

# Canal Winchester

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



## Meeting Minutes - Final

**May 4, 2020**

**7:00 PM**

### **City Council**

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

**A. Call To Order** at 7:27 pm

*Walker asked for everybody to stand for a moment of silence for all people during this pandemic.*

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

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

**D. Approval of Minutes****20-178**

MINS 4-6-2020 Full Council ([Minutes](#))

*Motion to approve minutes from 4-6-20 council meeting made by Coolman; seconded by Bennett*

*Motion carried by the following vote:*

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

**20-179**

MINS 4-13-2020 Public Meeting ([Minutes](#))

*Motion to approve minutes from 4-13-20 public meeting made by Coolman; seconded by Milliken*

*Motion carried by the following vote:*

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

*Abstain 3 – Amos, Bennett, Lynch*

**E. Communications & Petitions**

*Motion to amend the agenda and move item 20-183 from Old/New Business forward on the agenda to item Communications and Petitions made by Milliken; seconded by Clark*

*Motion carried by the following vote:*

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

**Item 20-183** from Old/New Business:

Letter from U.S. Office of Special Counsel ([Letter](#))

[Republican Party Email](#)

[Mayor's Letter to Council and CW Residents](#)

[Stemen Email Comments](#)

[Ruth Public Comments](#)

[Ferguson Public Comments](#)

[Lynch Public Comments](#)

[Mershon Email Comments](#)

[Fisher Email Comments](#)

[Steelesmith Public Comment](#)

[DeWitt Email Letter](#)

[Hanna Email Letter](#)

[Obert, L. Public Comments](#)

[Obert, A. Public Comments](#)

[Carpenter Email Letter](#)

[Stemen Email Letter](#)

[Slifko, M. Public Comments](#)

[Slifko, F. Public Comments](#)

[Ward Public Comments](#)

[Gibbons Public Comments](#)

[King Public Comments](#)

[Burns Public Comments](#)

Walker called item 20-183. Milliken said he has prepared a statement that he would like to read; he stated in our last council meeting I voiced my willingness and preparedness to discuss these issues at hand. For some reason, others on this council were not prepared to discuss the issue. To anyone that believes that there was an attempt to sweep this under the rug, I would like to encourage you to look up the minutes of the last council meeting. So now that we are all prepared, I would like to take a moment to clear up some things that are floating around out there disguised as facts regarding this matter of the Hatch Act. I understand the difficulty in delineation between the Hatch Act and election law may be for some people. After all, it's not every day that something like the Hatch Act comes up. The Hatch Act regulates activity of federal employees; it is absolutely not election law, that is fact. If it were election law, then it would apply to all political candidates and not just those who are federal employees. Yes, an endorsement turned a non-partisan race partisan, but only in the eyes of my employer, for which I have already been given corrective action. In the eyes of the State of Ohio, and our city charter I did absolutely nothing wrong. If I am wrong about this, then I would like to ask for formal charges to be brought against me. Endorsements are an exercise in our First Amendment right and happen in non-partisan campaigns all the time. It has been said in recent days that ignorance of the law is no excuse. I 100% agree with that statement and it is completely accurate when applied here. The Office of Special Counsel concluded that there indeed was a violation and ignorance played a role. However, due to the unwitting nature of that violation the OSC felt that it did not warrant a penalty. If the violation did warrant a penalty, it would be a penalty associated with my employer not the election results. If this violation doesn't warrant a penalty with my employer, doesn't warrant a penalty with the State of Ohio, why would it warrant my resignation? A violation of the Hatch Act puts my employment in jeopardy. Why would I willingly violate these terms knowing the severity of the repercussions? If there are people out there that still feel that my actions warrant my resignation, then I can accept that. I humbly respect and appreciate the opinions of others who may not agree with me. However, there are some things that have been done, and words that have been said that I do not appreciate. I do not appreciate the fact that an individual would take it upon them self to threaten my livelihood over what was an honest mistake regarding nothing more than the terms of my full-time employment. I actually find it quite deplorable. During this pandemic I realize now more than ever how blessed I am to have a steady job. I also do not appreciate my integrity being called into question by an individual who violated the law themselves during their own campaign by placing signs where they shouldn't have. This is something that I chose to ignore and not report to the authorities. I do not appreciate the hard work that I put into my campaign being minimalized by individuals who didn't bother to look up how much of my own money I spent on my campaign or were not there with me every weekend knocking on doors talking to our residents. I do not appreciate

individuals who don't even know me that are making assumptions about me. I am not a new tenant of Canal Winchester. I have lived here for several years now. Just because we have never crossed paths doesn't mean I was just plucked from the tree by the "good 'ole boys". I do not appreciate individuals who claim to have an intimate knowledge of the inner workings of postal employee training just because they did a Google search. And then proceed to act as if they have some authority over me. Since the moment I was made aware of this violation, I have never once denied having done anything wrong. I want it to be extremely clear to the public that I accept responsibility for my actions. I do not dispute the findings of the OSC and accept the letter of warning as a fair and significant outcome. That being said, I feel that the continued personal attacks and exacerbation of this matter are nothing more than a political ploy from a political minority of people who didn't benefit from the outcome of the last election. Ploy: a cunning plan or action designed to turn a situation to one's own advantage. First it was a potential ethics violation which to this day it stands that I have yet to be found in any violation. And now this. At some point this will become a boy who cried wolf scenario. The individual that lost to me and filed this Hatch Act complaint said something very telling early on in this process. In the very first line of his very first social media post after the election this individual began by saying "I know this is going to sound like sour grapes, but..." and then proceeded to pass blame as to why they lost. Our city, our state, and our nation are in the middle of a very difficult time. I refuse to spend one more moment on political attacks and sour grapes. For every one person who has voiced their displeasure over these issues, I have heard from three who continue to support me. To that majority of people, I say to you a genuine thank you from the bottom of my heart. I am focused on doing the job that I was elected to do. Which is addressing the issues that actually matter to the residents of Canal Winchester. Thank you all. Walker said thank you Mr. Milliken.

Amos asked are we discussing this now, is that what the intention is? Coolman replied yes. Amos said first of all Chuck I don't know you outside of here and other than the meetings that we have been to, I don't know you at all, so I am strict asking these as a resident and as the residents have been approaching me; like you said, they are asking these questions, so I am going to relay them to you. So, one of the things that has been pointed out is in the city charter it does say that malfeasance, which by definition, is wrongful doing or illegal act, or even misfeasance, which is committing a wrongful act by error or mistake is in the city charter as a removal act for city council members, so knowing that and knowing that originally we were told by you that you were working on an ethics report during the initial situation; this whole thing has come with such a tumultuous amount of drama, I am sure for you especially and your family so I sincerely have to consider your family, but from the start we were going to get an ethics thing, that didn't happen, there was a reason why, but we still don't have a ruling, we still don't have it and now they are not going to give us one, and now we have this and the violation of the charter and I guess what I'm asking you is, I hear what you are saying...my question would be how do I explain to a resident that you do this when according to the city charter you violated the, a couple of things in it; so how do I justify you staying on? Milliken replied I think there is an argument to be made for what is malfeasance under the city charter, right; this is an issue between myself and my employer, not between myself and the city charter, that was my point that I was making. Lynch said I disagree. Milliken said to Jill, I thank you for how you approached that question and my animosity and my emotion that was drawn up in me, I want to say to you personally that it is not directed towards you whatsoever and I understand what you were saying about addressing residents, thank you. Lynch said I disagree with having done nothing wrong; the violation of a federal act is a violation of a federal act; in the OSC they come to that conclusion that the Hatch Act was violated. Milliken said is the Hatch Act part of the city charter. Lynch said I'm not talking

about the city charter I am talking about a federal act that was violated in an effort to win the seat at which you are at right now. Milliken said a fact that I pointed out in the beginning that the Hatch Act only regulates the actions of federal employees. Lynch said I understand what the Hatch Act is, I understand what it's about. Milliken said I don't think you do. Lynch said and as a federal employee you are not allowed to run in a partisan race, you ran in a partisan race; wait a minute, let me back up, you, Mr. Walker, Mr. Clark made this a partisan race, it wasn't a partisan race...Mr. Clark said that is incorrect, that is so incorrect Pat...Lynch continued, if someone had made it a partisan race, I'd say okay someone got one over on you, but they didn't, no one else did, you made it a partisan race; there is so much stuff that is covered, yea you can google a lot of this stuff online, you can look at the NL...NALC...APUWU the national postal mail handler sets union all these different organizations and they cover over and over and over...Milliken said easily done in hindsight; Lynch said so you admit you violated a federal act, so my question is what are you going to do if you violated this federal act, what kind of recourse...I mean...Milliken said I addressed that in my statement; Lynch said...sweep this under the rug, Chuck I think outside of all this stuff you're a probably a very, very nice upstanding guy and I don't question that you would make a great councilman, I don't question that at all matter of fact I think you'd be good, you're good at it okay, but you did violate a federal act and if we continue to allow this to go unrecognized and just sweep it under the rug what kind of precedence do we set as council; do we basically here in Canal Winchester say you can do whatever you want to get elected, doesn't matter how illegal it is, you can still get elected and we're going to welcome you with open arms; I don't think that is right, if a federal violation was made then a recourse should be made; my recommendation would be to step down, run again in a year and a half, there's four seats that will be open, there's only going to be one maybe two incumbents at that time and run again; if your record is really that good and I'm sure it is, I'm sure you've got a lot of support out there there's no question you'll get elected; that's my two cents. Milliken said I was elected the first time. Lynch said you were elected illegally.

Walker interjected here; he said as we move forward, Rule 22 on the council rules, limitations on debate, I just want to read this. Lynch said it's five minutes. Walker said the limitations on debate, on any debate or ordinances; when an ordinance, resolution or motion is before Council, an adequate opportunity shall be provided for all members of Council to be heard. However, in order to expedite business and to assure that a minority cannot effectively abrogate the desire of the majority by dominating the floor and thus prevent a vote, the rules of discussion contained in the following requirements are set forth as the official policy of Council. The presiding officer shall recognize members prior to such member taking the floor. No member shall be permitted to speak longer than five minutes at any one time. No member shall be permitted to speak more than two times for or against the proposition under consideration. While members may yield to other members, the limitations set forth above shall prevail. No member shall be permitted to speak the second time until all members have been heard at least once or a member who has not been heard wishes the floor. The presiding officer, subject to challenge from the council, may refuse the floor to any member when the tactics are obviously dilatory and not in the best interest of council. The above rules may be suspended to permit unlimited debate by a vote of three-fourths majority of council. Walker said we should have addressed this a long time ago and have been wanting to address it, but I haven't been president that long, so these are our council rules, so just moving forward so let's go ahead and move forward with discussion. Milliken said thank you Mr. Walker;

Mr. Lynch my apologies for interrupting you, please continue. Lynch said no I was done, I do want to add Mr. Walker thank you for that clarification cause we ran into this situation back in September when there was grandstanding going on and I am very familiar with this rule, this council rule, thank you, I'm done.

Clark said I would like to take a few minutes to explain the endorsement process; there was information being spread on social media and in our packets tonight about various state and local laws being violated; some have asked why didn't I seek an endorsement when I ran in 2015; I didn't think about it until it was too late; I heard the Franklin County Republican Party had come out with this endorsement of Victor Paini for mayor and John Kershner in the Madison Township Trustee race, both non-partisan races. Some have said endorsements have not been done in Canal Winchester non-partisan races before. This is false. Here is a slate card from 2015 (shows it to the video monitor) that reflects this fact. Bennett said I have no idea what that is. Clark said after going door to door in 2019 the number one question I was repeatedly being asked was which party I belong to. Since I have been a republican all of my life I thought gaining an endorsement and sharing that with republican registered voters would be a good educational piece. I realized that both Mr. Walker and Mr. Milliken were registered republicans so I asked if they wanted to join me in the endorsement process. After receiving the Franklin County Republican Party endorsement, we asked that our names not be included in the party slate card because we had budgeted in our own campaigns for our own slate card. However, our names were inadvertently placed in the county slate card. We received a letter from the Franklin County GOP chairman verifying that he remembers our request to not be added to the county slate card. I would like to ask Mr. Hollins were there any state of Ohio campaign or ethics laws or any local ordinances, code or charter laws violated in this endorsement process. Hollins replied I only know what I know; the Hatch Act violation has been documented; I think I told Mr. Stemen when he first raised it that is not something we enforce and he did turn to the right authority and they did do what they did; the courts will not...will be very slow to interfere with the electoral, with the will of the voters; it's a political issue not a legal issue, and I think Ms. Amos made reference to what does exist there is a process in our charter for review of issues like this, although I think it needs to be initiated if initiated at all by the mayor; so, and then the courts really don't hear that; that is...council is the master of its own ship, council is the determiner of the qualifications of its own members, that's in a democratic society, the elected probably should police the elected, I think that's correct; other than that I am not aware of, I would certainly look at anything, the idea that it's a partisan election, that's been kicked around for a number of years and I know a number of communities have asked can we make, can we enforce the, can we dictate that all of these be non-partisan; there has been First Amendment issues raised in those communities that have looked at it; I'd be happy to pull out that research and talk to those folks and do you a research memo on how far we can go to require that all candidates run on a non-partisan basis; I can't tell you sitting here tonight that it is enforceable under the First Amendment. Clark said thank you Gene; I've done some extensive research and almost every agency that has anything to do with state of Ohio ethics laws, campaign laws, I've contacted people, I've written letters and I can't find anyone that says this process was in any violation of state and local law. So, when people insinuate on social media and in public records statements that state and local laws have been violated in this instance this would be false. The Ohio Secretary of State and the county board of election consider races where no party affiliation appears next to the candidate's name as a non-partisan race. If a candidate running in that race receives a party endorsement it does not change that race into a partisan

one, that is another false assumption that has been stated in the public comments. The fact is endorsements by political parties, political action committees and individuals to non-partisan elections like judicial and local elections take place all the time all over the United States. Banning a candidate's right to seek one would be a violation of the First Amendment of the United States Constitution, what Gene has alluded to. I would hope the people who have made these false and incorrect statements repeatedly in the public forums would be as quick to retract and correct this misinformation, thank you very much.

Amos said to Gene, on the charter, I believe it states council can make that action with two-thirds vote, I don't think it's the mayor has to do it. Gene replied there may be more than one procedure to begin this; in either one of those practically speaking a way to start the process then that process could go forward, there's no real legal precedence to how those terms are defined, I think once again council is the ultimate arbiter of the qualifications of its own members so you guys would in essence define that for yourselves, if there were a two-thirds majority or the mayor. Amos said I think we are required to give notice first and then proceed. Lynch said if I can add here, I know Hilliard...Clark said Jill what are you talking...what charter are you talking about...to do what in the charter. Amos said in the city charter it discusses removal of officials and it gives permission, basically council would have to give notice to the person and then it explains what to do and that's where the malfeasance and misfeasance comes into play; but that explains in the charter it explains what we can remove for and how that process works. Clark said I missed that first part. Bennett said Mr. Lynch were you going to speak. Lynch said I just wanted to add that you're talking about changing the charter to eliminate or to basically not allow partisan races, that was done in Hilliard a couple of years ago and it is certainly something that I would recommend here in Canal so we don't have to go through this crap again is to change our charter or do an amendment to it to not allow partisan races; I think this has no place, partisanship has absolutely no place in small town politics and it just erodes the whole small town feel of our community. Clark said you can't do that, it just simply not possible...Lynch said it's been done...Clark said it is a non-partisan race, I just chose to educate republican voters that I'm a republican, that's all I did, it did not create this to be...did you see an R by my name, that's what constitutes a partisan race...Lynch said no, I could call....Clark said non-partisan, it's my choice if I want to go out and say I am part of the whatever...the moon tribe...and they have endorsed me, I can do that. Walker said pardon me but I think that's in 3504.04 non-partisan ballot...Clark said yea, yea...non-partisan ballot of the Ohio Revised Code states right here, no name or designation of any political party or any words designations or emblems describing of a candidate or his political affiliation; that is what we have already. Walker said so if it's to be changed first of all it sounds like its freedom of speech and if it's not changed or could be changed it would have to be changed in the charter and when the charter comes to full council...Clark said and if it changed by the charter then somebody can file a lawsuit and say it's a freedom of speech issue and it would be ruled unconstitutional as Gene says. Lynch said the one reason why I...am I allowed to speak here, Mr. President? Walker replied oh sure, I am sorry, I didn't hear you, pardon me. Lynch said the reason I bring this up as far as doing an amendment to the charter and why I think this is important is what if Mr. Milliken wants to run again; all someone has to do is say they have been endorsed by a particular party and he is ineligible to run, that's not fair to him and that's not fair to anyone else who happens to be a federal employee; and Mr. Clark you are right he didn't violate a state or local...other than malfeasance here in Canal Winchester, he did not violate any

state act, it was a federal act, not state, it was federal so...Clark said right, I get that...Lynch said that's all I've been saying, it's a federal offense not state...Clark said Pat a lot of people are saying that I have violated state and local laws by getting an endorsement in this race and that's wrong, I just wanted to point that out. Lynch said and you are right, you are correct, you'd be correct in that statement, yes. Clark said that's it.

Coolman said I would like to speak, this is so, obviously quite a hot topic, you know Jill I question really the ability of the charter to remove an elected official for reasons other than unexcused absences, failure to possess or maintain the qualifications for the office or determination of the accused person is guilty of misfeasance, malfeasance or nonfeasance while in office. According to the Hatch Act, the Hatch Act is legal legislation for the federal employer of the executive branch of government to govern their employee, if their employees want to get involved in a local, state or federal election; it has nothing to do with the state, it has nothing to do...you can say he violated a federal act, sure that's a federal act but only to be utilized as Mr. Stemen proved to us by writing away to Washington D.C., to be used by the federal government, and governing their own employees. Mr. Milliken has gone through the process with his employer of reviewing what his actions were, it has been found that he did violate one part of the Hatch Act, that's fine, but that all happened before he was ever elected, that happened during his campaign, so how could someone that's not in office yet be guilty of misfeasance, malfeasance or nonfeasance. And that's really, in my opinion, and Ms. Amos you're entitled to your opinion as is Mr. Lynch, as is Mr. Bennet, as is Mr. Milliken, Mr. Walker; we're all entitled to our own opinions, and its just interpretation. So the way I look at it is the Hatch Act is simply for the federal employer to govern their employee with; there is nothing in the charter that talks about the Hatch Act, there's nothing in the charter, you know we brought up other examples of other candidates that did things that weren't in accordance with how we campaign in Canal Winchester, like putting signs up on property without prior permission; and I have looked and I couldn't find a rule or law that forbid it. I think it's one of those unspoken items that we campaign with, that's just Canal Winchester, so I don't really think with Chuck violating the Hatch Act it makes our local race a partisan race; it made it a partisan race for him, the executive branch of government employee, but not for the rest of us, we don't work for the federal government. So, that's my interpretation, I'd like to say I respect everybody else's opinion, they are entitled to it and I thank you for listening.

Bennett said I will sum up quickly; there is no will of council to remove Mr. Milliken from office; Mr. Milliken doesn't intend to resign so I think at this point the conversation sort of is what it is. Mr. Milliken I don't know you very well, we've only met a few times, I have seen you more at city council meeting than I have in the community, all I know so far is that, you know, what was discussed at one point we all agreed there would be an ethics opinion that would be submitted to council, I know that wasn't followed through on and that's sort of all I have to go on at this point. You have received your opinions from the folks you trust and yes, this is an issue you have had to deal with, with your employer, and it has now, I think it has run its course whether or not people are satisfied with the outcome, this is the outcome. Lynch said not necessarily. Milliken said if I can just address the ethics thing really quick, cause I don't think we got to finalize a discussion on that, actually...Bennett said yea...Milliken said when we came out of the meeting with the anticipation, we were all in agreeance that we were...that council as a whole body was seeking an opinion, an informal opinion...Lynch said an official opinion...Clark said no it was

informal Pat...Milliken said it was informal...Coolman said gentleman, gentleman please only talk one at a time...Milliken said my point is that we left that meeting with that assumption; at some point there was communication to me that I had to initiate this and this was on me and whenever I felt comfortable making the vote, we could make the vote. I'm sorry that I took the information that I received with regards to the ethics board and I felt that it was determinable enough for me to go ahead and proceed with the vote and then there was not an issue. At this point, if you see that as a problem I apologize, I think you might be right on that. But that being said, if you feel or if anybody feels, I don't mean to say you Will particularly, but if anybody feels that this ethics issue is a problem by all means please submit it to the Ohio Ethics Commission and we'll take it from there but like I said just from what I see, just from the information from them...I did receive preliminary information from them that this was not an issue. Bennett said Chuck just let me clarify...my point isn't really about the guidance, the comfort level, there was an understanding that you and I had in a session where it was my understanding that there would be a formal opinion presented to council, that was my understanding and sort of an agreement that I understood between...I understood...things may have changed on your end...it was determined it was on you to receive that, also fine, but I think my point there is just as a fellow council member, I guess, I was never communicated to that it's on you, that you now feel comfortable, we're going to move forward, that you didn't feel the need to get one, I guess I don't know, to me it was sort of spoken, I don't want to say promise, but you know it was an understanding that you were going to do that and bring that back and then that changed...Milliken said and for that I apologize...Bennett said yea.

Walker said he wanted to refer to Mr. Hollins for a moment because he had made this very clear earlier on about this subject, if this was about Chuck's vote and if he felt comfortable to move...Mr. Hollins can you please interject for a moment on how that...Hollins said I don't know to what extent...Bennett said Mr. Hollins...Hollins said can you guys hear me...Bennet said yea we can hear you...Hollins said I don't know how much light I can really shed, you know, to help anybody really feel much better, but honestly we try and help get folks on council, any elected official with respect to their ethics issues headed in the right direction to the right authorities, give them the general advice to help them ask the right questions, but at the end of the day, you know I represent the city and those are individual legal issues so we don't...we've got our conflict of interest rules, etc....like I said I'm not sure I am shedding much light on this. Bennet said and again, thank you Mr. Hollins; Mr. Walker I didn't really need clarification from Mr. Hollins, my point being there was an understanding and to me that understanding was sort of violated, and that's me personally. Bennett said other members of council may not have felt the same way...Amos said it was an integrity issue, it was an integrity issue; there was a promise made, it wasn't fulfilled and then all of this started and then the ruling came out, for me it was an integrity issue, I think we started off wrong and we have never got a closure on really anything. There was the ethics, we didn't get closure; there's this and we're going to look the other way; there's just not any closure, that for me is what it was...as I am listening to all the residents, that is what everybody keeps saying, there's been no...there's been no resolution to anything, we just keep compounding and compounding and the integrity of the situation is we as council members are coming back going I don't really have a good answer for you...I don't have an answer for you, I can't show you an Ohio ethics thing, I can't tell that what we said we were going to get we're going to get, I can't tell you...I can't tell you anything, and that's where it stands, it's just hard to look a resident in the eye and know you have no answer for them.

Walker said well we appreciate everybody's comments...Coolman said Mr. Walker can I interject here please; I would like to say something, at the time this whole thing started at the beginning of the year, and as all six of you know I was your unanimously elected vice president and also interim president because we couldn't come to grips with electing a president; and we couldn't come to grips with a president because it was brought out that there may be a conflict when there really isn't a conflict or we were informed there wasn't a conflict and I don't mean we as an individual I mean we as a group through the efforts of Chuck; what it comes down to was, you know the question was is there a conflict...was Chuck in conflict with Mr. Walker due to the tenant landlord relationship, and in essence the example that was presented, to present that conflict, was from a city in Ohio that had a city management style government that doesn't reflect our style of city government which is strong mayor council, so what was presented was not accurate however Mr. Milliken took it upon himself...I am not defending Mr. Milliken before anybody jumps to any conclusions, I'm just stating what I witnessed and what I base my opinion on. Mr. Milliken, it was up to him to seek verification, yes, we talked about it being formal, talked about it being informal and start out as informal, I believe our legal representative at that time stated it would be informal because he told us the Ethics Commission would not issue a formal statement and Mr. Milliken found that to be true. So, when it comes down to it what I had explained to me was that when Mr. Milliken feels comfortable in his research, that he is not in conflict and he is ready to vote, we can move forward with the vote. So as your acting president, that was the only understanding that I had...hoping from a formal written letter from the Ohio ethics board...you betcha; was I disappointed we didn't get one...you betcha. But be as it may, we all read what the Ohio ethics board wrote back to Chuck. So, I as well would like to bring that to light because that's how whole this thing started, like Mrs. Amos said it just snowballed from there and now it's getting to a point where it's creating a division and when you all elected me unanimously to be your VP one of my goals I told all of you was that I would like to bridge this gap. We have a lot going on in Canal Winchester; last year at this time we were deemed by the state of Ohio as the quickest, fastest growing community in Ohio and we applauded ourselves we were doing things right. We have some of the brightest, shining stars in our directors in this city yet what have we spent this time during the pandemic crisis that we are facing...what have we spent our time doing...bickering; bickering over the election results; bickering over a possible violation of someone being criminally active on his campaign structure; the bottom line is we should be focusing on business at hand, we have a lot of construction projects in front of us that is going to yield us a lot of tax dollars for years to come that will allow us to pay our bills and move forward. And I am not trying to sweep anything under the carpet, I'm not trying to ignore an issue, but when I look at the legislation on the Hatch Act and I read it repeatedly and I'm seeking my own private legal counsel on it and I'm being told this is only for the federal government to manage their employees with, then I have to wonder what are we doing. We have bigger fish to fry and I think our residents put our butts in these chairs by electing us here to carry this task on. So with that being said I would like to say thank you for listening, thank you for letting me get on my podium, I wanted to get a few things off my chest, I can't tell you all how proud I am and I share that with each of you, with each of our directors, how proud we are of our platform of our city, a beautiful city, people love living here, and we will all continue to love living here, we do have to co-exist and in light of that I think we need to find a way to put conclusions on this and let's move forward with the business at hand, thank you.

Walker said at this point if you would allow me the privilege...I can move to council...to have the clerk of council to read 20-183 all of the letters and notes that were...Clark asked are you going to read the entire...Walker said no, just who they are from...just read who they are all from. The Clerk said letter from U.S. Office of Special Counsel, Republican Party email, Mayor's letter to council and Canal Winchester residents, Stemen email comments, Ruth public comments, Ferguson public comments, Lynch public comments, Mershon email comments, Fisher email comments, Steelesmith public comments, DeWitt email letter, Hanna email letter, L. Obert public comments, A. Obert public comments, Carpenter email letter, Stemen email letter, M. Slifko public comments, F. Slifko public comments, Ward public comments, Gibbons public comments, King public comments, Burns public comments. Walker said thank you Clerk. Walker said at this time could we...one moment please...how are the public comments to be made...Jackson said the public comments had to be sent in by 3:00 o'clock today, so that was mostly what your Clerk just read, there are I think a couple of others that were included in your packet but that is everything that we have; the Clerk said what I read off was everything we have received by 3:00 pm today; Walker said very good, thank you; moving onto resolutions; the Clerk said we need to finish communications and petitions.

Walker said the other communications and petitions will you please read; the Clerk said item 20-181 an email from Jenkins regarding 5G technology; item 10-182 an email from Thomas regarding Waste Management; item 20-184 the report from the Madison Township Police Department for the month of April.

- [20-181](#) Jenkins Email Regarding 5G Technology ([Email](#))
- [20-182](#) Thomas Email Regarding Waste Management ([Email](#))
- [20-184](#) Madison Township Police Department April Report ([Report](#))

**F. Public Comments - Five Minute Limit Per Person**

**G. RESOLUTIONS**

**H. ORDINANCES**

***Third Reading***

**[ORD 20-016](#)**  
*Development*  
*Sponsor: Lynch*

An Ordinance to Authorize the Mayor to Accept a 0.51 Acre Parcel of Land from Rockford Homes, Inc. and Dedicating Such Land as Right of Way for Public Use and Accepting Such Improvements to be Known as Cormorant Way ([Ordinance, Exhibit A, Exhibit B](#))

*- Adoption*

***Motion to adopt ORD 20-016 made by Lynch; seconded by Coolman  
 Motion carried by the following vote:***

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

**ORD 20-017**

Finance

Sponsor: Coolman

An Ordinance to Authorize the Mayor and Finance Director to Enter into a Depository Agreement with Park National Bank for the Deposit of Public Funds ([Ordinance, Exhibit A](#))

- Adoption

**Motion to adopt ORD 20-017 made by Coolman; seconded by Milliken  
Motion carried by the following vote:**

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

**Second Reading****First Reading****ORD 20-021**

Development

Sponsor: Clark

An Ordinance to Amend Part 11 of the Codified Ordinance 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 waiver of second and/or third reading and adoption

**Motion to suspend rules and waive the second and third readings on ORD 20-021 made by Clark; seconded by Coolman  
Motion carried by the following vote:**

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

Amos asked for the record do we need to state why we are declaring an emergency before we vote on the next one; Coolman said I believe from the work session they said that the declaration of the emergency was due to keeping the project moving forward; they are ready to break ground and they want to get started ASAP and we don't want to lose their momentum.

**Motion to adopt ORD 20-021 made by Clark; seconded by Coolman**

Coolman said I'd like to say here, Mrs. Amos, the client here is the Learning Spectrum school and they would like to get started ASAP because they would like to have it open; Amos said I know, for the record we just needed to make sure we stated it before we voted. Coolman said okay thank you.

**Motion carried by the following vote:**

**Yes 7 - Clark, Coolman, Amos, Bennett, 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](#))

- First Reading Only

**Amos stated first reading only.**

**[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 waiver of second and/or third reading and adoption

**Motion to suspend rules and waive the second and third readings on ORD 20-023 made by Milliken; seconded by Clark**

Bennett asked the purpose of the waiver again...is to keep the project moving, correct? Coolman replied yes, to keep on schedule with the construction start date, and because of the time...remember this is the one they had the public hearing with, we were waylaid on the public hearing so we're just trying to keep that all together; Jackson said this has to do with the property at the corner of Bixby and Rager that we are trying to sell and part of that agreement is installing utilities; Coolman said the emergency is just to keep on construction schedule and get the lines built.

**Motion carried by the following vote:**

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

**Motion to adopt ORD 20-023 made by Milliken; seconded by Bennett**

**Motion carried by the following vote:**

**Yes 7 – Milliken, Bennett, Amos, Clark, Coolman, Lynch, 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 waiver of second and/or third reading and adoption

**Motion to suspend rules and waive the second and third readings on ORD 20-024 made by Bennett; seconded by Amos**

Bennett said Mr. Sims stated the purpose was to keep this project on schedule because the timeline from Lehman and Daman was a little bit longer than some of the other timelines that they had received.

**Motion carried by the following vote:**

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

**Motion to adopt ORD 20-024 made by Bennett; seconded by Amos**

**Motion carried by the following vote:**

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

[ORD 20-025](#)

Finance

Sponsor: Coolman

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

- First Reading Only

**Coolman stated first reading only.**

**I. Reports**

Mayor's Report

[Report](#)[Mayor's Court Report February 2020](#)[Mayor's Court Report April 2020](#)

Mayor said good evening; I suppose you have all read my written report and if you have any questions on that, he doesn't have anything else to add to that other than he needs the court reports for February and April approved. Jackson said you have already approved the March report, but looking back, Audra and I realized I never gave you the February report, so that is why you see February and April on your agenda this evening.

**Motion to accept the Mayor's Court Reports for February and April 2020  
made by Bennett; seconded by Coolman**

Coolman said in looking at those numbers on the court report the revenues...I know it's not a big surge of income but if you look at the numbers in both reports we are 100% ahead of where we were last year and that's huge; Jackson said I will also point out if you look at the month of April it was next to nothing compared to what we have done and that is a direct result of not having held court since the middle of March and we probably will not be holding court again until June; hopefully that's just a delay in the revenue we are receiving, obviously it is not a revenue making department or anything like that so. Coolman said but to compare the current month, the year to date current and then you compare to where we were at this time last year to get a good running tally and it reflects on what our police force is doing.

**Motion carried by the following vote:**

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

Fairfield County Sheriff

[March 2020 Stats](#)

Law Director

Hollins said all I have to add is ain't democracy great, it's a little messy, but well done; and I look forward to whenever we can meet in person again; it looks like it may be sometime into June maybe even a little past that but we'll let you know whenever we hear anything from the Governor's office on that; the statutory changes expire when the Governor's declaration expires and that's it.

Finance Director

ReportReport of Financial Impact of COVID-19

Jackson said I don't have anything in addition to what we discussed at work session this evening.

*Public Service Director*

ReportsConstruction Services ReportEngineering Report

Peoples said nothing to add from work session and or my written report. Amos said I have been in touch with Jim Sotlar and he is just getting the last approval on the recycling returning again next weekend on the 15<sup>th</sup> of May back to the building so if you wouldn't mind letting them know, it looks like we are a go, he is just waiting on a final approval; Matt asked do you want to confirm that; Amos replied yes, I will confirm tomorrow, he is supposed to let me know. Amos said and second question is our Waste Management contract currently gives us the bulk pickup which I understand right now we are not able to do that and they have a limited number of drivers, my question would be the day of recycling is it possible to check and see if they can have a couple of bins delivered during that time only for bulk recycling so we can offer residents an opportunity to bring it and dump it themselves because since we can't do curbside, it is part of our agreement, is that something you can check and see and we can say ok residents during this recycling only on the 15<sup>th</sup> we'll have three or four dumpsters out there, before I bring it up to the school, I'm just making sure we can put a couple out there for a couple of hours and want to make sure...is that an option? Peoples replied I am sorry at one point you said bulk pickup and then you said bulk recycling...so just bulk pickup; Amos said so the recycling will coming back on the 15<sup>th</sup> but I want to see if there is some opportunity to have some bins delivered for the bulk pickup for people to bring their bulk pickup to the bins since we are not able to do it curbside. Peoples replied we just received word that bulk pickup is back on with Waste Management; so, it has not been put out the public yet, but it is back on; Amos replied that is good news, that's awesome. Mayor said that will begin on the 11<sup>th</sup> right; Peoples said I don't have the email in front of me, and it will be out probably tomorrow on a news alert, either tomorrow or the next day, depends on Amanda Lemke's schedule. Mayor said he thinks it was stated that May 11<sup>th</sup> was the beginning date. Amos said that is fantastic news, thank you very much for that information. Peoples confirmed to Amos that you are looking at the 15<sup>th</sup>...just give me confirmation please; Amos replied will do, so it will be the 15<sup>th</sup> and they wouldn't meet again until June 5<sup>th</sup> or June 6<sup>th</sup> whatever that Saturday is; Peoples said ok thank you.

*Development Director*

Report

Haire said I don't have anything to add beyond my work session report, be happy to answer any questions you have.

Community Affairs

Report

**J. Council Reports**

*Work Session and Council Meetings - Monday, May 18, 2020 starting at 6:00 pm*

*Work Session and Council Meetings - Monday, June 1, 2020 starting at 6:00 pm*

*Work Session and Council Meetings - Monday, June 15, 2020 starting at 6:00 pm*

*CW Human Services - Milliken*

Milliken reported from human services that we had community week, Aletha doesn't have the final figures for me quite yet, she is waiting on a final number for a donation from one of our local churches; C3 Church is donating their quarterly tithes to the Canal Winchester Human Services and the food bank; once I have that I will report that final number. All events for May are canceled, she said we are still taking the seniors to the grocery store and medical appointments and other that is needed due to the pandemic. I am really excited about the community week and how well it went and how well everybody responded.

*CWICC - Clark and Coolman*

Clark said the next meeting is July 29<sup>th</sup> hopefully at 11:30 am at the Interurban building.

*CWJRD - Amos and Bennett*

Bennett said this past Saturday we had an emergency meeting, we officially canceled baseball, softball and swim...baseball and softball will be issued refunds, swim registration had not officially opened, it was scheduled to open but after everything broke we kind of paused on opening any additional registrations. In that current time we are exploring what possibilities might look like when we get back; Misty Swearingen is working closely trying to get an understanding from the Ohio Parks and Recreation Association, they are having sessions frequently to keep up to date on what is happening, what other communities are trying to do to help navigate this time; she is also trying to explore some virtual programs to try something different from sports; it's also been a time of opportunity for her to try to get a strong grasp of the organization and try to get her feet under her. So, with the canceling of baseball and softball, Mr. Peoples and Mr. Mayor, in our usage agreement we covered certain costs out at Hanners, but I wanted to find out if we could potentially waive those this year with us not having any revenue coming in, currently the only thing we have are expenditures and we are looking at cutting staff, cutting Misty's salary potentially in half and also cutting back on our fiscal support as well. Mayor said I don't have a problem with that, I think we can handle that fine; Bennett replied that would be great. Bennett said I would also like to share with the rest of the members of council, by the time we probably come through this the joint rec is probably looking at an account balance of somewhere around \$25,000 so it will be severely depleted compared to how it has been over years past, so, we are exploring other opportunities of how to make that difference up, again additional programming during this time and also to make sure we are staying relevant to the community as well. Amos added we are looking into some online, digital...as this continues we are trying to look for more opportunities to give our kids some at home experiences or ways to potentially increase our revenue via online or fundamental courses online; our next meeting is May 21<sup>st</sup> to be held electronically and we'll send out the invite on that. Coolman asked about last year you had us speak with a couple of individuals that you brought in...now granted I understand that their JRD is funded by a tax levy and they were thriving at the time we were interviewed by them, they picked out brain and we picked theirs for ideas of how to help

our JRD; have you been back in touch with those gentlemen and how are their communities holding up through this and what are they looking at, what are they doing? Bennett replied yes, we have been in touch with those folks, we have since held a meeting with Mayor Ebert and some of the school representatives to just kind of snippets of that report, I believe I even sent that report out to council, I apologize if it didn't make its way to you, but I can resend that again; its officially not finalized because there are some addendums he was looking to add to that report about financing structures, he had some legal opinions, Mr. Hollins, that we could review to see about some cash options as well, fundraising and sponsorship agreements and how to approach those topics so those were going to be included. We also had a community night where we are going to present a rough outline of his findings, and really just to educate the public on what exactly a joint rec is; this year we are going to pay \$4200 to the auditor's office for an audit of our programing because we are a joint rec, so, working through that and what they are doing and trying to plan as to what happens next just like everyone else is; they have levies so their income really hasn't been affected, they are more of property tax levies so they are more secure in their funding; we have talked about this numerous times ours is registration based though we are having conversations with the schools there is the potential that they might be willing to add some additional support from the financial aspect, so I don't have anything to share there yet officially but just some exploratory conversations being had. Coolman said the rec leagues all suffer because it's all about kids that have time on their hands parents want to get them involved and be social and enjoy their summer; I don't know for a fact but I would imagine your summer months are your biggest income months of the year, maybe I am wrong I don't know...Bennett said so our...Coolman said I would think there would be some other options we can be looking at that we are not looking at...I for one did not hear the outcome of that study and I would like to see what they had to say since they are funded by tax levies completely and they are not facing the same...that you and Mrs. Amos face with this pandemic, this is crucial. Amos said our hope is to run a modified schedule for some of these events and if not a modified schedule then potentially some additional trainings so we can still...if it's lifted and we can bring some kids out into some smaller groups our hope is to still try to do that cause we'd like to salvage summer. Bennett said to your point Mr. Coolman our biggest revenue generators or source of income are those registrations and our biggest sports for registrations are spring soccer, baseball and fall soccer so two of the three have already been canceled so you can tell from that it is already going to be a tough year, we are trying to figure out how to manage that budget accordingly; our fiscal officer has already cut his fee in less than half for the month of May so he can work through the audit and once we get through the audit he will half that fee again so it would essentially be a quarter of what he would typically charge just because there are some maintenance things that we continue to have as long as we are paying salaries and dealing with issues but we are trying to explore certain conversations to see with the schools what some kind of fiscal support might look like if they are able to help. Coolman said I commend you and Mrs. Amos for biting the bullet and getting the audit done, I know what that is like, I have been involved in few other non-profits that when you have a change of director or a change in leadership you have to have an audit done and if there is no change you have it done every so often. Bennett said ours is mandated just like the city's, it has to happen every two years, so it's not optional, it's a requirement, so appreciate that, but yes, it's \$4200 that goes out every two years that we try to budget for but people don't really think about when they sign up for a youth soccer program, you don't think about that someone is paying an audit fee of \$4000 so you make sure the kids taking money at the concession stand didn't take too much cash or however to manage that...it's mind boggling.

*Destination: Canal Winchester - Walker*

Walker said he has nothing to report right now and no meetings planned at this time; Coolman said coming up in the month of May is; the Art Stroll we have officially canceled that, there is no way we can have that; the next item up is we did officially cancel our biggest revenue generator with is the Blues and Ribs Fest; that was a really tough call for us to make, we had all of our sponsors and food vendors lined up and some monies already received towards deposits toward fees, I mean we were ready to go, and we were getting ready to book our musicians and the lady we use to help book our talent she was real insightful and that was in March they started asking about their contracts and that is when the pandemic broke out. She suggested that we limit fees if we had to cancel due to government shutdown due to pandemic or viral outbreak. With that being said we held off sending out...we did change the wording in our contract which was a tremendously great move so it limited what we were exposed to as far as loss, but the bottom line is there was no way, it takes six weeks to put that thing together minimum and that is with all of our volunteers and all of our board members hustling; and with that being said that would mean that this pandemic would have to be lifted by June 1<sup>st</sup> and that would mean the public would have to feel very secure in coming out in droves to attend, we usually draw like 30,000 people for that weekend and we don't see that happening; and we are very proud of what our city has done, what our Governor has done in Ohio to prevent any breakouts and proud that here locally we have no reported cases and I don't want to be the event that brings the case here, and as I explained to our vendors we draw attendees from twelve different states that come here, last year there were twelve states represented by our audience and we just couldn't take that chance. So, with that being said, we canceled that. The next thing up on the docket have at the end of May we are looking to start the Farmer's Market, however, that is still in the preparation process.

**K. Old/New Business**

Amos said I sent an email back about the Barrel and Boar room reservation so I wanted to clear the air on that; first of all, I think it is fantastic we are looking at businesses to rent from our buildings, I want to make sure everybody understands that, especially because I think they are underutilized, but what it did pose and brought to light was some good questions. I had a rental report pulled, I pulled some of the data from it to give you some examples, we had 69 paid rentals between Interurban and Community in 2018 and 52 in 2019. We collected between those two years \$31,000. My first concern is why is a resident paying more than a non-profit; but I started researching some of the other cities and the surrounding cities are using them as a benefit to their community members, so to give you an example Groveport charges \$50 per event for their residents and \$300 if you are not a resident; Obetz charges \$50 per hour on their large shelter but their residents get four hours free a year so they can kind of mix it up, Madison Township was \$20 for the first hour and \$10 for each additional hour. So it brought up a good point...I think we maybe need to...maybe this can be one of the things we add to Committee of the Whole...I think we need to look at our reservation rates for residents, the tiers of them, I think the software we use to do the reservations is very outdated, it's kind of cumbersome, you should try to do it if you have not put yourself through it, so I think we could re-evaluate that and look at some of the tiers. We did have a total of 339 events between March and November for all of our rentals just on the one report; some of them are being utilized, pool parties made up a huge majority of our rentals on the alternative ones, but I think we need to look at it; Those rooms are underutilized, approaching some of our businesses is an excellent idea to get more income, but I think we need to look at making this more resident friendly so we can start potentially get some extra income or letting our residents know we want to offer a good service to you; these are nice rooms, just a thought, I'd like to see that on the next

---

Committee of the Whole to go over it and discuss some ideas and see what we can come up with.

The Mayor said just under the heading of Old/New Business where it says Mayor's letter to council and Canal Winchester residents Stemen...I don't know how Stemen got in there, but there was no way I was pinpointing anything towards Mr. Stemen so I don't know where that belongs how it got in that heading and that's not in my letter. Walker said thank you for pointing that out sir.

**L. Adjourn to Executive Session (if necessary)**

Hollins said there is no need for executive session and it is a possibility under this software platform...but will let us know in the coming months if we need an executive session, but none this evening.

**M. Adjournment**

*Motion to adjourn made by Coolman; seconded by Amos  
Motion carried by the following vote:*

*Yes 7 – Coolman, Amos, Bennett, Clark, Lynch, Milliken, Walker  
Adjourned at 8:55 pm*