

Canal Winchester

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



Meeting Minutes - FINAL

May 16, 2022

6:00 PM

Council Work Session

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

- A. Call To Order** *Clark called the meeting to order at 6:00 P.M.*
- B. Roll Call** *Present 7 – Amick, Amos, Clark, Milliken, Shea, Walker, Ward*

C. Also In Attendance

Mayor Ebert, Matt Peoples, Lucas Haire, Amanda Jackson, Bill Sims

D. Reports of City Staff

Bill Sims – Gender Road Phase 5 project is wrapped up. There're a couple minor things out there to make it 100% but that project is complete. We are also near the end of McGill Park Phase 1 project. We had a walkthrough with the contractor this afternoon to generate the punch list so we're working toward the end of that. Probably the largest incomplete item at this point is the playground. There is a safety railing for the concrete structure where the slides come off and the climbing wall goes up that we're still waiting and the railing there was some delay in some of these stainless-steel portions of that. Once that's in, then the playground can be wrapped up. We're working on the municipal complex with the parking lot primarily, that's the most active thing on that project right now. You've seen probably degrading taking place over there as we're working on getting the parking lot built. We are also actively wrapping up the AV work in the Council Chamber. We anticipate getting that tested this week so that will be functional. Hopefully we'll have you in there very soon. The Street Program is underway. Decker Construction has been in town working on concrete items, which is primarily the sidewalk program portion of that job, as well as some miscellaneous concrete items and other places in town. Pavement work will not begin until sometime in June, so there will be a little gap probably between the concrete work and the asphalt work on that project. On the 36 S. High Street conversion to a substation, the plans are in for a permitting approval currently so, we're probably looking at doing some demo in there very shortly. On the private side, Greengate development Phase 3 and 5 are getting ready to begin. We've had pretty structured meetings on that project and a contractor is currently moving equipment to the site. Friendship Kitchen, the right turn lane on Gender Road that work is just about ready to start as well. South Central had some utility work to do there, and it looks like they're wrapping up this week. The road contractor should be mobilizing, hopefully hear yet this week. Right-a-way work, AT&T will actually be starting some work on West Waterloo Street hopefully this week. They have their groups called in, so they'll be starting actually on the west portion which is up by Cemetery Road. That job will continue and actually come down here into the downtown as they will access a manhole by Sticks and Stones so that work is getting underway.

Shea – Thanks for the update on the parking lot. I saw it was posted as 30 to 45 days, is it for construction to finish the parking lot?

Sims – Yes. That's our goal. Weather obviously comes into play, now we're down to the soil. We did have to do some undercutting so we'll see what conditions we have there if we need to do anymore. We're working through a survey staking issue actually here in the last couple of days. We're hoping to have that resolved, tomorrow morning we have a site meeting on that but that's the general timeline. Once the subgrade is set, then the curb contract will in and start installing the curb so it will move along pretty quickly at that point.

Shea – Is there any chance that we get some parking back sooner rather than later?

Sims – We want it back as soon as possible. Obviously, it's a hindrance to lose. We lost about 25 spaces

that we were using right before we closed it. You know, one of the biggest impacts actually is even for our own employees so we're parking out on East Waterloo Street, Trine Street, and even back over here at 36 S. High Street. We want to get that back as soon as possible. If you had an opportunity to go by and kind of see how the big footprint of that parking lot, there is a fair amount of parking going back in there.

Shea – McGill Park, I think we are all excited to get out there and do more than chase Easter eggs around. How long do you think it going to be exactly before we can get that open to the public? So, we can take that barrier down on the path and open it to connect to town.

Sims – The contractors have a punch list now that he has to work on. Essentially, he's going to be substantially complete when I send the certificate tomorrow on everything except for the playground and some of the seating restoration on the very north end of that project. Timing wise of when the path opens is really kind of more in the public works I guess as far as letting folks in there. Our intention is the playground really just can't be open until obviously the safety railing is up. It would be very difficult to open a portion of the playground and especially when that structure sits right in the middle of it. So, it will be very soon, I don't have a date for you but it will be very soon the folks will be in there.

Amos – Please remind me the number of parking spots that will be created between where they removed the old Community Center and Shades?

Sims – I don't have the number in front of me but it was roughly 54.

Amos – We're they able to salvage any of the original wood from the shelter during demolition?

Sims – Yes. We did salvage some pieces, not quite as much as I had hoped. Actually, we saw a lot of significant structural failure of wood even when the Fire Department began cutting into the structure. There were a number of columns that began splitting so they weren't great pieces but we did identify and got a very nice vertical column also a number of smaller like 8x8, 6x6 pieces as well. We got a really large beam as well. So, I think we've got some things we can incorporate in some innovative ways into some other places.

Amos – Have you already started thinking of those innovative ways?

Sims – Yes. Actually, I would like to take a piece and work it into the library at the new Community Center.

E. Request for Council Action

RES-22-015

Development

A RESOLUTION AUTHORIZING THE CITY OF CANAL WINCHESTER TO ISSUE SUMMIT IG, LLC A TELECOMMUNICATIONS AND ULTILITY PERMIT TO CONSTRUCT, OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM OR UTILITY WITHIN THE PUBLIC RIGHT-OF-WAYS WITHIN THE CITY OF CANAL WINCHESTER.

- Request to move to full Council

A motion was made by Amos, seconded by Walker to move RES-22-015 to full Council. The motion carried with the following vote:

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

Haire – This is very similar to the resolution we did at the last meeting for Everstream. Summit IG is a fiber optic company, they're proposing to traverse the City of Canal Winchester with their fiber optic lines. Specifically, they are looking at running fiber optic lines on Hayes Road and Lithopolis Road and then connecting over through Lithopolis and so we're requesting that they're issued a utility permit to be able to operate within the right-of-ways within the City of Canal Winchester. I'd be happy to answer any questions you have.

RES-22-016

Public Service

A RESOLUTION IN SUPPORT OF THE OHIO DEPARTMENT OF TRANSPORTATION'S APPLICATION TO THE TRANSPORTATION REVIEW ADVISORY COUNCIL FOR FUNDING OF IMPORVEMENTS ALONG THE US 33 CORRIDOR INCLUDING THE US ROUTE 33 AND BIXBY RD. INTERCHANGE PROJECT

- Request to move to full Council

A motion was made by Shea, seconded by Amick to move RES-22-016 to full Council. The motion carried with the following vote:

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

Peoples – This is a resolution in support of ODOT's TRAC application. TRAC is the Transportation Review Advisory Council, it is funding through Ohio Department of Transportation for large dollar projects. The Ohio Department of Transportation in some of the discussions we've had with them and some with the communities, we had originally thought that these were going to be separate applications for the US Route 33 and Bixby Road interchange. The 270 and 33 interchange improvements and then also the US 33 corridor improvements. ODOT last week decided to combine all of these together into one application for TRAC. From a strategy standpoint, they thought it would get better funding or a better scoring for all of these. They are very much related to congestion mitigation along this route. The study they've completed with their consultants L J B that recognized these three projects in a study that went basically from 104 down to Pickerington Road. As some of you know Pickerington Road has already received funding through the TRAC process for the Pickerington Road interchange. This would kind of go along with that as well. So, that's why they went from just a single project to a support for all three of the projects and this is design phase only.

Amos – In addition to the resolution, is there anything else that we as Council can be doing to try to expedite, encourage?

Peoples – I know that there were some individual letters of support that had went around and we received back. We've worked with some community members and businesses to provide letters of support, the school provided letters of support as well. Some of the neighboring communities are working through that. Mr. Haire put together some information on the amount of infrastructure funding as well as private development in the area that would definitely go towards that as well. Mayor Ebert was able to get support letters from four members of the legislature. Mr. Moore got Planning and Zoning and I believe

Landmarks as well.

Amos – Have we reached out to the Greater South East to see if they'll put their support in behind it?

Peoples – We have not. The City of Columbus was on the call as well as the South East so they were garnering their own support legislation.

Shea – You have been doing public dollar stuff for 30 years. Mr. Haire I would love to hear your thoughts too. When you combine all three of these projects and make it more of a corridor type issue. What do you think that does for us? I'm asking to speculate but ODOT in terms of getting this package done and hopefully give us some relief down here in this part of Franklin County.

Peoples – Everyone that was part of the process liked the strategy that ODOT had implemented on the three projects coming together. These are just design projects at this point. I think it does identify some environmental issues as well as through the design you'll identify right-of-way required as part of this. Everyone seemed to be on board with it as a sound strategy to get these done. You know, what's left is the actual construction portion of it and that is the unknown after that. At least we do have ODOT's support through this process at this point. Everyone on the call from the City of Columbus, Franklin County provided a letter of support as well and they are going to be a big part of this from that regional collaborator standpoint. The City of Groveport was involved and Madison Township as well.

RES-22-017

Development

A RESOLUTION TO ACCEPT THE APPLICATION FOR THE ANNEXATION TO THE CITY OF CANAL WINCHESTER OF CERTAIN TERRITORY IN MADISON TOWNSHIP CONTAINING 87.5+/- ACRES AND BEING LOCATED SOUTH OF WINCHESTER PIKE AND NORTH OF BIXBY ROAD

- Request to move to full Council

A motion was made by Milliken, seconded by Shea to move RES-22-017 to full Council. The motion carried with the following vote:

Yes 6 – Milliken, Shea, Walker, Amick, Amos, Clark

No 1 – Ward

Haire – This is annexation for the property known as the Levin property annexation petition, was filed by David G Robinson who is the agent for the petitioners. It was considered by the Franklin County Board of Commissioners on their February 8th meeting and approved. They approved that annexation. We received the results of that approval on February 14th. The Ohio Revised Code mandates that 60 days elapse between our receipt of that and accepting the annexation. The 60 days have passed. So, we're asking Council to approve the acceptance of the annexation. You will recall there is a pre-annexation ordinance that has been approved for this property that was approved by ordinance #21-039. That was approved on October 18th of 2021 that indicates that we will accept the annexation when filed for this property. So, I would be happy to answer any questions you have regarding the annexation.

Ward – Without pulling up the pre-annexation agreement, do you know if this is one where we agree to allow detachment, the zoning does not go through?

Haire – That’s correct. It is the same provisions as the Schacht property. It has the same language. If they’re not entitled to use the property for limited manufacturing purposes, if there is a moratorium placed, if there is a referendum filed, it would allow them to detach the property and requires us to cooperate in that detachment.

RES-22-018

Mayor

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

- Request to move to full Council

A motion was made by Amos, seconded by Shea to move RES-22-018 to full Council. The motion carried with the following vote:

Yes 5 – Amos, Shea, Ward, Amick, Milliken

Abstain 2- Walker, Clark

Ebert – This a resolution we have done every year since the Blues and Ribfest is coming to town. Basically, what it does, it outlines so both parties are in agreement the dates of the Blues and Ribfest, which this year its July 29th and 30th. It authorizes the use of control of our city streets and sidewalks during the festival. It gives the times of the festival both days. It establishes the boundaries for the festival and the control of traffic and Destination of Canal Winchester maintain liability insurance that names the City of Canal Winchester. It also establishes a time at least three weeks prior to the event that destination meets with myself and public works city staff.

Clark – Thad, I’m a volunteer and I coordinate the beer tent at that. Do I need to accuse myself? It’s unpaid and I’m not on the board but I do run that.

Boggs – It’s a volunteer position. You hold no board leadership position. Do you stand to have any financial gain or detriment from that? Just sitting here based on that information does not sound like a required recusal circumstance. I guess in the abundance of caution since the question came to your mind, you may want to abstain.

RES-22-019

Council

RESOLUTION RELATIVE TO COMMITTEE REQUESTS

- Request to move to full Council

A motion was made by Shea, seconded by Amos to table RES-22-019 to full Council. The motion carried with the following vote:

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

Boggs – The only thing I would note is that I received this memorandum of agreement concept this afternoon from the attorney for the Referendum Petition Committee. Essentially, with the request of whether Council and the city as a body was interested in continuing to negotiate on this matter so that is all that I would draw to your attention to for Councils consideration or not as it so chooses.

Clark – To me that’s extremely late. I haven’t even had time to read this yet. It just got dropped here. I don’t

know how you discuss a document that was just dropped in your lap.

Amos – Unfortunately, none of us have had the privilege to read it yet until you brought it in to us. It's not something that we can move forward at this moment on.

Shea – When did you get this Mr. Boggs?

Boggs – I received this at 4:37 p.m. today.

Shea – 16:37?

Boggs – Yes, 16:37.

Milliken – Is this something we're not going to vote on?

Clark – How do you vote? I mean, I don't even know hardly what's in it. This is pretty in depth.

Amos – Well, it's not on the agenda so it's not something that we would have to vote on. We would have to have it placed on the agenda in order to consider.

Clark – Next meeting we could have it placed and have a discussion.

Amos – Correct. As far as resolution 22-019, we're not finalized with anything yet so there is nothing for us to review at this time. It would remain tabled just in my opinion until we make a further decision.

Clark – Do we need a table motion of that?

Walker – Before we do that. Mr. Boggs, where does that put us legally?

Boggs – This Memorandum of Agreement was provided by the Referendum Petition Committee in anticipation that Council on its agenda has other pertinent legislation tonight. Not considering this agreement by itself does not change the city's legal position. I am not trying to be opaque but it is the votes on subsequent legislation tonight that would drive the city's position more so than tabling this.

Walker – I guess my question then would be, if there's a vote tonight then...?

Boggs – If there is a vote tonight to proceed with ordinance 22-016 I presume that would lead the committee to think one way about this agreement. I can't predict what the committee is going to do, so we have this in front of us, it was provided at 16:37 today. Council can consider it, Council can table it, Council cannot make any motion and it will just fall off the work session agenda next time.

Amick – Are we to interpret this Memorandum of Agreement? It's an all or nothing like every item on here, because we as a body have not discussed the individual items as of yet. So, are we to interpret that this is an all or nothing agreement?

Boggs – The attorney conveyed to me that this is a working draft and that items within it may be subject to negotiation now which specific items are negotiable or not, and to what degree? I don't know.

Shea – Considering that we got this less than 120 minutes ago in your hands and in our hands for about 30 minutes. I think there’s a lot there to unpack and I think we should do it justice and give it the time and consideration that it needs and not pull a knee jerk reaction this evening to throw it out the door, to do anything with it. Just from scanning it, there’s a lot of good ideas in here but to do it under the gun and under the pressure of right now, I don’t know if that works for me. I mean, these are good ideas that are good for the City of Canal Winchester. I think we would be fools as a Council if we didn’t go through this thoroughly and examine these ideas and discuss them and see what role they have in our city as we move forward. As we go into our development plan, there’s a lot of good ideas here. Some of them may be feasible, some maybe not. I don’t know that we have time to hash them out one by one this evening so I will move to table till next meeting.

ORD-22-016
Development

AN ORDINANCE TO REPEAL ORDINANCE 21-054 AND TO AMEND THE ZONING MAP OF THE CITY OF CANAL WINCHESTER, REZONING APPROXIMATELY 70.625 ACRES OF THE EXISTING TRACTS OF LAND OWNED BY TERESA L. AND DALE C. SCHACHT, NORMA JEANNE SCHACHT TRUST, THE STATE OF OHIO, AND NP CANAL WINCHESTER LLC, LOCATED ON BIXBY ROAD AND RAGER ROAD FROM EU – EXCEPTIONAL USE TO PID – PLANNED INDUSTRIAL DISTRICT AND DECLARING AN EMERGENCY

- Request to move to full Council

A motion was made by Shea, seconded by Milliken to untable ORD-22-016. The motion carried with the following vote:

Yes 5 – Shea, Milliken, Walker, Amos, Clark

No 2 – Ward, Amick

A motion was made by Milliken, seconded by Shea to move ORD-22-016 to full Council. The motion carried with the following vote:

Yes 5 – Milliken, Shea, Walker, Amos, Clark

No 2 – Ward, Amick

Haire – We’ve discussed this at a few meetings. This would essentially repeal the previous zoning ordinance that zoned this property to limited manufacturing. It would create a new zoning district for that property planned industrial district. There is a development text associated with that plan district. How a plan district works is, you basically write the zoning text as you would like it for the property. We’ve worked to draft that zoning text specifically for this property. Where items are silent in that zoning text we defer to the limited manufacturing zoning district and the other zoning ordinances in regards to landscaping, things like that where it’s silent. There is one change since you have last seen this. We did amend the building height and so the building height was previously maximum of 44 feet and it’s been amended to 50 feet.

Shea – Where the hell did 50 feet come from?

Haire – 50 feet would allow for a 40-foot clear height building and so in an adjacent to loading docks and things, some of the walls are up to 50 feet tall in those loading dock areas.

Shea – Is that because of the docks being sunk now?

Haire – Yes.

Shea – Talk me through this. We start here on even ground and we're originally about 40 feet. Correct?

Haire – Yes.

Shea – In order to hit the viewing standards of US 33 and angle of approach and incline and all these perspectives, we have to now drop the building 10 feet down in the ground and put the dock wells in. We're not actually raising the height of the building, we're lowering the foundation?

Haire – The clear height on the interior of the building is 40 feet and so your roof slopes to get that 40 feet. Clear height so parapet walls to hide that roof in conjunction with the wells for the docks.

Shea – So, we're not increasing the building height, we're increasing the cosmetics of the structure?

Haire – I mean, that's one way to put it, yes. You have parapet walls that hide the rooftop mechanicals that hide the slope of the roof.

Amos – I know that NorthPoint is in the house. Is there a rendering of this at all?

Haire – Our typical LM zoning district is a 60-foot building. That's what our standard limited manufacturing zoning text allows.

Amos – If I understand Mr. Shea correctly, a truck is going to be backing in at an angle downwards, so they're going into the ground, which will help cover some of the trucks coming in. Did I understand that correctly?

Haire – Yes. That is part of the building height, correct.

Milliken – We have some representatives from NorthPoint here and they seem to be in disagreement on this.

Mr. Miles – So, all the renderings that we've ever provided have been that clear height. Have been the 40-foot interior and it's the parapet, you know, we heard that feedback "we don't want to see the mechanical" so I know that it's described as a change but that's always been our rendering. That's always been our building height, that's always been our clear height. Nothing has changed. We can pull up the previous presentations, everything that you've ever seen has been this height. It's the parapet that blocks the view of anything that's rooftop mechanical. Let me restate that, I think it would be smart to require that parapet that we've proposed because that's what people typically don't like to see is that mechanical equipment that sits up on top. It's the fake wall that's on the outside above the truck courts that blocks all the visual that's happening on top of the building, air conditioners, heating, solar panels, and things like that, things that you don't the view shed of, it blocks that on the top of the building.

Milliken – So to reiterate, this is as change that was made in order to adhere to some of the requests brought forth by the public.

Mr. Miles – From the very beginning of the plan change, we have thrown that parapet. We have proposed the parapet in this clear height. Nothing has ever changed in our proposal from the first feedback of blocking the mechanical equipment.

Haire – I drafted this text. I tried to make the building height more restrictive than allowing for 60 feet which we would typically allow if we deferred to the limited manufacturing zoning district. In doing so, it was an oversight on my part by not looking at the building elevations and seeing that the building height was higher than 44 feet, which I restricted it at. I then made the change to allow for the 50 foot to accommodate the plans that they submitted. It's still limiting 10 feet from what we would typically allow in a limited manufacturing zoning district.

Shea – I appreciate you owning the mistake because we all make them. Thank you. You guys look at the plans and interest here too. Has this building changed at all or is it still the same building that we've been looking at the whole time?

Haire – It's still the same renderings that you've seen, there's been no new renderings provided since probably late last year when the buildings were shrunk and the building footprint shrunk and shifted in the landscaping increase.

Shea – That all happened before I ever got here?

Haire – Correct.

Amick – Mr. Miles just to be 100% clear, I believe its diagram BB on page 13?

Mr. Miles – You nailed it. It's that same line of sight, same thing that's in page 13 what we've handed out previously and what we've presented on the screen.

Amick – If it's the same diagram, I am satisfied.

Mr. Miles – It is the same diagram.

Discussion

Amick – I just wanted to for my own benefit, I need to seek clarification. We talked about the Memorandum of Agreement and we agreed that we as Council need more time to digest these items since we're seeing this formality for the first time. So, what I did not walk away from that conversation was when and how. What is the protocol for when these items will be discussed?

Amos – For me personally, we've had a lot of conversations in the past couple weeks. A lot of conversations, a lot with our residents, a lot with NorthPoint. No matter what happens in the vote tonight, we have to review this stuff. Everything in this document is good. I mean there are some things we're not going to agree on, but everything that they've brought forward and they've asked us to look for are reasonable expectations that we

should be looking at. Regardless of how the vote comes out tonight, we still need to commit to our residents to look at this. I'm on board whenever you want to start. I've already started making some phone calls. I've already started looking some things over. Regardless of the vote tonight, we still need to uphold the promise that we made to the residents that we will review this. We can start tomorrow, if you're ready, I'll help you because that's the commitment that we made that we would review this and that we would take into consideration these ordinances. So, I plan to hold that up.

Clark – I am fine with that. Next meeting?

Amos – Yeah. I mean, I think everybody should be in and this is something I think Mr. Haire could start working with me to get the ordinances pulled and get them to Council and then everyone can come with some suggestions. I think it's important.

Haire – A lot of what's listed in here could be addressed in any future CRA agreements and then most likely many of these items would be included in the comprehensive plan. Those are items we want to consider as part of the comprehensive planning document in terms of recommendations. Typically, when a comprehensive plan is approved, there's recommendations to amend certain zoning requirements and then you follow up that comprehensive plan approval with rewriting portions of your zoning code.

Amos – Me personally, I mean we had some really good conversations and I think it's very important that we do take it forward. I do. The past couple weeks of talking with the referendum group, NorthPoint, lots of different residents, I mean in that few weeks, lots have changed between the original agreement. We got some screening work done, we've got a community benefit agreement coming. Mr. Boggs, are we allowed to share any of that information?

Boggs – I mean, none of those negotiations would be subject to confidentiality for example. You could if you choose to, but many of those things remain speculative or not final at this time, so there has been a proposal for additional contribution. I think from a legal perspective, in the best interest of the city like that needs more work than the last version I saw of it. As Mr. Haire said, you know if this project were to go forward in Canal Winchester there would be talks about Community Reinvestment Area, Tax Abatement and contributions in relation to that, there would be talks about tax increment financing and how that would work. So, there is a lot of meat left on the bone to discuss in terms of what the city and residents and developer can expect if this is to move forward.

Amos – I think the big thing for me and what I would need all the residents to hear, even the ones that aren't here. A lot of work has been done, a lot of conversations between Council, the group that filed the referendum, the developer, there's been a lot of talks. There has been a lot of come to the table. There's been a lot of proposed changes and the referendum group did work with us and helping converse with NorthPoint has made a huge significant improvement in the project in my mind. Again, while we're not putting the memorandum on the thing today, these are all things we have to look at and we have to promise.

Ward – So, are we giving up on those talks though, because we did untable Patrick's ordinance?

Amos – The owner of the property wants a decision.

Ward – Thad's legal analysis says we can continue to table it.

Amick – Mrs. Amick I think that's where a bit of my confusion lies is that when I ask about whether it's the intent of the Referendum Committee that this is an all or nothing list of requests and the fact that we as Council have not discussed these bulleted items makes me uncomfortable. I'll go on record and say well, most of these things are reasonable and I was a party in many of these conversations. There are some things in here that without additional conversation as Council, I'm not comfortable with so again, I can sit here and say check, check, check, which I've already done actually. I could say check, check, check and then I come to this one item and I'm like wait a minute. We need to talk as Council about this so that's where a bit of my confusion lies is when are we going to discuss this? Sounds like we're going to do this at our next Council meeting.

Ward – But, we already untabled Patrick's ordinance so we are giving up on the negotiation.

Clark – There are other projects coming forward that these could be incorporated in.

Ward – So, we're either going to override and tromp our residents tonight or we're not? Either way we're giving up on negotiating.

Clark – Well, I think we are going to lose an extremely important project to the city if we don't move forward with this.

Amos – I disagree that we are giving up on negotiations. For me, they've said in good faith in this document that they will pull the referendum and I'm telling you in good faith, we're going to continue working on these things. So, I'm putting in faith that even if I change this up they're going to be willing to pull it and they're putting good faith that when I say we're going to adjust these things that we're going to adjust them.

Ward – Jill if Patrick's ordinance passed then the referendum is invalidated and then they have to file another one.

Amos – None of the items that are here in this document, none of the items that they want us to look at have not been addressed in the NorthPoint project with NorthPoint, not one single thing in this document goes towards NorthPoint. We've already addressed that, they've already made accommodations and changes to come to the table with almost everything they ask us for here. I'm not quitting on them. We still need to look at this stuff. You could say we're quitting but you know, nothing in this document that they're asking us to look at goes towards NorthPoint. NorthPoint came to the table and agreed to these things. It's our job to take this from here. They're saying they will pull it, they would be willing if we had waited if we did all this stuff. I'm saying we're still going to do this stuff, we're still going to hold up our deal towards the new projects.

Amick – I think in the Memorandum of Agreement there are obligations that are pertinent to the NorthPoint project. Specifically, there are items that are pertinent to how we, the City of Canal Winchester do business and our zoning, again I haven't looked at this entirely because I just got it but in previous conversations there were items related to the Charter, which is kind of in my mind, the third bucket of work. So, it sounds like there is a lot packed into this one document and so it's unclear to me exactly if this an all or nothing versus there's one Memorandum of Agreement as it applies to pulling the referendum for the NorthPoint project, to me that's one issue. Then there is another whole separate list of confused as it pertains to how we as the city move forward with additional development. That's how I'm interpreting this list of requests. Again, I might agree with some, I might disagree with others. I'm just trying to figure out what applies to tonight's vote and if

this whole document applies to tonight's vote, then I have an issue with that.

Ward – I would just say it's my understanding it's not all or nothing but it was a draft to start negotiating and discussing as part of Council like Thad mentioned.

Amick – One piece of it applies to the ordinance that's on the docket for the seat.

Ward – I haven't had time to read it like you have.

Amick – Believe me, I'm speed reading because I've been in the conversations, but to see it in a formalized, revised manner, I'm seeing it as you're seeing it.

Milliken – Mrs. Amick I completely respect your hesitation on that, it makes sense. I would say that we've delayed this to a certain point now, we've kind of gotten to this point where we put it out there that we were going to vote on this tonight. There was ample opportunity for us to get this as opposed to 4:30 tonight and I'm agreeing with everybody here. I would love to look at it and discuss it further. I don't want to give up on it but when we put ourselves out there, that we're going to do this and then we get late responses, I mean that's not really on us.

Amos – Mrs. Ward, I know I keep hearing you say that we're giving up on it. I hear you. I'm not giving up on anything. I plan to continue the promises that I've made. Mr. Boggs, my question to you is, Mrs. Ward is stating that we can push the vote back. We cannot vote on de-annexation, does it put us in a legal bind, or could it potentially put us in litigation if we do not pass it as agreed upon?

Boggs – Council for property owner has communicated through his initial letter asking the Council to start the detachment assent process. Is theory of the pre-annexation agreement is that the filing of the referendum itself was a breach that set in motion the 45 day cure period which expired at the beginning of May prior to this meeting. He agreed to continue that detachment discussion to today and said that he would not agree to any further extension requests. I don't necessarily subscribe to the view that the filing of the referendum is a breach of the contract. The question would become does further delay itself constitute a breach of the requirement in the pre-annexation agreement to cooperate and detachment proceedings. On the one hand, Council has the ability to move legislation. It can do that. It's not stopped from doing that, but there may be a consequence that consequence may be that Mr. Schacht through his attorney files an action relative to the pre-annexation agreement. That explicit threat has not been made but it's a possibility. I mean, I'd like to give you a yes or no answer, but it's not a yes or no question.

Amos – Realistically, there is an opportunity for them to file a suit against us because they have waited.

Boggs – If they continue to take the position that they have, then yes.

Ward – I also want to mention that if Patrick's ordinance passes, we will also have a lawsuit from the Referendum Committee's attorney.

Shea – I don't know if any of y'all been in a lawsuit, they're not fun. But it seems like no matter what we do, you're getting sued.

Ward – I disagree.

Shea – I am speaking, I have the floor.

Ward – I thought you were finished.

Shea – Anyways. I'm lucky, I'm really glad that we have a good city attorney that comes with a well provisioned firm. So, if I am to look at these two potential suits, we have one from the Referendum Committee. We have one from a land owner, business owner and attorney. Right? Which one of those defenses is going to cost us more?

Boggs – I will say I'm not inclined to go into that level of detail in terms of defense strategy in a public meeting.

Shea – That's fair. I can start analyzing it. Right? You've got one guy who is a farmer, is well capitalized and has a pretty darn good attorney and then you have another small group of people who are fighting for something they believe in and they believe in it very earnestly. I respect their belief and I respect the work that they've done because they've made this city better. They have made this development plan coming down the pike going to happen. They have made it so that we don't give another freebie 15-year 100% abatement. They have done everybody a great service by pointing out some of the weaknesses in our practices as a city. So, thank you all to all of you who have participated in that because those are big wins in the scope of a cities operating politics. That being said, I'm more worried about the well capitalized guy suing me than I am a small group of people if I'm looking at who I have to defend against. I know you don't want to get into the strategy but that's kind of how I look at it. One's going to have deeper pockets than the other. Which one has a better claim?

Boggs – I'm not going to discuss that in the public meeting.

Walker – Possibly what we're not looking at too, at that point there could be two anyway.

Ward – I do want to point out that if we do vote to detach and then vote Patrick's ordinance down, we are not at risk of litigation. So, there is a path that does not lead to litigation.

Shea – I move for executive session to discuss this.

Boggs – If Council wants to move into executive session, you have to provide the specific reason. So, if it is to discuss pending or imminent court action within attorney for the public body then that would be a proper motion in executive session or we could do that later during the Council meeting.

Shea – What is your preference?

Boggs – Let's just do it now if that's Council's will.

Shea – I would like to move for executive session to discuss pending and possible litigation for the city.

Ward – I just have a question really quick. Thad, is there anything that you're going to tell us that you haven't already sent in emails to us?

Boggs – Yes.

F. Adjourn to Executive Session @ 6:56 p.m.

A motion was made by Shea, seconded by Amos to adjourn to executive session to discussion a pending or imminent court action under Ohio Revised Code Section 121.22(G)(2). The motion carried with the following vote:

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

City Council returned from executive session at 7:50 p.m.

ORD-22-020**Development**

AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR OUTLOT 7 IDENTIFIED IN THE MEIJER OUTPARCEL DEVELOPMENT PATTERN BOOK

- Request to move to full Council

A motion was made by Shea, seconded by Ward to move ORD-22-020 to full Council. The motion carried with the following vote:

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

Haire – While he’s getting set up, this is for a new Taco Bell that’s on outlot 7 in Meijer outparcel development pattern book since this Council has not seen one of these before. This is a planned industrial district as part of the development text for that planned industrial district, Council reserve the right to approve any final development plans in that text. So, this has been presented that Planning and Zoning Commission’s last meeting with the recommendation for approval, and so it’s ultimately up to City Council to approve the final development text for this specific application. Mr. Moore will present the details of that application.

Moore – I’m going to try to keep this as short and sweet as possible so if anybody has any questions about the proposal of the Meijer’s development text in general, please feel free to stop me and we can kind of go over some specifics. As Lucas said, this development was approved in 2006. City Council wanted to reserve the right to approve all the outlot development plans, so it’s set up for City Council for the three readings for that process as similar to what was done for Pediatrics Associates and Chipotle. The subject parcels are proposed 1.26 acre split of the overall parcel for the Meijer outparcel development. This property zoned planned industrial district and consists of the 1.26 acres, which is known in the outparcel development text as outlot 7. This development text is part of that overall plan that outlines how the building should look, location, landscaping, lighting, parking standards, etc. It’s basically just a massive development text that has a bunch of recommendations for should include and that has a bunch of recommendations for will include, some of those I will talk about this evening. The applicants requesting for a new 2,300 square foot Taco Bell restaurant with a drive-thru on the property. Up on the screen you can see outlot 7 on the left is what we’re discussing here, and then outlot 8 is the remainder here on the right. What makes these parcels unique is in the outparcel development text, whoever develops first is required to construct a shared access drive down the middle splitting both outparcels 7 and 8 and then the only access to those outparcels are from that shared drive. Basically, to help control and funnel traffic and specific directions so that you’ll see that on the plans here this evening. The development text is also different callouts for setbacks and build-to lines depending on what outparcel you’re developing on. This one building has to be 40 feet away from Meijer Drive. That’s a build-to line and it has side yard setbacks to 25 feet and rear yard of 25 feet. What makes this unique is just because they’re all private access drives with the location, it’s kind of forces that building perception in certain locations that you’ll see in this application. Up on the screen is the location and the general site plan for the subject parcel. Again, the 2,300 square foot Taco Bell is required for the development text to be 40 feet away

from Meijer Drive out front. The development text has very specific standards for parking. Basically, requires all the parking to be behind the building on access drive. If you draw a line here for the parking, it's behind this access drive. It's allowed to front the private drive that's being constructed for the access. The applicant is showing an in and out access on the southeast corner to circulate the parking lot. Then the drive-thru loop is completely concealed behind the building, it has an exit terminating in the north east corner, which also the parking lot traffic can exit through as well with this movement. When looking at the plan itself, the Meijer outparcel development text requires the drive-thru to be in this orientation. So, it requires these unique kinds of orientations and building kind of flipping movements that are being shown. Looking at utilities for the project, the utilities are directly adjacent to the site on the south here for water and sewer, and then the site has a regional detention basin that is shared for all the outparcel developments. Basically, when Meijer was doing this, Council asked for Meijer to take on the responsibility of all the storm water control releasing the burden from the outlot developments making the developments little easier to construct. That's one of the things that was done in 2004 before the plans for this were approved. The development text has a very heavy landscape standards. It's the most intense landscape standards for the whole city quite frankly. It requires all the parking and the drive-thru loop to be screened from all the roads, including private roads. It requires for so many islands of a certain size, depending the number of parking stalls. It requires for a certain percentage of a building perimeter to be landscaped. The applicant is showing all the above and then it also requires a certain deviation of types of trees for the overlay and their meeting that as well. They're screening mechanical units, the electric transformer, screening some of the grease interceptor underground, dumpster in this location. So, again it meets the threshold for what's required and the applicants even showing additional landscaping around the menu board that will be screened, kind of hiding the back of it from the private access drive here to the west. Part of the development text requires for dumpster enclosures to match the principal building. They're even showing basically the same type of enclosure that is in front of Chipotle to kind of mirror some of that context throughout the site. When looking at the lighting, the develop plan has very specific standards for a 16-foot-tall maximum light fixture. They're meeting that for style and lumen count. The applicant chose to do the same 2 brick colors that's on Chipotle to try to create a theme throughout the development. The development text just requires that the outparcels be cohesive in style and in material and color. Then it basically just references to try to match Meijer as its base whenever possible. So, since Meijer was first it really just gave that starting off point and then all the other outparcels are allowed to pull off of each other to kind of create that cohesion throughout the development. When looking at the kind of elevations, this elevation is typically what Taco Bell has their front. Most drive-thru restaurants have the skinny side of the building facing the street because it's the most convenient for the loop around the building. You actually make a loop completely around the building with your automobile. Again, based off of the Meijer development text, you're required to have that loop concealed behind so they had to turn the building 90 degrees in order to get that to work, same orientation as Chipotle has for those that visited that new site since it's opened. Looking at the back of the building, they added an extra window to the dining room. They did some windows to match what they did on the front elevation and then this is the cooler in the back, one wall with the parapet and then two towers with taller parapets to kind of make that elevation breakdown from the building to give a little more interest on that side. When looking at the signage for the development text, it's very picky. You're not allowed having any face lit aluminum signage. It all has to be backlit where it halos onto the building or goosenecks, which is a light shining over onto the sign. All the signage in the development is halo lit, so Taco Bell chose to conform to match everything else to do a halo lit sign. Their sign vendor was really easy to work with, and this is actually a one-off sign they haven't done before. I was able to kind of coach him through of what needs to get done. So, for reference, just for anybody curious, the bell is 3D. It sticks off the face of this purple kind of half moon, and then the light shines behind onto the purple area to kind of create that effect. Looking at the lettering, same thing. This is similar to what X Church put on their building. All the outparcels and Meijer

where instead of the light shining through the words, Taco Bell shines out behind onto the building. Planning and Zoning Commission reviewed this application FDP-22-001 at the May 9th agenda and they recommended the City Council that the plans be approved as presented. If there are any questions you guys have about the development text or the project specifically, I'd be happy to answer.

Amos – I did hear you on the brick, so that's the standard brick colors that were originally on the pallet, correct?

Moore – The Meijer development text does not have a pallet color. It just says that the buildings must have 60% brick and then it said that it has to be similar in appearance to the Meijer building. When we looked at the brick that Pediatrics put on and Chipotle put on, the bricks they use are a little darker in tone and then they did a two-tone brick pattern. Meijer has more like a salt and pepper, where there is a lot of beige blonde bricks that are popping out. This matches Chipotle kind of exactly in color and deviation where color is being used. It meets the intent of the development text to have it be cohesive with all the outparcels.

Amos – There is no emergency lane in that drive-thru. Is that something they're going to consider? Is that something that's not being considered?

Moore – You're not required to have that for any kind of drive-thru orientation. With this one specifically, the way Meijer has their development text set up, it would be about impossible to do one because you would have to stretch the drive-thru towards the street further and then you have your breakaway basically cut through the parking lot in some manner to have that happen. The way that this site is basically functioned, the only way to have a scenario that may function that way is if you got rid of all the landscaping here and didn't curb the parking lot to allow someone to kind of just like break off into the parking lot at will. This is a pretty standard operation for existing facilities around town. What makes this site different is this building has to be turned 90 degrees and shoved up to the north.

Amos – The Chipotle lane does have a breakaway though, right?

Moore – The only thing that makes theirs's different is they don't have parking right in this orientation here and so this is their drive-thru loop.

Amos – They've turned their parking to be the opposite side to allow for more flexibility on that.

Moore – Yes and no. Their parking is an angled parking throughout the whole lot so you actually have to angle in throughout the plan. The reason why they have their kind of parking orientated differently is their site is much wider and this one, so their dimensions are wider than tall. So, because this is a very kind of square shaped parcel, they'd be pretty limited on doing that because then they wouldn't meet their minimum parking threshold. If they reduced this whole row of spaces, they'd be below the parking they need.

Amos – Gotcha. So, there is really no way to reconfigure is what I hear you saying.

Moore – No.

Amos – How many more outparcels remain on this property?

Moore – Total?

Amos – Yes.

Moore – If you follow the development text on how it's laid out, I believe there's 13 total. The Chipotle and Pediatrics kind of created a new parcel in between them. Originally those are much larger parcels along Diley Road. Those were denoted as outparcel 2 through 4 and there's an extra one that got squeezed in because Pediatrics has their building skinny side facing Diley. It just created enough room for another acre and half outparcel there. So, technically 13 but the total now there's probably 9 left.

Amos – From the design, I can't tell I apologize. Other than the one sidewalk coming out of the building, is there a sidewalk for any walkability?

Moore – Yes. That's a really good question. Part of the Meijer development text requires multimodal transportation networks. The developer is showing sidewalks along the three frontages here that are required for the development text. They're showing a sidewalk connection that's leading from the parking area around the building to the front and the patio, and then the front door to the sidewalk connection here. The site is accessed by sidewalk on all three sides. The exception is access drive here, this side is not required to have sidewalk areas mainly because it walks you past the trash area and it's also the main kind of vehicle corridor for traffic so it's to try to help separate that.

Amos – Does the patio face the gas station?

Moore – No, the patio faces Diley Road.

Shea – Mrs. Amos when you were talking about emergency, are you talking about like firemen and police officers and such, or are we talking about getting out of drive-thru and waiting too long?

Amos – I'm talking about when the mom gets the call that something's wrong and she's got to get out of that line because sometimes Taco Bell takes a minute. We have them in most of our drive-thru throughout Canal Winchester.

Moore – The applicants here to answer any questions you guys have, he's really here just to have the presence of tonight's meeting. Thank you for listening.

Amos – What is the project budget for this? Do you have an estimated project budget for it?

Moore – We don't have any requirements to state project budget but I do know from talking to the architect that this is the second or third most expensive Taco Bell he's ever designed. Mainly being we require a lot of window glass in the front elevation and because the building was required to be turned 90 degrees, the front elevation that they normally have is that skinny side since we're requiring to be that long side, they had to add more windows to it. They actually have to raise the ceiling height in the building from 9 foot to 10 foot to grab more window area to be closer to our threshold. So, doing that in itself I think added a quarter million to the project.

Public Service

951.03 REGARDING RULES FOR PARKS, PONDS AND LEISURE/MULTIUSE PATHS

- Request to move to full Council

A motion was made by Amos, seconded by Walker to move ORD-22-021 to full Council. The motion carried with the following vote:

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

Peoples – As we discussed at the last meeting just looking to make some changes to the park's rules ordinance. Make it a little bit more flexible for the city. I worked with Mr. Boggs and Mr. Shamp to tie in the code section that we have, that was my biggest concern with this ordinance. It's a repeal of the original ordinance and then amending the section. As part of your packet, I did provide a red line of the amended 951.03.

Amos – Do we need to modify this to include anything for the DORA as we start looking at it going forward?

Peoples – I don't believe so.

Amos – The reason that were making these changes is to allow the city to have quicker access if we need to do something in an emergency situation, correct?

Peoples – Essentially, yes.

Shea – This takes the rulemaking for the parks away from the Council and replaces it with the Mayor or the Mayor's designee?

Peoples – Yes. Which is typical of most every other administrative rule we have. For instance, there is no pool rules that Council governs, it's all done administratively. I'm not really sure why this was done the way it was in 2013, I don't recall. I know that there was some discussion, we wanted to tie it in with some of the penalties out there. We had some juveniles that were causing a lot of problems back then very specific individuals and that we were trying to bolster some penalties for that. That's what the original #13-43 was for. It does not allow us to be flexible as what we could be and again as what Mrs. Amos brought up with the DORA, alcohol is not available or not permitted in parks, and so that would kind of tie in Stradley. Those are the type of flexibility things that we would like to have back with that ordinance.

G. Old/New Business

Clark – I would like to introduce Carolyn Ebert. She is the President of the Labor Day Committee. She is here on behalf of some people that wanted to have more dialogue and some questions answered about the Labor Day Committee and where our finances stand. Also, the \$30,000 that we appropriated for Labor Day.

Mrs. Ebert – Originally, I was asked to come because Council was making a recommendation or motion to donate to the Labor Day Committee. Then I was asked to come back and explain the expenses of Labor Day, which I brought those back. Then there was a question last time in regards to a donation from the Wood Foundation. The Wood Foundation did make a commitment to provide funding designating that

funding for national entertainment. That includes the rooms we have to pay for the entertainment, the stage and those kinds of things that go along with getting national entertainment in here. We were trying to get Alan Jackson to come and then COVID hit, then his health declined so he's no longer scheduling. Right now, we are still continuing to work on different entertainers and their requirements whether it's rooms or whether it's food or whether it's different stage and all that. Once we complete that, any funding that is left over from the fund that the Wood Foundation designated to us will be returned back to the Wood Foundation. That money was given to us with the understanding that we would use it for is national entertainment and if we did not use it all for that, it would be returned to the Wood Foundation. We're still working on that. I wanted to address another comment that was made at the last meeting that said residents said they had previously donated and had not been asked this year. Also, that was posted on social media. We are not done soliciting for funding for Labor Day. I went back to 2017 and pulled all the financials and anybody that has donated from 2017 coming forward has been talked to about donations. People had commented that they had previously donated, it had to be before 2017. I can go back farther than that if that is a necessity. We did have one individual that contributed to us and then asked for a refund and that may well be one of the folks that is on social media making the statement. To clarify another statement Miss Canal Winchester Pageant is totally separate than Labor Day and has been. Their funding is totally different so if somebody donated to the Canal Winchester Pageant that would not be in our financials, we kept that money separate for them. I just wanted to address those things. I also have to say the social media that was posted said for sponsorships in 2020 that we had \$3,500.00 from Central Ohio Honda Dealers. That was a proposed amount that they would provide to us. We didn't have a 2020 Labor Day Festival. Therefore, we did not receive that funding. Wyler's had promised \$5,000.00 from the dealership, same thing. They did not commit or they didn't follow through because we didn't have a Labor Day Festival. Waste Management had committed \$10,000.00. They did come through with \$9,000.00 of that. There are several things on this copy of agenda meetings that did not fall through because this was projecting towards 2020 event. So, some of this funding is not there. The last statement that I wanted to address is regarding the statement that they were questioned the financial integrity of the Labor Day Committee and where previous funding has been spent. I invite anybody that wants to challenge that and question the integrity of anybody on that Labor Day Committee. Let me know and I will have the committee sit down with you and show you what money has come in and what money has gone out. There is not a single person on that Labor Day Committee that should have that presented to them that their integrity is being challenged. They have donated their personal money to this event as well as everybody on that committee has. That is very offensive to us. The last thing I'd like to say is, the comment that Mr. Clark should not be allowed to vote, you withheld your vote because of the statement. That made it clear that it was not a violation, but you chose to do that. I challenge any other Council member to withhold their vote on any other committee that's in this city. Canal Winchester Joint Rec, Historical Society, and Destination, any of those committees that are in the city, anybody on this Council that sets on their board or is involved in those organizations should also withhold their votes for future.

OTH-22-008

Comprehensive Plan Steering Committee Selection

Haire – As Council requested at the last meeting, we have set up a website and put out on many different forms that we were looking for members only qualification being is that they are a resident of the City of Canal Winchester. We had 30 qualified submissions. One of which has been withdrawn because they were appointed by or nominated by the CW Historical Society and so there are 29 individuals there. I believe that you were intending on drawing them randomly, so we do have printed out the ID number that is associated with each of these so that you can draw out in a random fashion as you please.

Ward – How are we doing this? Are we putting these in a bucket?

Amos – They have drawn up an envelope for us.

Boggs – Just to be clear, is the intention that I'm pulling three slips?

Haire – Four.

Amos – While Mr. Boggs is drawing. First of all, thank you to everybody who put their name in the hat. They've chosen to take on a task of helping make the city better so we appreciate that.

Numbers Selected:

- 3291 (Ann Bennett)
- 3318 (Richard Brown)
- 3293 (Laura Taylor)
- 3310 (Michael Vasko)

Shea – Do we need to draw an alternate just in case somebody decides not to do it?

Ward – I think that's a good idea.

Boggs – If Council would like.

Milliken – With this large number, I think maybe two might be appropriate.

Amos – The question on the table was whether to draw an alternate. Mr. Boggs is going to draw two names as alternates.

Alternates Selected:

- 3316 (Kay Sargent)
- 3312 (Rick Moore)

Shea – Thank you to everybody who volunteered to put their name in the hat.

Boggs – If we want to just memorialize this, I'd suggest a motion by Council to accept the individuals drawn as member of the Comprehensive Plan Steering Committee.

Haire – We really need to do that for the entire list so I don't know if we want to do it at this meeting or the next meeting so we can present the entire list.

Milliken – That's fine. We will save it for next meeting.

Amick – Our next meeting would be June 6th so do you know when the original kick of meeting is planned with Makenna?

Haire – I do not. There are still organizations that we have to appoint that have not appointed members yet.

Amick – How are we following up with the associations that have not designated their member? We need to get moving.

Haire – Many of them still have meetings scheduled for later this month so they're appointing at their board meetings.

Amos – Mr. Haire, it's fair to say by the end of the month we'll have the entire board appointed?

Haire – Correct.

OTH-22-009

Bed Tax Allocation Ordinance

Jackson – This has not been adopted. This was drafted by the previous Council and based on a couple of conversations that we've had over the last few Council meetings, we wanted to bring this back to your attention. It's up to Council what you want to do with it, given the hour if we'd like to hold off on any discussion we understand.

H. Adjournment @8:28 p.m.

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

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