

Canal Winchester

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



Meeting Minutes - FINAL

October 15, 2018

7:00 PM

City Council

*Bruce Jarvis – President
Mike Walker – Vice President
Jill Amos
Will Bennett
Bob Clark
Mike Coolman
Patrick Lynch*

A. Call To Order

Jarvis called the meeting to order at 7:32 p.m.

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

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

D. Approval of Minutes**[MIN-18-045](#)**

10-1-18 Work Session Minutes (**[Work Session Minutes](#)**)

[MIN-18-046](#)

10-1-18 City Council Meeting Minutes (**[Council Minutes](#)**)

A motion was made to approve MIN-18-045 and MIN-18-046 by Coolman, seconded by Amos. The motion carried with the following vote:

Yes 7 – Coolman, Amos, Bennett, Clark, Jarvis, Lynch, Walker

E. Communications & Petitions**[18-111](#)**

ZM-18-005 Recommendation from Planning and Zoning Commission to consider a Zoning Map Amendment from Exceptional Use (EU) to Limited Manufacturing (LM) for 69.24 acres located on the north side of Winchester Blvd, west of Gender Road (PID 184-000532 and 184-000871) (**[P&Z Recommendation](#)**)

- Set Public Hearing

[18-112](#)

ZA-18-003 Recommendation from Planning and Zoning Commission to consider a Zoning Text Amendment(s) to Chapter 1130 Residential Design Standards and to modify and create Chapter 1198 Residential Appearance Standards (**[P&Z Recommendation](#)**)

- Set Public Hearing

[18-113](#)

ZA-18-006 Recommendation from Planning and Zoning Commission to consider a Zoning Text Amendment(s) to Chapter 1191 Landscaping and Screening (**[P&Z Recommendation](#)**)

- Set Public Hearing

Jarvis: The first 3 – 18-111, 112 and 113 – all are being asked to set a public hearing; I just spoke with Ms. Jackson, she would like to bundle those; it would make sense to do that all on the same date; she's recommending the November 5th meeting; Jackson: That's a different public hearing, Mr. Jarvis; Jarvis: I'm sorry – we need to set a public hearing date for those 3 items; clerk, I realize it's a lot of verbiage, but if you wouldn't mind reading those in succession, starting with 111?

Jarvis: When is the first logical date for us to do that, since we're having a public meeting on the 5th?

Jackson: Due to the public notice requirements, we would like to set this for the December 3rd meeting; because of the amount of information, we would like to hold that meeting starting at 6pm; that would require us to move up the start of work session; I'd like to discuss with council if they are available to be here about 5:30 that evening, to start work session; Jarvis: Is that acceptable to everyone? Coolman: Yeah; Lynch: Yes; Jarvis: So a 5:30 start on December 3rd; public hearing at 6pm; sounds like that's a go; Jackson: Thank you.

18-114

Ohio Division of Liquor Control Letter RE: Heavenly Treats 100 Winchester Cemetery Rd ([Liquor Control Letter](#))

Jarvis: Next item up is 18-114 – a request for liquor control; a letter regarding Heavenly Treats at 111 Winchester-Cemetery Road; this is – I assume, Gene, this is a letter asking if we want to have a hearing on this matter? Hollins: Yes, we always forward these as part of the communications; unless there has been a crime committed, or any nuisance conditions at the liquor establishment, there really isn't basis for appealing the issuance, or the transfer; Jarvis: Unless there's any objection, we just don't take action on this; Amos: I just have a couple of questions real quick; Mr. Hollins, are they already selling alcohol there? I noticed on their sign that it does advertise; Haire: They're currently not; they're applying for a D1 permit, which would be wine only; Amos: Okay, and I'm assuming its closed container only? Or are they doing wine tastings, do we know? Haire: I believe that they will have tastings there, a D1 allows them to; Jarvis: This license became available as part of the entertainment zone? Haire: This is not, no, this is a regular D1 permit, which we have available in the city already, which is a wine only; Hollins: There are certain quotas with respect to each class of permit; some of them are probably already spoken for; Haire: This is eligible for the community entertainment; the owner chose not to proceed with that, because of the cost difference, and because she only primarily wanted to sell wine; she obviously didn't have a need for liquor or beer, so she decided to go that route; Walker: So they give that up after so many months, or years – they can hold onto that? Hollins: As long as they still have an establishment that uses it – they can't just hold it; they can put it in safe holding for a year, but honestly they have to run with an operational entity that needs it, otherwise people tend to hoard them and try to sell them; Bennett: Mr. Haire, what is the cost difference between the two? Do you know? Haire: I don't know what a D1 is, the D5J is \$2,300 a year; I think the D1 – it's more than a \$1,000 difference; Lynch: Does that run through the county, or the city? Haire: That's through the state of Ohio, the liquor control; Jarvis: They have offices off of Tussing Road, right? Coolman: That's correct; Jarvis: So if there's no objections, we just take no action on that? Hollins: Right.

18-115

CW Human Services Quarterly Report ([City Prog Update FY18 Qtr 4, City CW FY18 Budget Total Qtr 4](#))

Jarvis: Next item is 18-115, we were sent a copy of the Human Services quarterly report; I don't know whether, as the representatives, Mr. Bennett, or Mrs. Amos, if you want to make any comments about that; I'm sorry, Mr. Lynch – Lynch: I have not received any information from Human Services on their quarterly report, I've been out for 2 weeks; Jarvis: I attended a dedication ceremony that they had last Sunday – was it this past Sunday? Coolman: A week ago; Jarvis: The comment was made that they were actually pretty close to their goal, as far as being able to pay off the note on that building, which I would've never guessed; that was very forward-leaning for them to do that, and do that so quickly; hats off to them – they seem to have a lot of support; does anyone have any discussion or comments regarding the report we received? Bennett: 2 questions – at the event, did Mrs. Miller happen to indicate totals that the Community Week had brought in, or the commitments that she received during Community Week? Jarvis: I'm fairly certain that that was

shared, but I cannot recall what that was; it was halfway, or maybe even a little bit better, whatever they were looking for; they had a good handle on the rest of it; I think they're out of the woods, anyway; Bennett: I was going to follow-up on the email from Gretalyn Steve-Adams; Jarvis: Oh, yes; Bennett: I didn't know – I sort of followed up with them this weekend; I don't know if there was any additional communication from Mr. Haire that had been sent; Jarvis: It was a zoning question that came up regarding a proposed greenhouse; we discussed it during our last meeting, but it appeared to me, from what was being corresponded, that they didn't get a follow-up answer to that, the Adams; I'm not sure what happened there, or whose court the ball is in to let them know that, if they wanted to, we would discuss whatever options would be available to them; Haire: I don't know specifically if Andrew talked to the person who sent the email; I know he has discussed the property with the property owner, within the last few days; they're looking at rebuilding a cabin that's on the property; it's currently in the floodplains, I know it's been in the discussions; there's different entities involved in that property; I think the emails that you're receiving are not from the property owner, they're from an heir that will be receiving the property in the future; Jarvis: I see – either way, the dateline on that communication was – this latest one was October 5th, right? This was immediately after our – when was our last meeting? Bennett: October 1st; Jarvis: This was a few days after that, and obviously before any other discussion took place; they may have just been anxious to hear something on it; Haire: If anyone can forward that to me, I'll make sure it gets addressed; Jarvis: Mr. Bennett, when you had the email – I didn't look at distribution, you sent that to everybody, right? Bennett: My most recent email I believe just went to you and Ms. Jackson; Jackson: I can send it to him, Mr. Jarvis. Jarvis: Ms. Jackson, are there any other communications that were not listed? Jackson: I do not have anything else; Clark: I'm confused – they sent the original email, and then – I got that, but I didn't get anything on October 5th; he started singling out? Jarvis: I think Mr. Bennett was the initial contact, so they went back through that; Coolman: The initial email they sent out, I didn't receive; there was a couple who didn't receive it; his emails didn't hit everybody on council; Jackson: I did send that email to all of council that morning; that would've been on the 1st; I know Mr. Coolman told me that he never received it from me; I sent it to all 7 of you, so I'm not sure if some of you are not getting my emails, and maybe I need to have Mr. Brown look into that; Clark: I didn't get any follow-ups, or anything after that; Jarvis: There wasn't any follow-up really, just the discussion we had that evening; Clark: Okay, I thought he responded to you; Bennett: The follow-up was from the gentleman on October 5th, he followed up to see if there was any discussion; Coolman: So he followed up with you then Will, right? Clark: So what did you say to him, that there was? Can you share that? Bennett: I can, I'll forward that around.

F. Public Comments - Five Minute Limit Per Person

G. RESOLUTIONS

RES-18-017

Development

A Resolution To Establish The Route 33 Community Reinvestment Area And To Authorize Real Property Tax Exemptions Established By Sections 3735.65 Through 3735.70 Of The Ohio Revised Code ([Resolution, Exhibit A, Route 33 CRA -Housing-Survey](#))

- Adoption

A motion was made to adopt RES-18-017 by Clark, seconded by Coolman. The motion carried with the following vote:

Yes 7 – Clark, Coolman, Amos, Bennett, Jarvis, Lynch, Walker**H. ORDINANCES***Tabled***ORD-18-029***Development**Sponsor:*

An Ordinance To Amend Part 11 Of The Codified Ordinances And The Zoning Map Of The City Of Canal Winchester, Rezoning An Approximately 11.954 Acre Tract Of Land From Exceptional Use (EU) To Planned Residential District (PRD), Owned By The Dwight A. Imler Revocable Living Trust, Located On The Southeast Corner Of The Intersection Of Hayes Road and Lithopolis Road And Consisting Of Parcel Number 184-002994, And To Adopt A Preliminary Development Plan And Development Text For A Proposed 79.5 Acre Planned Residential Development (Middletown Farms) ([Ordinance, Exhibit A, Exhibit B, P&Z Recommendation](#))

- Tabled at Second Reading

- Applicant requests ordinance remain tabled until the November 5, 2018 meeting

Jarvis: We received a note regarding the tabled ordinance 18-029; the applicant requested it remain tabled until November 5th; there are some additional developments there; Jackson: Mr. Jarvis, included in your packet this evening was a new recommendation from the planning & zoning commission, I just wanted to point that out; if there's any questions about keeping it tabled, I would refer to Mr. Hollins; Jarvis: There's no reason – Hollins: No, there's no reason to take any action; we do need a few extra days to get the minutes to you, from the planning & zoning meeting; after talking with the applicant, this would have been the first meeting after planning & zoning, but we all agreed that we have some work to do before it's ready for council; November 5th, our next regular meeting, we'll bring it back; the P&Z recommendations will now have to be conditions to any ordinance; I'll walk you through the process on the 5th, but we basically have to take it off the table, do a 2nd reading, and then make some motions to amend it, to get those conditions incorporated; it'll actually go for a 3rd reading 2 weeks after that; Jarvis: I see, that was my question – I couldn't recall whether we actually did the second reading, apparently not; Hollins: Even if we did, I'm going to take the position that we really need to let this one go to a third reading 2 weeks after that, and make sure it's fully considered; had we tabled the third reading, it might be different, but we did table it at the second reading; in a normal course, we wouldn't try and bring it off the table, and do the third reading; Clark: Can we – Lucas, can you give us just a quick – what some of the changes are, what we are moving ahead with here? Haire: Basically, it was a similar plan that you saw when they came here with the update; they changed everything to their standard single family home, rather than having any of the lifestyle units, or patio homes; those were removed from consideration; they're proposing larger single family homes, for the most part on larger lots; all the lots they're proposing are 70 feet, 75 feet, or 80 feet in width; Clark: How many total acres for each lot? Haire: For each lot? Clark: Yeah; Haire: They're basically 70 by 125, so I don't know – less than a quarter acre lot, which is standard size for most lots in Canal Winchester; most of Canal Cove is a 70 foot wide lot; most of Westchester is 70 feet wide, so pretty standard for a residential lot; Jarvis: So the total number of structures has changed? Haire: The total number has gone down; Clark: What is it now? Haire: I don't have that information in front of me currently; Clark: That's okay; Haire: It's 160-something now; I

don't know that exact number right now – planning & zoning – what their recommendation was, was to recommend approval with the condition that the lot coverage be no more than 30%, which is our standard lot coverage; they had proposed that they be allowed to have a 35% lot coverage, and their rationale was that sometimes homeowners want to have a larger ranch home, and it's hard to accommodate some of these larger ranches, because it's all on a single floor; you get a 2,400 square foot ranch all on one floor, and it's hard to accommodate on a 70 by 125 lot, and still get that lot coverage; especially if you want to have a patio or sunroom on it, it gets pretty hard to accommodate that; planning & zoning said if that's the case, then that's just not the right lot for that buyer, they need to buy one with a bigger lot; they didn't want to have more than 30% lot coverage; they recommended approval with that, and they also recommended approval with the condition that they modify their text to have any front-loaded garage be setback a minimum of 4 feet behind the front building line, which is our residential standard; they had requested to deviate from that standard, and planning & zoning found that it wasn't appropriate that they should deviate, to allow the front garage to be even with or behind the most front element of the house, including the front porch; planning & zoning said no, it should be at least 4 feet behind the front; Clark: Where are we with our standards – the increased standards that we have been talking about, hopefully they will build to those standards, right? Haire: We've scheduled the hearings for that – that went before the meeting last week, planning & zoning as well; they recommended approval of those standards, which will be up for the public hearing on December 3rd; Lynch: Did they propose any changes to those standards? Haire: They did not.

Third Reading - None

Second Reading - None

First Reading

ORD-18-036

Finance

An Ordinance To Authorize The Mayor To Enter Into An Agreement With The Fairfield County Sheriff For Police Protection ([Ordinance, Agreement, Ex. A](#))

- First Reading Only

ORD-18-037

Finance

An Ordinance Authorizing The Mayor To Enter Into A Contract With The Fairfield County Commissioners And Fairfield County Sheriff's Department For The Housing of Prisoners ([Ordinance](#))

- First Reading Only

I. Reports

Mayor's Report

18-117

September 2018 Mayor's Court Report

Jarvis: Mayor's report – we need to take action on the September Mayor's Court report, if anyone would make a motion to approve the September report.

A motion was made to approve the September 2018 Mayor's Court report by Bennett, seconded by Coolman. The motion carried with the following vote:

Yes 7 – Bennett, Coolman, Amos, Clark, Jarvis, Lynch, Walker

Fairfield County Sheriff

Cassel: I have nothing further from my original report, sir.

Law Director

Hollins: Two things – I do request an executive session for potential acquisition of real property, and pending litigation; the other thing is – very well done presentation on your budget, and the comment about the auditor's report in the newspaper article about that, how the state keeps cutting into revenue that's going to local governments; just wanted to let you know, this week is the oral argument, and our challenge to all the changes they imposed on us with respect to the municipal income tax law in the court of appeals; excited to finally get to the court of appeals stage with the case; looking forward to a good discussion with the panel; within a month or two, hopefully we'll get a ruling on our challenge – basically the state's current and future plans to try and take control of our income tax; Jarvis: Does this play into that argument? Does the fact that several cities – Clark: 40%; Jarvis: Does that play into our argument? Hollins: It goes hand-in-hand; we can't open the record back up, and take additional facts; by the way, we think it's unconstitutional period, end of story; we really don't have to prove anything except show them the supreme court's rulings, and how this legislation was drafted; we don't think the state has any real control of our municipal income tax; that being said, it certainly gets in the minds of judges – they're humans, they see stories like that; they see the dispatch coverage of how the horribly the Ohio business gateway has been designed; it's causing the taxpayer's to go through 20 screens to do what they used to do in 2 in a municipality, and how that's slowed revenue; that's been well covered by the dispatch – it's hard to ignore those type of things; Walker: I'd like to ask Ms. Jackson to handle the other 40; Hollins: They had problems in the beginning with people using – one password could access any of that taxpayer's clients' returns; if one person did 20 business returns, one of those businesses could see everybody else's information; the state had to take this over, because they knew could do it better than individual municipalities; Jarvis: That's an old game.

Finance Director

[18-118](#) [Finance Report, Sept 2018 Financial Statements](#)

Jackson: Thank you Mr. Jarvis, I do not have anything in addition to my written report this evening; Jarvis: Thank you, you gave us a report in our packets for the first 3 quarters of the year, through the end of September; Jackson: Correct; Jarvis: I got a little cross-eyed trying to read it in a hurry.

Public Service Director

[18-119](#) [Project Update](#)

Peoples: Nothing to add to my written report, or items from work session; Jarvis: I didn't say so earlier, but I wanted to thank you also for the procedure on the traffic; it's probably something you're doing already, or something close to that, but seeing it in writing kind of makes it a little more real; we know what steps you're going through.

Development Director

Haire: I planned to update you on planning & zoning, but I think we probably covered most of it with what we've talked about up to this point; the Middletown Farms development is 162 lots; it's gone down from 191, I think that was on there on the previous proposal; Planning & Zoning Commission – one item that we didn't talk about yet is that we did approve a new building for a company called Nil-Tech, who is proposing to build a 60,000 square foot manufacturing facility in Canal Pointe; we're happy to have that done, and hopefully they'll be under construction here in the next few months on a new building; this is a company that's currently located in Columbus in a building that's 20,000 square feet; they've been in 4 different buildings in the last 20 years, because they're growing so rapidly, a good company to have here, they'll bring in about 30 new positions to Canal Pointe; Jarvis: Middletown Farms – were they proposing to do this in multiple phases? Haire: Yes – I think there's 4 phases shown on their plans.

J. Council Reports

Work Session/Council - Monday, November 5, 2018 at 6 p.m.

Work Session/Council - Monday, November 19, 2018 at 6 p.m.

Jarvis: Our next work session council meeting is Monday, November 5th, at 6pm; please make a note that we are also going to have a light agenda, because we have a public hearing at 6:30 for the small cell wireless ordinance; that'll be between the work session and the general meeting; we also have a work session/general meeting on the 19th, the second one of the month, at 6pm.

CW Human Services - Mr. Lynch

Lynch: Nothing to report.

CWICC - Mr. Clark

Clark: We are meeting on Halloween, October 31st at 11:30 am, at the Interurban Building.

CWJRD - Mr. Bennett/Mrs. Amos

Bennett: Next board meeting is Thursday, here at Town Hall, October 18th at 7pm.

Destination: Canal Winchester - Mr. Walker

Walker: Next meeting is November 27th, 6pm, Interurban.

K. Old/New Business

L. Adjourn to Executive Session @ 8:02 p.m.

A motion was made to adjourn to Executive Session to discuss real estate acquisition and pending litigation by Walker, seconded by Bennett. The motion carried with the following vote:

Yes 7 – Walker, Bennett, Amos, Clark, Coolman, Jarvis, Lynch

Council returned from Executive Session at 8:43 p.m.

M. Adjournment @ 8:44 p.m.

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

Yes 7 – Clark, Amos, Bennett, Coolman, Jarvis, Lynch, Walker