to council if they feel comfortable doing that; I guess from a staffing perspective it's that the only topic on the agenda do we want to have that meeting or would we rather push it...I mean we wouldn't be pushing it very long given that August is the next meeting, just to make it worthwhile to hold the meeting, just staff thoughts that's all. Bennett said yes, that's great, but I would say we have one additional topic, that wasn't the only one, going from the last one that we canceled we were going to look at short term parking downtown, that was coming out of that Conversation with Council where residents had brought that up and we said we would

evaluate that at our next Committee of the Whole. Jackson replied okay. Hollins said you can hold these electronically as well, I don't know...the Governor's emergency declaration is what and the restriction on ten or more people is what is holding us up from holding any regular meetings; we have not heard...the Director of Health stay at home order has been amended by we haven't heard anything about the Governor making any changes to his emergency declaration, and right now it's indefinite; but once again, you are correct, you could do it in this format. Bennett said but I also understand Ms. Jackson's point that end of June to end of August is not a huge swing there, but point taken, thank you Ms. Jackson. Coolman said that is something we can think about and talk about and can schedule when it seems fit; if you want virtual we can do virtual, just think about it and bring it up again.

**G. Old/New Business**

**H. Adjournment**

*Motion to adjourn made by Lynch; seconded by Milliken  
Motion carried by the following vote:*

*Yes 7 – Lynch, Milliken, Amos, Bennett, Clark, Coolman, Walker  
Adjourned at 7:20 pm*