

Canal Winchester

*City Hall
Council Chambers
45 East Waterloo Street
Canal Winchester, OH 43110*



Meeting Minutes - FINAL

August 15, 2022

7:00 PM

City Council

Chuck Milliken - President

Bob Clark - Vice President

Laurie Amick

Jill Amos

Steve Buskirk

Patrick Shea

Mike Walker

- A. Call To Order** *Milliken called the meeting to order at 7:35 p.m.*
- B. Pledge of Allegiance** - Amos
- C. Roll Call** *Present 7 – Amick, Amos, Buskirk, Clark, Milliken, Shea, Walker*
- D. Approval of Minutes**
- E. Communications & Petitions**
- F. Public Comments - Five Minute Limit Per Person**

Ann Bennett, 41 Elizabeth Street – Good evening. I'm a resident of Canal Winchester since about 1990. I'm here this evening to object to proposed ordinance #22-029 which seeks to change the rules of Council meetings in several ways. That includes slashing the amount of time officially available per person for public comments by 40%, from five minutes to three minutes. If Council was trying to make itself more insulated from and less transparent to its voters this argument fits the bill. What in the world are you thinking? If meetings are running too long to justify the amount of money Council members are paid, increase their pay. The City can save money by not buying sledding hills in flood zones no one else wants and by turning off all the lights at McGill Park which is closed after dark. If Council members feel encumbered by one or two late nights per month they may want to revisit their role in the City Government. From a voter's perspective this ordinance suggests Council deems public input to be tiresome or inconvenient and that is wrong. Please, when this comes to a vote, I urge you to vote no on it or better yet to have thought in consideration.

G. Reports of City Officials and Staff

Mayor's Report

Ebert – Just really quickly, there's going to be a 9/11 ceremony on Sunday, September 11th at 1:00 p.m. and it's the annual remembrance ceremony. It'll be held at Motts Military Museum, 5075 Hamilton Road in Groveport. More information should be coming our way. When I get it, I'll be sure to get it on to you. Just to add to that in the next few weeks you'll be seeing on the electronic board out there on Waterloo Street. There's a Pumpkins Helping People and that's three siblings who started a company on their own back in 2017. They started growing their own pumpkins to sell with the proceeds going to the food pantry. They found out the first year that they didn't have a whole lot of knowledge in growing pumpkins so they actually started buying their pumpkins locally and they're still doing the same thing. They're buying them and bring them in and clean them up. They're doing online purchases. Since they've been doing this in 2017, they've raised \$12,800 for the Canal Winchester food pantry. They started this company with two sister and a brother, ages 15, 13, and 11 years old. They're still doing this and they're not taking any pay for it at all. It's all volunteer for them. 3 years ago, we started putting their advertisement and how people can order on our electronic billboard and the numbers of sales grew greatly every year since. We're going to do it again this year. They are very appreciative and I just want to let you all know. I ordered pumpkins from them before and I'll tell you they're the best-looking pumpkin you ever seen. They really are. Before they give them to you, before they drop them off at your door, they clean them, wash them, they don't even look real. They do a great job. If you can support them, you're supporting the food pantry as well. That's all I have unless you have any questions.

Amick – First of all, I cannot believe we're halfway through August and the next three months, four months are going to blow by. Do you feel that you have everything that you need and all the questions answered for DORA to be able to make that application or do you still have some outstanding questions?

Ebert – No. Luke and I been working on that and we should be able to present something maybe next month.

July 2022 Mayor's Court Report

A motion was made by Shea, seconded by Amos to approve the July 2022 Mayor's Court Report. The motion carried with the following vote:

*Yes 7 – Shea, Amos, Buskirk, Clark, Milliken, Walker, Amick**Fairfield County Sheriff*

Sgt. Walker – I have nothing to add to my written report. We are going to be getting ready to move into our new substation hopefully within the next few weeks so we're pretty excited about that. I will take any questions if you have any.

Shea – Are there any big plans with your new space that will enhance your capabilities as law enforcement professionals in our community?

Sgt. Walker – Currently we have the substation and then we park our cruisers elsewhere because there is no parking at our current substation so we will park at our new substation. Which will be awesome they'll get to respond from the substation and get all their stuff from there. I'll be able to give you a quicker response time hopefully from there.

Shea – You're not in the basement anymore.

Sgt. Walker – That's a plus.

Milliken – Thank you for the increased presence over by the pool. I saw them again today on my way home so it's just nice to see somebody there to kind of keep an eye on things.

Sgt. Walker – Not a problem. They're floating between the pool, Dietz and Connor Drive.

Law Director

Phil Hartmann – I'm here on behalf of Thad Boggs tonight. No report this evening but I know we'll be going into executive session so Thad will be available by phone as well for that.

Finance Director

Jackson – I did not have a written report this meeting. I was on vacation last week but I did want to just briefly mention work is continuing on the 2023 budget. This is the last full week of pool operations as the kids get ready to go back to school. We will be closed Monday-Friday starting next Monday the 22nd. We will only be open on Saturdays and Sundays. The last official pool day will be Sunday September 4th. With that I'd be happy to answer any questions.

*Public Service Director**Development Director*

Haire – I would ask the ordinance #22-026 and #22-027 remain tabled. We are still working with Groveport Madison Schools and have a meeting scheduled with them tomorrow to further discuss that. I would ask that remained tabled until the next meeting. I know many of you attended a meeting with Representative Carey last week so that was good to get in front of him in regards to US 33. It's my understanding he supported an earmark that it's making its way through Congress currently for \$3 million for the widening of US 33. Hopefully that'll come to fruition and that can help accelerate that project. That widening includes the addition of another lane that is from Diley Road to I-270 along 33. It'll be an additional lane in each direction there which is included in the TRAC process. The TRAC process is still moving forward. They're intending to have preliminary scoring the end of this month so I'll be happy to share those once we get that information and then thank you for any of you that submitted public comments to MORPC. The regional transportation planning agency ranks those projects and gives a recommendation to the TRAC committee on those. There are six projects submitted in the region, two of those are US 33 so it's the projects associated with the Bixby Road interchange, the widening, the I-270 interchange with 33, and then there's another separate project that's the Pickerington Road interchange. We'll keep you updated on those. Lastly in regards to that, Bixby Road area we did receive some notification from the City of Columbus that they've received an

application for rezoning for the remainder of the Levin property. That's the North side of Winchester Pike on the West side of Brice Road and the proposal was for 538 multi-family units, 10,000 square feet of commercial space, and a 5,000 square foot convenience store and gas station with 12 pumps. We'll be working with them and evaluating that traffic study for that rezoning request that's come before the City of Columbus. There's an additional rezoning request for the Lamb property that's North along Brice Road just South of World Harvest. That's for an additional 900 units. We'll be working to make sure that they're including all those proposals into any traffic studies that are being done there.

Shea – Is it too late to try and annex the other side of the Levin property?

Haire – I believe there's a contract. Developers under contract to purchase that property and that's moving forward with the request in the City of Columbus.

Amos – So, that would be four gas stations within a half mile of each other.

Shea – You're going to need them with that many apartments.

Amos – What do we need to do to get them to pay into the Bixby Road interchange? Who do we need to talk to because all of these developers that are coming in should be paying into that fee?

Haire – We're going to coordinate with them on the traffic study side of things to make sure that the impacts of the traffic are considered for Bixby Road.

Amos – I mean, how do we get the developers of those projects to pay in? That's what I want. I want all of the 900-unit apartments for that developer to pay so when you say you're incorporating them in the traffic study, will the City of Columbus then impose a portion of this development cost for them?

Haire – It's unlikely because that's not a City of Columbus intersection. The Bixby Road interchange would be an ODOT project so it's unlikely that they would require any type of contribution.

Shea – Are they all tax abated?

Haire – It is within the area. I don't know if there's a specific application associated with that but it is within the area that permits a 15-year 100% exemption if they provide a certain percentage of affordable units.

Clark – Do you know how many correspondences that MORPC got for the 33 project?

Haire – I don't. Their deadline was Friday. I can follow up.

H. Resolutions

RES-22-031

Development

Sponsor: Buskirk

A RESOLUTION TO AUTHORIZE THE MAYOR TO ACCEPT A DEED OF EASEMENT FOR SANITARY SEWER FROM MRG OHIO PROPCO, LLC.

- Adoption

A motion was made by Buskirk, seconded by Clark to adopt RES-22-031. The motion carried with the following vote:

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

RES-22-032

Development

A RESOLUTION TO AUTHORIZE THE MAYOR TO ACCEPT A DEED OF EASEMENT FOR WATERLINE FROM MRG OHIO PROPCO, LLC.

Sponsor: Buskirk

- Adoption

A motion was made by Buskirk, seconded by Milliken to adopt RES-22-032. The motion carried with the following vote:

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

I. Ordinances

Tabled

ORD-22-023

Development

Sponsor: Milliken

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT FOR THE PURCHASE OF 20 SOUTH HIGH STREET, CANAL WINCHESTER, OHIO OWNED BY DONALD E. MOODY

- Tabled

A motion was made by Milliken, seconded by Amos to untable ORD-22-023. The motion carried with the following vote:

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

A motion was made by Clark, seconded by Milliken to adopt ORD-22-023. The motion carried with the following vote:

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

Haire – At a previous meeting I shared that we did receive the phase 2 environmental for this property. It did come back that there is some contamination in the soil on the site from the former fuel leak. We have worked with the property owner there to reduce the purchase price so what was proposed to be a purchase price of \$280,000, we're proposing that we amend that to a \$230,000 purchase price for that site. We would move forward with the purchase because the tanks on the site were removed prior to BUSTR being in existence which is the Bureau of Underground Storage Tanks, they're not considered fuel tanks under Ohio's Laws. There's not necessarily a requirement that we would have to remediate the site. It could remain as is as long as we didn't alter the area where the fuel tanks are. We are still seeking a proposal for a further investigation on what extents of pollution are there. It's likely that there may be some additional pollution that has spread to the South East but it's unlikely it's spread in any other direction which would basically take it towards Stradley or towards the public right-of-way. The Spence Environmental who is our contractor that did phase 2, that's what their proposal would be to do a couple more test borings on the site to the South and the East to understand if there's been additional spread in that direction. We don't have that done yet. We've also communicated with a contractor out of the Dayton Area that specializes in vapor mitigation to look at the system, installing the system in the basement there. That would prevent any vapors from coming into the site if we were to leave the soils the way they are.

Shea – I did some homework, asked around and there was a phase one done on the old South-Central building and it came back completely clean. So, we don't have to be as concerned about it going that way.

Amos – The reduction was \$50,000 if I'm doing my math correctly. After we do the second step of remediation if we determine there is any additional.. do we feel like what we've changed in pricing is going to be enough to cover any additional remediation we have to do?

Haire – Its unknown the extent of what remediation would need to be done but that would be a choice we would have to make whether we'd want to actually do the remediation or whether we would just leave the site as is depending on the scale and the scope of contamination.

Amos – If we look at the Old Town Plan, part of the plat was to add a patio, a restaurant with a patio, on the side of this.

Haire – The Old Town Plan contemplated that a new building would be constructed there. If we decided not to clean up the contamination on the site that wouldn't be possible because once you get into amending the soils and doing building foundations and things like that would be required to clean up. So, what we could do is do a patio in the front of the building adjacent to Stradley Place. That wouldn't necessarily require us to do any remediation.

Amos – So we're still going to pursue the additional information as to whether it's contaminated further, correct?

Haire – Correct.

Amos – From there we can decide if we want to remediate and if we do apply for the grants.

Haire – Yes. There are Brownfield grants that are available. There was a significant amount of money that's available currently. The application deadline is in September. We won't have the testing done at that point in time to apply for this round but it's likely there'll still be funds available in the future.

Amos – Cleaning up a site to leave it for our future, it's kind of important because we just don't know somewhere down the line that somebody won't try to dig it up and cause a bigger issue.

Haire – It's more in line with what appraised value would have been so based on discussions with the appraiser the property originally appraised it at \$265,000 because contamination is known now. They said there could be up to a 20% reduction in the values of \$212,000. Mr. Moody was unwilling to accept anything less than \$230,000-\$250,000 reduction. He would like to move forward with our original closing date which would be by the end of this month.

Amos – Obviously we have some things to work out as to whether we need to clean it up. Are you pursuing additional restaurants or additional business opportunities that could go there?

Haire – I haven't actively been working on that because there's an existing tenant in the space who would like to remain there until they find a new location. We would likely do a short-term lease with them to allow them to remain in the space while they find a new office space.

Amos – We can still continue remediation while they're there?

Haire – Correct. It'll give us essentially more time with income coming in on the property.

Third Reading

ORD-22-026

Development

Sponsor: Amos

AN ORDINANCE AUTHORIZING THE CITY OF CANAL WINCHESTER TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH NORTHPOINT DEVELOPMENT, L.L.C., PURSUANT TO SECTION 3735.671 OF THE OHIO REVISED CODE; AUTHORIZING THE CITY OF CANAL WINCHESTER TO ENTER INTO A RELATED SCHOOL COMPENSATION AGREEMENT WITH THE CANAL WINCHESTER LOCAL SCHOOL DISTRICT AND NORTHPOINT DEVELOPMENT, L.L.C.; AND DECLARING AN EMERGENCY

- Adoption

A motion was made by Amos, seconded by Shea to table ORD-22-026. The motion carried with the following vote:

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

Amos – We talked about the community benefit agreement. This is something that we have listed as the City would

control how that money is used. I know I've talked with a couple of you. This goes back to a conversation where we were all doing some of the negotiations. Laurie and I had a conversation before any of the other members, before any of the groups came together, it was actually on a night when a meeting was cancelled. She and I still met with the developer and this is something that came out of it. Then continued conversations during negotiations brought to light more because Council represents the people this should be something that Council has a little more control over. Potentially we talked about maybe doing a committee with some residents and Council and a City person to come up with the ideas for this. Just toss that around before we approve it. We represent the community and this is a community benefit agreement.

Shea – That change has been requested by me from Mr. Boggs. When I asked him that it wouldn't be needed because it was going to be tabled tonight but that request has been made to Mr. Boggs.

Amos – I just want to make sure we have it out there.

ORD-22-027

Development

Sponsor: Shea

AN ORDINANCE AUTHORIZING THE CITY OF CANAL WINCHESTER TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH NORTHPOINT DEVELOPMENT, L.L.C., PURSUANT TO SECTION 3735.671 OF THE OHIO REVISED CODE; AUTHORIZING THE CITY OF CANAL WINCHESTER TO ENTER INTO A RELATED SCHOOL COMPENSATION AGREEMENT WITH THE CANAL WINCHESTER LOCAL SCHOOL DISTRICT AND NORTHPOINT DEVELOPMENT, L.L.C.; AND DECLARING AN EMERGENCY

- Adoption

A motion was made by Shea, seconded by Walker to table ORD-22-027. The motion carried with the following vote:

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

Second Reading

ORD-22-028

Council

Sponsor: Shea

AN ORDINANCE TO REQUIRE NOTIFICATION OF LOCATION IN THE HISTORIC DISTRICT AND PRESERVATION DISTRICT

- Second Reading Only

First Reading

ORD-22-029

Council

Sponsor: Amos

AN ORDINANCE TO AMEND THE RULES OF THE CANAL WINCHESTER CITY COUNCIL

- First Reading Only

ORD-22-030

Development

Sponsor: Shea

AN ORDINANCE AMENDING THE FINAL DEVELOPMENT PLAN FOR THE GREENGATE RESIDENTIAL DEVELOPMENT

- First Reading Only

Haire – I would note that the developer is here if you would like to ask some of the questions that you have.

Bills – Good Evening Council, John Bills here on behalf of the developer in the Greengate project.

Amos – I have quite a few concerns on this, I'm going to be honest with you. The proposal lists a couple different styles of fence. We shared earlier during our work session that me personally I think 4-foot is a little high in a condominium unit. Having a multitude of different styles of fence even though they're all aluminum and all black but have a multitude of different potential styles. I've seen condominium units where people are allowed to put up

fences and then they become degraded and there's so many different styles. It's such a tight little community. I'm concerned about the appearance, not necessarily now but in five years from now, ten years from now, twenty years from now, when you have a multitude of different fence styles and sizes. The way our current ordinance is, it says up to 4-feet so first of all somebody suggested we would have to make a set height if we consider this and then potentially a set style. Not necessarily a manufacturer but a set style that would be community driven. Is that something you would consider?

Bills – Yes. It was actually something that we did talk about with commission. We don't really want to go to a specific manufacturer or anything because if they go out of business, things change. We are open to trying to set a more specific fence, we had four examples and it wasn't intended to be any one. We would be open to trying to narrow it down. As in picking a style whether that be the number of crossbars, one crossbar at the top, one at the bottom and one at the top. We could set a little bit more specific parameters around the spacing, the types of bars, whether it has the pickets on the top or not so that become more uniform. We're okay with specifying a specific 4-foot. I think that's a pretty standard fence. I'd have a little bit of hesitation with going lower just for some of the reasons of what they want to get them. The only other alternate or that we would want to allow and part of it is just around the different types of dog's people have and what they'd like to have. Some people have bigger dogs where I've had a dog that would jump over a three-foot fence. We've also had some people that have small dogs so they want to be able to add a bar. One of the pictures we showed in here, the commission members called it puppy pickets. It's so they can put a little bit tighter band for the first foot or two foot on the bottom to keep the small dogs in. Other than those variations we would be comfortable saying all 4-feet so they could stay uniform and we're open to trying to narrow the band of what the types are as long as we stay away from a manufacturer to lock one-person in.

Amos – I'm assuming this will be a request for the entire community even including the ones that are still under development.

Bills – It's split into seven phases although we're building them two phases at a time right now but yes it would be for the entire subdivision.

Amos – One of the things Mr. Shea and I have asked for is just to see the current plat, how it all lays out and what it's going to look like. Let's just say every single person has a fence, what's this going to do to a common area? I think he and I both want to see the overall footprint that this is going to cause.

Bills – We can probably put some type of exhibit together that kind of shows what that would look like. We did take a quick look at it and I don't have the specific measurements because it came up at commission as well how much space would there be. It's a little misleading and I think commission showed the overall plat with like the maximum condo box areas or whatever which are actually drawn deeper than what the houses were. From back of house, from back of house was over 90-feet. Even if they put 30-foot on it you still had a decent green space like 60+ feet but we can get a little bit more specific with measurements and share that with staff in order to get it to Council as well. The main reason we did bring this forward, when we first came to Council and we put the development text together we were a little bit unclear at that time how the condo documents would be written. We worked with staff and we've been brought a builder in afterwards as well and we did put in this limited area. There's already a limited use area that it's only for each condo unit. We allowed it initially for underground fence but we didn't know the maintenance would work yet and how it was all going to work. It is for their private usage and at that point it's kind of what opened us up to liking the idea of allowing fences. The market has also told us that the buyers want to be able to have a fence. We did want to limit it to one style, we want to keep the appeal, we want it to look good, we want it to be something we can be proud of, the residents can be proud of, so that's why we put it together the way we did.

Amos – Your common areas are controlled by the condo association?

Bills – All of the common area is maintained by it but there is a limited use common area where from like behind the house to halfway between their neighbor's house and then 30-feet off the rear of the home. It's for their limited use. It's only for that resident so they can have a patio. The fence would have to stay within that limited use area. The resident does take care of that limited use area as well.

Amos – Does the resident maintain it if there is no fence?

Bills – Correct.

Walker – The fence maintenance as far as ten years, fifteen years, down the road, they tend to discolor. Is the owner of that condo responsible for keeping that maintenance up?

Bills – Correct.

ORD-22-031

Development

Sponsor: Milliken

AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK TO ACCEPT AND EXECUTE THE PLAT OF GREENGATE SUBDIVISION PHASE 3 & 5

- First Reading Only

J. Council Reports

**TENTATIVE* Committee of the Whole - Monday, August 29, at 6:00 p.m.*

Work Session/Council - Tuesday, September 6, at 6:00 p.m.

Work Session/Council - Monday, September 19, at 6:00 p.m.

CW Human Services - Walker

Walker – I have nothing to report at this time but I will defer to Mrs. Amick if she has anything.

Amick – Nothing new. Mayor Ebert we appreciate the fact that you would put on the city's marquee about the pumpkins helping people because we truly benefit from that, our food pantry benefits which ultimately means our clients benefits so thank you for that.

CWICC - Clark

Clark – Our next meeting is August 31st at 11:30 a.m. at the City conference room.

CWJRD - Amos/Shea

Amos – Our next meeting is this Thursday at 7:00 p.m. at Town Hall.

Destination: Canal Winchester - Milliken

Milliken – Farmers Market is continuing through the end of September. There is a market that's going to be held the Saturday of Labor Day weekend from 9:00 a.m. to noon in the usual location. Destination is working with the historical society planning the October 15th Founders Day event and also planning for the December events such as Reindeer Games and Christmas in the Village.

K. Old/New Business

Milliken – We were talking about beautification and it reminded me. Mrs. Amos, I think it was last year you brought up the issue in front of Meijer. It's starting to look pretty rough again.

Amos – I actually just had a conversation with Andrew and Lucas so they're already on it. I just talked to them today.

Haire – We did notify Meijer probably two and half, three weeks ago about the maintenance of not only that sign area but just the overall landscape maintenance. They've invested over \$80,000 in that last year and they promptly ignored the site again. Hopefully we can get them back to where they're putting some efforts into that

maintenance.

Amos – When we talk about the downtown property I just want to make sure that the residents understand. Part of the reason we are seeking to buy this property is with the remediation. The City can qualify for grants to clean it up. Businesses or potential developers cannot so it makes it an unusable site for quite a few people and I think it's imperative. A lot of us agree that if we're going to protect our downtown area we need to clean up some of the things that have happened in the past including old gas stations. We need to know that we've done it right as far as clean up. So since we can qualify for funds we just want to make sure that our residents understand it's part of the reason. The McGill Park lights are on all night. I talked with a couple residents this weekend and there's at least one resident who says it goes through their bedroom window all night long. They're trying to block it out the best they can. I know that at one point in time we had talked about those would go off at a certain point in time at night.

Ebert – I will have to check with Bill or Matt to see if they do go off. I know they were going off. They're not all on. There's only a handful of them on.

Amos – When we first discussed this we talked about how at night they would dim down. Apparently, they have not gone down at all. The families around there a very concerned because the bat population for mosquitos.

Ebert – I have intentionally driven out there at night when it's pitch black almost and I have not witnessed that. The lights were not even spilling over onto the roadway.

Amos – I can always get you the addresses of the people that called and that I met with but I think maybe we need to go out to their houses. If we can at least start with revisiting, are the lights going down?

Haire – I know Mr. Sims has had conversations with at least two residents out there.

Amos – I just want to make sure we're addressing it because we did have this conversation a while back and said that this what was going to happen.

Amick – Just to carryover that Mayor Ebert agreed to have the staff research the digital transcription technology so it's captured for the Council minutes.

L. Adjourn to Executive Session @ 8:18 p.m.

A motion was made by Milliken, seconded by Amos to adjourn to executive session to confer with the attorney for the city concerning pending or imminent court action under Ohio Revised Code Section 121.22(G)(3). The motion carried with the following vote:

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

M. Adjournment @ 8:56 p.m.

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

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