

Canal Winchester

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



Meeting Minutes - FINAL

November 7, 2022

5:45 PM

Council Work Session

*Bob Clark - Chair
Laurie Amick
Jill Amos
Steve Buskirk
Chuck Milliken
Patrick Shea
Mike Walker*

- A. **Call To Order** *Clark called the meeting to order at 5:53 p.m.*
- B. **Roll Call** *Present 7 – Amick, Amos, Buskirk, Clark, Milliken, Shea, Walker*

C. **Also In Attendance**

Mayor Ebert, Matt Peoples, Lucas Haire

D. **Request for Council Action**

RES-22-046

Public Service

A RESOLUTION TO ADOPT THE FIVE-YEAR CAPITAL IMPROVEMENTS PLAN/MAINTENANCE OF EFFORT FOR THE CALENDAR YEARS 2023-2027 FOR THE CITY OF CANAL WINCHESTER, OHIO

- Request to move to full Council

A motion was made by Amos, seconded by Amick to move RES-22-046 to full Council. The motion carried with the following vote:

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

Discussion started at 4:03 on YouTube Channel

Peoples – I've been waiting to present this to Council to try to dial in a little bit more on the 2023 Street CIP projects that we're going to do. We still need to do quite a bit of design work on one of the projects. We still need some data from that. As I've said before this is a very fluid document, and it could change tomorrow so there is no better time than any to go ahead and get this adopted through Council. The Street CIP is really the only thing right now that's going to impact this at this point. So, how we do the Street CIP, we have our engineers put together cost estimates for the various jobs that we have. We figure out what's in the budget and then start doing a puzzle piece and figuring out how much money is left to be able to do the individual street.

Amick – If there's only one funding source or even if there are multiple funding codes and sources on here, if one of those does not get approved, what happens? Do you just go back to the well and try to find a source?

Peoples – Yes. For example, line #23 is the WRF Headworks Replacement Project. We have that down as a local match which is going to be our private funding. The WPCLF is a loan, so it just gives us an indication of what that is. The State of Ohio is more of a generic marker right now. We're hoping to go through some of the other funding mechanisms. Hopefully some of the infrastructure funds that came through, we're hoping we're going to go through the WPCLF and be a grant rather than just a loan. Kind of the same way with the McGill Park Phase 2. We have some generic grants that we've kind of identified in some of that. Right now Phase 2 is looking like the baseball complex. Major League Baseball has some grants out there for some of those type of things. Usually it's not a high dollar amount. They do a lot with the bases and I think some dugout stuff. Also, one of the lighting manufactures also has grants available. Most will just go back to that local funding. Gender Road Phase Six is dependent on ODOT safety funds. We just found out today we were awarded \$2 million for that grant. That's a \$3 million project, it wasn't going to go without that.

Shea – We've got stuff that's still budgeted for 2022 that's active and we've got seven weeks left in 2022. Will those items that are still listed as active, will they get completed?

Peoples – The ones that are active is Leiberman Wellfield Updates, we did the variable frequency drives for the well pumps. They're on order right now so on that one specifically, yes. The Water Treatment Plant building is active because it's in the conceptual design phase now. We're doing some costing out on it so some of them will stay active. The Miscellaneous Pavement Repairs, we have those on there every year. Our Sidewalk Replacement Program, is \$25,000.00 every year that we target for. Some of them will be completed and some of them will stay on as active projects.

Shea – McGill Park Phase 2 is spread out through 2022-2024. How do we bring that to fruition sooner?

Peoples – When you have it as a three-year, those are more complex projects. A lot of times we'll do that with OPWC funds. For example, Gender Road Phase 5 was on a three-year plan. We did the OPWC application the first year, did the design in the second year, and then we did the construction in the third year. When there's projects like that with multiple phases, we'll put it over a three-year period. Right now with McGill Park we're in some preliminary design and we won't go to full design until we have that conceptual design that we will present to Council in the coming months.

ORD-22-042

Finance

AN ORDINANCE CREATING NEW POSITIONS AND ESTABLISHING RESPECTIVE PAY RANGES FOR THE CITY OF CANAL WINCHESTER

- Request to move to full Council

A motion was made by Milliken, seconded by Buskirk to move ORD-22-042 to full Council. The motion carried with the following vote:

Yes 5 – Milliken, Buskirk, Clark, Amick, Amos

No 1 – Shea

Abstain 1 – Walker

Discussion started at 16:00 on YouTube channel

Peoples – We go through a five year staffing plan. We've identified seven new positions. Mrs. Jackson stated at the last meeting they were included in the budget. We can go down through these one by one. I'll turn it over to the Mayor regarding the City Administrator and the Law Director.

Ebert – I'll let Thad go first so he can go over the memorandum that he sent out to everybody.

Boggs – There's a memorandum under the Law Director's report that goes into a little bit more detail about the position of the City Administrator and how that functions under the city's charter. Essentially noting that the administrator is already provided for in the City Charter. It does require that City Council create the position and approve the salary for it. Some of the questions that had come in whether this changes the city from a strong mayor to a weak mayor form of government and it does not. The city retains its strong mayor form of government. The administrators duties are delegated by the mayor and may be changed by the mayor really at any time during the mayor's term and then by default upon the start of a mayoral term. That incoming mayor has the ability to change the duties that are delegated to the administrator. This is something that is contemplated under the current charter. The memorandum in there just goes through that basic analysis and identifies that there are some other communities around Central Ohio that have similar structures.

Ebert – This is kind of my idea. I've been thinking about this for three or four years now maybe longer and how it might play out and how it might work. When I became mayor in 2007, we were a village. It was a very simplified job but 15 years later and with the economy the way it is today, a lot goes into it. I'm doing this for the city because I think down the road the person who is leading the city, the mayor always has the lead, should have multiple years of experience in city government. It doesn't necessarily have to be city government but if you have the city government experience that's even better. From a mayor who has voted in, most likely with very little city government. That was me. I didn't have any city government experience and I could tell the first, two or three years. I was no help to these guys. So, I think a voted mayor today would almost have to have years of experience in city government to become a mayor. I'm not saying that should be a qualification but it sure would help. If you have a mayor coming in and they don't have the years of experience then I think they're pulling these guys back from doing their jobs the way they need to do them. That's my biggest reason for wanting to do this. There's nothing that says anybody can't run, I agree with that, but I think the administrator should be the person who does the daily business for the city.

Amos – In most cities if they have a city administrator the mayor is part-time. They take a huge salary cut generally \$20,000 to \$30,000 of their annual salary. Is that what you're recommending?

Ebert – No. I'm not recommending that and that's basically up to Council what the salary is going to be. That's your call every two years starting next year.

Shea – You've been the mayor for a while. When you had first walked into the position and we would have had a city administrator help me understand how it would have been beneficial to the city as a whole.

Ebert – We did have a City Administrator. Nanisa Osborn, she was the City Administrator and Finance Director.

Milliken – If I may make a suggestion to Council. Unless there's any other objections to some of these other positions I think our biggest hang up is the City Administrator. Mr. Boggs, are we able to split this up into two different ordinances?

Shea – I don't like any of them. Not at this point.

Milliken – Then, can we split them up into seven different ordinances? Instead of voting on them wholesale we can individually go through them.

Boggs – That could be done. I'm trying to think of your meeting schedule if you want to get three readings of seven new ordinances starting with November 21st. The third reading would follow your second meeting of December. Yes, that is possible. You'll be coming up to the last meeting of the year so we would just need to make sure that the budget is accommodated for and the positions are accommodated for separately so that if something goes haywire we don't go past that second meeting of December without a budget being in place.

Peoples – The positions that are included in the budget that Mrs. Jackson presented is the City Administrator, both Assistant Public Service Directors, and the Technology Technician. So, four of the seven were included in the budget. I believe they were around 75% budgeted. I don't think Mrs. Jackson had the full year budgeted. I don't know how that affects the end of the year schedule type of thing.

Boggs – I assume that's because understanding it will take some time to fill those positions. Council ultimately has the ability to amend budgets so whether the budget moves forward on the same schedule and then if a position or positions are not approved then we amend the budget thereafter to remove that funding for them. I mean that's something that could be considered. The other thing that could be considered tonight is if Council wants to move the existing ordinance onto getting at least a first reading of it and then we can come back with the others next time.

Milliken – How does everybody feel about this?

Amick – I personally like the idea of splitting them. No one needs more legislation but it's kind of staggering to think about seven new exempt positions within the city's payroll even though only four of them would be filled in 2023 for some portion of the year. I guess I have a question about the process that the city goes through and Mr. Peoples perhaps you can answer this, how are the justification proposals for these positions created, presented, and justified that the positions are even needed?

Peoples – It sounds like there's a little bit of confusion. There's four that are on for next year and I'll leave the administrator out. There'll be no new staff as part of those. We'll be reclassifying two existing superintendents into Assistant Public Service Directors and fill their positions with the existing staff. The Technology Technician is the only one that is a brand new employee coming in. Obviously there's a change in pay from the existing superintendents that would be moved up and the same thing with backfilling the superintendents position.

Amos – Will the promotions come with additional work responsibilities?

Peoples – They will. Both of these are assistants for me. Dick Miller will be retiring at some point soon and he sits as his own department. That will be moved into the Streets, Lands, Buildings and Parks. Basically we will not have a department of Urban Forestry within Public Works. That'll transition into the Parks Department. There is no parks superintendent that is scheduled for 2023 because Mr. Miller's unknown status on his retirement. This is just a planning process. From the Streets, Lands, and Buildings, also the Water and Wastewater, we're getting very complex. I think that's what the mayor's talking about with the growth that we've had, things are getting more and more difficult. The amount of work that I have, I'm spread very thin. It's helping me and the street department as well.

ORD-22-043

Finance

AN ORDINANCE TO AMEND THE CODE OF PERSONNEL PRACTICES

- Request to move to full Council

A motion was made by Shea, seconded by Amos to move ORD-22-043 to full Council. The motion carried with the following vote:

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

Discussion started at 57:47 on YouTube channel

Peoples – As we discussed a lot of this has to do with just adding those proposed positions from the previous ordinances. There's a section that goes through all the changes. There are a couple of them that I'm going to turn over to our HR Coordinator Nancy Stir. A couple of these came out of the focus group that we had with our employees.

Stir – Good evening. Section (1.10) Discipline is just clarifying the language on termination in the handbook. In other words there's some terminations that are so egregious such as misusing funds for example. We added the language termination can be immediate depending on the severity of the offense. Of course for classified employees they would have due process. Unclassified they do not have due process. Section (2.1) Performance Evaluations, we took out the merit pay system. We can use that and we have used it in the past but typically over the last few years our raises are based on cost of living adjustments or market adjustments. That is removing the merit pay system. Any questions?

Amick – If you have a poorly performing person, what is the course of action? So, they would get the same percentage of increase as everyone else until they're terminated for performance?

Stir – That's correct. We typically put employees on a performance action plan if there are performance deficiencies.

Amos – Does that allow us to withhold a raise until their performance improves?

Stir – I would have to look at the language.

Amos – I struggle and I know that the system that you're using is standard from a lot of cities but it really is demeaning to staff who can't earn something based on their performance and then they see others who are underperforming.

Stir – Typically I've looked at other cities. Some cities use merit and some cities use cost of living. Currently since Covid and since the pandemic most cities are using the cost of living market adjustments.

Amos – I'd be interested in knowing if their salaries could be held based on performance reviews.

Stir – I'm not sure about the language. In a handbook if you're silent just like a contract collective bargaining

agreement then you could potentially withhold. Is that correct Mr. Boggs?

Boggs – I'll say generally so without having looked at this particular question for our handbook. Let's say for example that a three percent cost of living adjustment is budgeted for every position for a particular year and somebody by their performance has found themselves on a performance improvement plan or performance action plan. The appointing authority, ultimately the mayor, would have the ability to include in that plan that they are not eligible for increase while they remain on that plan.

Amos – I think for me cost of living raises are typically different than your general salary increase. It's not a protective increase, correct?

Boggs – None of them are protected or statutorily required increases. In the city we don't have any collective bargaining agreements that are governing that.

Amick – So, conversely how is an employee rewarded if they are exceeds performer?

Stir – Under our current system that we have we would just proceed with a cost of living. It would be across the board. We haven't had merit for probably three or four years.

Amick – How do our employees feel about that? Where is there an incentive for them to work their tail off and exceed in every way?

Stir – We just finished our focus groups and quite honestly for our employees this is a great place to work. Our managers show that level of appreciation. You can ask anybody but the focus groups were very revealing in terms of what type of organization we work for. We're like a family. That is sometimes more beneficial than the money.

Peoples – We just simply don't have those type of employees here. Not saying we can't have them at a certain point but the most recent one that we had was on a performance action plan was removed.

Stir – We move very quickly.

Peoples – The employees hold themselves accountable and each other. We have this family organization but each one of the departments have their own little family units as well. They do keep each other in line and they'll help guys out that struggle a little bit. It is very unique and it's refreshing. We've not always had that here. I can't tell you the last time we had any disciplinary action other than one we had on a performance action plan. They weren't doing anything wrong, they just weren't living up to the expectations that we've set.

Shea – All the men and women that do the work every day, they do a dynamite job and we're very lucky to have them. I know personally I appreciate them and I appreciate the little things that they do because they do a lot to keep this town nice.

Ebert – They do that because they're happy to work here. They're proud to work here.

Shea – Thank you for creating that kind of employment environment.

Stir – The only other one is on call duties in the handbook. That is a result of the focus groups. We moved the language from two hours to three hours. I did research from other cities and I went into collective bargaining agreements and there were ten cities that have that type of language. We decided that is a win-win out of our focus groups so management agreed to the three hours.

ORD-22-044
Finance

AN ORDINANCE TO ESTABLISH CITY EMPLOYEE SALARY RANGES
- Request to move to full Council

A motion was made by Amick, seconded by Walker to move ORD-22-044 to full Council. The motion carried with the following vote:

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

Discussion started at 1:08:48 on YouTube channel

Peoples – This is a process we go through evaluating pay scales. Last time we did this was in 2020. We go through all of our positions. We use Mid-Ohio Regional Planning Commission, they release a salary survey that has entities throughout Central Ohio. We compare ourselves where those pay scales are in relation to ours and then work together on the management team and go forward on a proposed salary schedule. The yellow highlighted ones in there are those new positions that we were proposing.

ORD-22-045

Finance

AN ORDINANCE AUTHORIZING THE CITY OF CANAL WINCHESTER TO PICK UP A PORTION OF THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR CERTAIN EMPLOYEES OF THE CITY OF CANAL WINCHESTER PURSUANT TO IRC SECTION 414(H)(2)

- Request to move to full Council

A motion was made by Shea, seconded by Walker to move ORD-22-045 to full Council. The motion carried with the following vote:

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

Discussion started at 1:10:58 on YouTube channel

Peoples – These next three ordinances are all kind of tied together similarly to what we did with the directors for the fiscal year 2022, working through some PERS Pickup. Again, this was part of our evaluation on compensation that was related to the previous ordinance with the pay scales. The only difference between these three ordinances is the first one is connected to the proposed Assistant Directors. It is at 7%. The second one is in relation to the multiple positions for both proposed and existing. They would be at a 5%. The last one is connected to the proposed City Administrator and it is at the full 10%.

Amick – On 220.46 in Section (1) it says 7% and then 5% in parentheses.

Peoples – There's a couple of them. There's one that says 5% and then 3% in parentheses. We'll clean that up. It's supposed to be the first one 10%, second 7%, and third 5%.

Amick – Are these renewal percentages or are they increased percentages?

Peoples – They're increased. Right now there is no pickup for these positions that are listed either existing or proposed so it would be in addition to.

Amick – OPERS contributions are part of the 1.4%, correct?

Peoples – Yes. They are budgeted in next year as well.

ORD-22-046

Finance

AN ORDINANCE AUTHORIZING THE CITY OF CANAL WINCHESTER TO PICK UP A PORTION OF THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR CERTAIN EMPLOYEES OF THE CITY OF CANAL WINCHESTER PURSUANT TO IRC SECTION 414(H)(2)

- Request to move to full Council

A motion was made by Shea, seconded by Walker to move ORD-22-046 to full Council. The motion carried with the following vote:

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

There was no discussion during this meeting.

ORD-22-047

Finance

AN ORDINANCE AUTHORIZING THE CITY OF CANAL WINCHESTER TO PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR CERTAIN EMPLOYEES OF THE CITY OF CANAL WINCHESTER PURSUANT TO IRC SECTION 414(H)(2)

- Request to move to full Council

A motion was made by Amos, seconded by Shea to move ORD-22-047 to full Council. The motion carried with the following vote:

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

There was no discussion during this meeting.

ORD-22-048

Mayor

AN ORDINANCE TO AMEND CODE REFERENCES TO THE CONSTRUCTION SERVICES ADMINISTRATOR POSITION TO THE DIRECTOR OF CONSTRUCTION SERVICES POSITION

- Request to move to full Council

A motion was made by Buskirk, seconded by Amick to move ORD-22-048 to full Council. The motion carried with the following vote:

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

Discussion started at 1:20:21 on YouTube channel

Ebert – This is Bill Sim’s position. He does everything and answers as though he is a director. He’s treated as a director even though his title doesn’t say that. He’s paid the same as a director. I thought it’d be a great formality for us to promote him to a position of a director.

Amos – Would he then fall under the pickup for PERS?

Ebert – He already has it.

E. Old/New Business

OTH-22-022

Police Study

Discussion started at 1:21:57 on YouTube channel

Clark – I will just ask the mayor if we have picked up any information.

Ebert – The Chief said they have two more interviews to do but they’re expected to wrap it up by December 15th. I don’t know if that means they’re going to be all done with it or if they’re going to wrap up the interviews on December 15th.

OTH-22-024

Field of Honor Cemetery

Discussion started at 1:23:00 on YouTube channel

Peoples – We have been approached in the last year or so that the operators of the current Field of Honor Cemetery

which sits right in front of Union Grove Cemetery no longer want to be in the business of cemetery. Unfortunately per state law that means that it's ours. We've been kind of going through the process. Jesse Shamp and Mr. Boggs office has been working with the owners there. I don't have a timeline but we will have an ordinance that he drafted already. We'll have that within the next couple of meetings to acquire that through the process. We still don't have a whole lot of detail on it. We've actually been looking at this since right around the time we acquired Union Grove Cemetery. I will say this is going to be an easier acquisition than Union Grove Cemetery and the simple fact that all of the headstones are at grave. The amount of work we have out at Union Grove Cemetery has been significant from a weed eating standpoint around every one of those graves. Additionally the Winchester Abbey Mausoleum, the operator of that building has also indicated that they no longer want to be in that. Unfortunately the operator is not necessarily the owner so they're trying to track down who actually owns it. I don't know if anyone really does. It's just been handed off from here to here.

Amos – We're not required to purchase, it becomes the city's obligation. Correct?

Peoples – Correct.

Other Old/New Business

WalMart Truck Parking

Discussion started at 1:27:08 on YouTube channel

Shea – I've been getting a lot complaints from residents regarding WalMart looking like a truck stop. I'm hearing that all the time. What is our recourse to stop it from turning into a truck stop? Do we have any way to not turn the Walmart into a truck stop?

Amos – In the past we've talked about the fact that unfortunately Google and every other map lists us as a truck stop. Until we can get that identified first because that's one of the key problems. The second problem is that if they run out of hours they are legally not allowed to move their trucks.

Shea – That's not true. I know the DOT rules pretty good because I run them every day.

Amos – The other one that we had talked about was that if our officers had time they could cruise the WalMart parking lot and if they saw them they could put notes saying this isn't truck parking. Then, if they came back another time we could ticket them but a monitoring situation will be hard.

Shea – I'm not asking for monitoring situation. I'm asking for tickets. I'm getting complaints about this on the regular. The only way you correct behavior is by penalizing it. Do we have the ability to ticket these trucks?

Boggs – I know we have looked into that in the past. I don't recall what our conclusion was when we looked into it previously. I suspect our conclusion previously was we did not have a rough and ready ticket enforcement available to us otherwise we would have been ticketing.

Haire – The entire lot is no truck parking. There are multiple signs. It's an enforcement issue. It's not enforced by the property owner so that's the first issue but there are other related issues for us and the ability to write tickets on private property.

Shea – It's really bad on weekends because hours of service. I think we're creating too welcoming of an environment. Even Columbus goes out and writes tickets when people park semis on residential streets and I know this isn't a residential street. Planning and Zoning told me that there was no trucks allowed to be parked there. Do we have a zoning mechanism that we can start to work through?

Haire – I will forward you a memo from our former Law Director that goes into detail about this issue.

Speeding

Discussion started at 1:32:39 on YouTube channel

Shea – I'm getting a lot of complaints about speeding.

Peoples – Is there a specific place? When we get complaints on a targeted area we'll go out there and work with the Sheriff on increasing their patrols and we'll put a speed trailer out there.

Shea – I will ask him for a specific example.

F. Adjournment @ 7:25 p.m.

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

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