

# Canal Winchester

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



## Meeting Minutes - FINAL

August 19, 2019

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 *Call to order @ 7:35pm*
- B. Pledge of Allegiance - Clark
- C. Roll Call *Present 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker*
- D. Approval of Minutes

[MIN-19-035](#) 8-5-19 Work Session Minutes ([Work Session Minutes](#))

[MIN-19-036](#) 8-5-19 Public Hearing Minutes ([Public Hearing Minutes](#))

[MIN-19-037](#) 8-5-19 City Council Meeting Minutes ([Council Minutes](#))

***A motion was made by Lynch to approve MIN-19-035, MIN-19-036, and MIN-19-037, seconded by Coolman. The motion carried with the following vote:***

***Yes 6 – Lynch, Coolman, Amos, Bennett, Jarvis, Walker***

***Abstain 1 - Clark***

E. Communications & Petitions

[19-080](#) Franklin County Board of Elections  
*(Presentation by Diann Cole, Franklin County Board of Elections)*

[19-079](#) Childhood Cancer Awareness Month ([Proclamation](#))

[19-081](#) Violet Township Open House ([Letter](#))

*Bennett: Sunday, October 13<sup>th</sup> from 1pm-3pm at fire station 591 in Pickerington.*

F. Public Comments - Five Minute Limit Per Person

*John Demkowicz, 70 East Columbus Street: The reason I am here tonight is because my property backs up to Mr. McCee, who received notice that he is having too many yard sales; I'd like to object to that – I don't think it's too many, because what he does is an admirable cause, he does it for saving dogs; I've lived here for 30 years – Mr. McCee has lived here about 28; he's had these sales once or twice a month for 28 years; there has never been an objection to it, and I'm not exactly sure why there is now; it's caused the same situation – cars in the street, people walking across the street, people parking in the community center; now they are parking behind McDorman, because that wasn't there for a long time; I think it's really just terrible that you have taken an admirable cause like that, and all of a sudden 'no, you can't do it anymore'; he does have permits for the next few sales – I have a question, I picked up a copy of the permit*

*this morning; if I, for example, have some items I want to sell, but I don't have the space to do it in my driveway, and I don't want to put it in my yard – by reading this application, it's my understanding that I could take them to Mr. McCee, and have him include those in his sale; if he doesn't want to have a sale, but says 'okay, you can do it', the way the application reads – he's the property owner, I'm the applicant, and the subject property would be his location, not mine; just reading this application, I'm assuming that I can have a yard sale in somebody else's yard; I'd just like to say that I think it's something that you need to reconsider; there is an issue about parking on the grass; Mr. Haire or somebody had included on his last application that you can't do that, because it's owned by the state; the state isn't doing anything, anyway that's rotted and has fallen on several occasions on both my fence and Mr. Stiteler's fence – thankfully they have not broken through yet, but the state doesn't want to do anything with the tree; between my property line and the Winchester Pride wall, there is a curb-cut; that curb-cut was put in the last time Trine Street was redone; I sponsored the ordinance for that – and that curb-cut was put in to allow access to that property for additional parking; it was used for Labor Day, and all kinds of other events; I'm not sure what the problem with using that is for parking – the state doesn't care one way or another; I'd just like to ask why don't you guys reconsider the yard sales for Mr. McCee.*

## G. RESOLUTIONS

### [RES-19-017](#)

*Development*

A Resolution Approving The Recommendations Of The Tax Incentive Review Council For The Franklin County Tax Abatement Areas Within The City Of Canal Winchester ([Resolution, Exhibit](#))

*- Adoption*

***A motion was made by Jarvis to adopt RES-19-017, seconded by Coolman; the motion carried with the following vote:***

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

### [RES-19-018](#)

*Development*

A Resolution Approving The Recommendations Of The Tax Incentive Review Council For The Fairfield County Tax Abatement Areas Within The City Of Canal Winchester ([Resolution, Exhibit](#))

*- Adoption*

***A motion was made by Clark to adopt RES-19-018, seconded by Bennett; the motion carried with the following vote:***

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

### [RES-19-019](#)

*Council*

A Resolution Appointing Audra Diorio As Clerk Of Council For The City Of Canal Winchester ([Resolution](#))

*- Adoption*

***A motion was made by Jarvis to adopt RES-19-019, seconded by Amos; the motion carried with the following vote:***

**H. ORDINANCES*****Third Reading - NONE******Second Reading*****ORD-19-045***Public Service**Sponsor: Coolman*

An Ordinance To Authorize The Mayor To Provide Consent To The Director Of The Ohio Department Of Transportation Necessary For The Bridge Inspection Program Services ([Ordinance, Exhibit A](#))

*- Second Reading Only****First Reading*****ORD-19-047***Development*

An Ordinance Authorizing The Mayor And Clerk To Accept And Execute The Plat For Canal Cove Section 6 ([Ordinance, Recommendation, Exhibit](#))

*- First Reading Only***ORD-19-048***Development*

An Ordinance Authorizing The Mayor And Clerk To Accept And Execute The Plat For Canal Cove Section 7 ([Ordinance, Exhibit](#))

*- First Reading Only***ORD-19-049***Public Service*

An Ordinance To Accept Hill Road Right-Of-Way ([Ordinance, Exhibit A, Exhibit B](#))

*- First Reading Only***I. Reports*****Mayor's Report*****19-077****Mayor's Report**

*Mayor: Thank you Mr. Jarvis, just a couple of things – census training took place last week, there was about a dozen of us there; our responsibility as a city, and as a civic association within the community – it's our responsibility to get the word out to the people that next year is a census year; we'd like to get everybody counted in Canal Winchester; the employees attended a program last week, thanks to Nancy for putting all that together; it was a program that's very, very helpful; I thought the session went well – it helps prepare you for the unexpected things in life, which we all are going to have someday; I thought it was a very good program, very worth it; last, but not least – the largest, and oldest Labor Day Festival in Ohio is going to be happening here, hope you all make it down at some point.*

*Jarvis: I attended the census meeting, and I'd like to add that there were a couple of stats – if you are not counted, it was something along the line of about \$2,000 per person in federal funds that would not*

*materialize; you can see how that would add up really quickly; it also helps determine congressional districts, and we could lose representation by not being counted; it is very important, and it seems to some people a little intrusive – that’s our job, is to try to convince folks that cooperating is the right thing to do; Mayor: If I remember right, I think there was \$685 million up for grabs.*

*Fairfield County Sheriff - I have nothing to add to my original report.*

*Law Director - We do request an executive session following the regular meeting for consideration of a quasi-judicial matter, and for pending or imminent litigation; hopefully won’t take us too long.*

*Public Service Director*

**19-078**

**Public Service Project Updates**

*Peoples: One item from my report – the storm sewer replacement that we discussed at the last meeting – I got the cost estimate for that late on Friday, right around \$95,000; we’ll have an appropriation amendment at the next meeting; I’ve been texting with Ms. Jackson to try and figure out how she wants to handle that; one thing that came up in the last week or so – we’ve been having a few issues at the pool with some mechanical failures that are going on in the pump house; the pumps are all brand new this year, but some of the switching gear that moves things around had some issues; we have had a few shut downs in the pool; in the competition pool, I think there was a total of 2 afternoons that it would shut down; it was an abundance of caution – the water started getting cloudy, but the chemicals were fine; we wanted to make sure that if you can’t see the bottom, it’s not safe; it happened in the mushroom pool as well, still figuring out how that happened, because those 2 are completely separate from a piping standpoint.*

*Amos: Mr. Peoples, I’m assuming we are going to incur the costs of the maintenance on that? Peoples: We have already paid the switch gear that was in there – that was original to the pool from ’96; I think we got our use out of it; really not surprised that it happened – they were limping along.*

*Jarvis: The storm tile – that came in a little higher than what we first thought it would be, right? Peoples: \$75,000 was for the piping only, I didn’t know about the insularly costs; there was a lot of trees to cut down.*

*Development Director - A few items to report – today was our filing deadline for Planning & Zoning, we received 2 applications; one is for a final site development plan for a Bank of America located on Winchester Boulevard, and the other is for a conditional use for a convenience store with fuel, known as “Friendship Kitchen”, and that is on one of the COTA outparcels on Gender Road; for this weekend, we issued a special event permit to Brewdog for their annual meeting; that is taking place on Saturday from 11am-11pm; they’re anticipating 6,000-7,000 people, and they’ll be running shuttles from Indian Trail and from the Canal Winchester high school; there’s some booster groups that will be staffing those lots, they’ll be charging \$5, which will benefit the Boosters Club.*

*(Discussion ensued)*

*Jarvis: The convenience store - do you know right offhand whether that’s a right-in, right-out-only exit?*

*Haire: Trillium Avenue – the existing road is full-access; what they are proposing is a right-in, but a right-out only.*

## **J. Council Reports**

*Work Session/Council - TUESDAY, September 3, 2019 at 6:00 p.m.*

*Work Session/Council - Monday, September 16, 2019 at 6:00 p.m.*

*Committee of the Whole - Monday, September 30, 2019 at 6:00 p.m. (TENTATIVE)*

*CW Human Services - Mr. Lynch*

*CWICC - Mr. Clark: Our next meeting will be October 30<sup>th</sup> at 11:30 in the Interurban Building.*

*CWJRD - Mr. Bennett/Mrs. Amos: The next executive board meeting is September 19<sup>th</sup>, 7pm, Town Hall.*

*Destination: Canal Winchester - Mr. Walker: The 10<sup>th</sup> annual Blues and Ribfest was absolutely fantastic; the Farmers Market will continue on through September; Farmers Market also is occurring during Labor Day; the next meeting is September 24<sup>th</sup>, 6:30pm at the Interurban Building.*

## **K. Old/New Business**

*Jarvis: We have nothing listed here, but earlier this evening we heard some residents discussing the policy for yard sales; I thought that – I was contacted by the same neighbor, and looked into it; it looked to me that they were reading it correctly, it is city policy, it's been on the books that you can only have one per a 6 month period, 2 in a calendar year; there was a process where you can apply for a variance, a use variance and pay \$25 where you could have theoretically an unlimited number; Mr. Demkowicz brought up an interpretation of whether someone else could have a yard sale, but at somebody else's address; I didn't have that same interpretation, but I wasn't looking at it that way; maybe this is not the time or place for a final answer, and if this needs to be deferred until it can be researched, that's fine; Mr. Haire, I think you'd probably be the closest to the subject.*

*Haire: That's correct, you can have 2 garage sales without needing a temporary special event permit; after that, our code requires that you have a temporary special event permit; we have issued these for a number of those with this property; there's a \$25 fee associated with each permit that's issued; Lynch: Is that for each occurrence? Haire: Yes, it can be on 3 consecutive days within 2 consecutive weekends, making for 6 yard sale days under one permit.*

*Jarvis: The other issue that was brought up on parking – that was something that was new to me; I didn't know that that was state-owned, I thought that was all privately owned; Haire: There is an old portion of the canal lands that are located just behind the wall that has the mascot painted on it; that is owned by the Ohio Department of Natural Resources; when the permit was filed to offer parking on-site for the yard sale, but parking was not on-site, it was off-site; we said you need permission from the property owner; you couldn't file an application that said I'm going to park in my neighbor's yard for my event, and your neighbor has no knowledge of that – we can't issue a permit without confirmation from a property owner*

*that they were parking on their lot; Jarvis: That is a separate issue, right? Haire: The only reason it has to do with this issue is because this specific permit was filed with the intent to park on the lot for the event.*

*(Discussion ensued)*

*Jarvis: Is there anything that we can do? Haire: We can grant permits, which we have done; Bennett: If there were no traffic issues being brought to our attention that this violated this policy – Haire: I don't know that; Bennett: That's the only thing that brought it to our attention; Haire: We are not patrolling on the weekends for yard sales; we have no staff that patrols for zoning code infractions; Amos: The hard part for me is that they have done this for so many years, and it does benefit a non-profit; Mayor: It's the first complaint; Amos: The complaint was for the parking – if the parking was addressed, I wonder if they could continue doing what they were doing without a penalty; Haire: It's still a violation of our code; the code says what you can do – they are exceeding what is allowed; they asked for a permit, they have been granted a permit.*

*Jarvis: How did they address parking in the permit process? Haire: I don't know, I haven't seen the permits they've been issued; Jarvis: It passed muster, right? Because it was approved; Haire: Yes; Jarvis: I'm not sure I understand what the problem is; Coolman: The problem is two-fold – they don't feel like that they should be limited to 2 per year, that's the first problem; they want that changed to be unlimited, or without needing to get a variance.*

*(Discussion ensued)*

*Amos: Somebody else could potentially have a yard sale in their driveway? Hollins: This is the first I've heard of it; Mr. Demkowicz and I go way back, but he didn't have the chance to run that past me; we will take a look at it; my guess is that it comes back to the intent; it probably is a land-use intent, not a who is having the yard sale.*

*(Discussion ensued)*

*Lynch: Bottom line is, they get a permit and were granted a permit to continue their garage sales every other week, and park not on the road and/or state property.*

*(Discussion ensued)*

*Amos: One thing about recycling, the kids that helped start the program back in January are leaving for school, or have left; they are all off on their own – 2 to UC, and 1 to Colorado State; very proud of those kids, but wanted to give you stats; we meet every 1<sup>st</sup> and 3<sup>rd</sup> Saturday at the elementary school; we invite the community and ask them to share; this week, we saw a record number of cars come through; since we started in May, we've collected 6,672 pounds of old, corrugated cardboard and 5,620 pounds of mixed loads – plastics, aluminum, different types of materials, which is over 6 tons of what we have saved from going to the landfills; kudos to the kids, they are quite impressive; Mr. Bennett has been absolutely wonderful – for those of you who don't know, he is incredibly talented on designing; he made some flyers, and we have taken the Indians Club, who are volunteers from the high school; they are students at the high school, and it's a group who are working to pay it forward, and they are going to take over the recycling program so that it can continue; they are going to be going door-to-door passing out these*

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*flyers, so we can get the word out about what we are doing; we hope to go from 76 cars to lots and lots of cars for us to take their recycling.*

*Bennett: That's a ton of recycled material every weekend; with an average of 50-60 cars.*

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

*A motion was made by Bennett to adjourn to executive session, seconded by Lynch; the motion carried with the following vote:*

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

**Adjourn @ 8:34pm**

**Time in @ 8:54pm**

*A motion was made by Jarvis to approve the findings of law, seconded by Bennett; the motion carried with the following vote:*

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

**M. Adjournment**

*A motion was made by Bennett to adjourn, seconded by Lynch; the motion carried with the following vote:*

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

**Adjourn @ 8:55pm**