

Canal Winchester

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



Meeting Minutes - FINAL

August 6, 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 7:16 p.m.*
 B. Pledge of Allegiance – *Amos*
 C. Roll Call *Present 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker*
 D. Approval of Minutes

[MIN-18-032](#)

7-2-18 Council Work Session Minutes

[MIN-18-033](#)

7-2-18 Public Hearing Minutes

[MIN-18-034](#)

7-2-18 Council Meeting Minutes

A motion was made by Clark, seconded by Bennett to approve the minutes. The motion carried with the following vote:

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

E. Communications & Petitions

[18-083](#)

APL-18-001 Notice of Appeal Regarding the Denial of Variance Application VA-18-009 by Planning and Zoning Commission to Approve Keeping Chickens on a Residentially Zoned Property Under One (1) Acre at 42 Elizabeth Street

- **Set Public Hearing Date**

Jarvis: Is there any action for council, is there – Jackson: We need to set the public hearing date; we would like to do that on Tuesday, September 4th at 6:30pm; that is the Tuesday after Labor Day;

Jarvis: Does that conflict with anybody's schedule? We confirm that.

[18-084](#)

July 26, 2018 Email From Resident RE: Section 505.15 of the Codified Ordinances

Jarvis: I think the resident, if I recall correctly, was saying that he did not think that people were aware that they had to pick up after their pets, and that there was something on the books; I guess he was asking us to try and spread awareness on that; I'm not exactly sure what the extent of that would be; I do agree with what the man said, because I've experienced that; Bennett: I totally agree with the excrement, however this ordinance also states that they're not allowed to urinate; the fact that my dog may have urinated on your yard is now a misdemeanor crime under this statute; that's a tough one; Jarvis: That's hard to prove, too, you catch it in the act – does staff have any thoughts about that aspect of the ordinance? Mayor: About the urination? Jarvis: Yes sir; Mayor: You have one, you have two; Jarvis: I'm going to say, Mr. Bennett, that that is certainly kind of the intent; from an enforcement standpoint, that would be very difficult; Coolman: I think the enforcement standpoint from a complaint-driven basis; I don't think you'll have complaints – the complaint from the resident was not on urination, it was on the other issue; it was on the number two; the issue is that what upset them – I can't agree more with his position – is where the person took their pet and walked away, and ignored them; when he approached her, she said 'not my problem'; I can tell you, involved in as many of our city festivals as I am with setup, I ran into that issue down on Waterloo Street; we run into that issue at my business down on the corner; our yards, and I'm sure we're not the only ones, I'm sure everybody has this experience, where you go out in your yard in the morning – we don't even have a pet, and we have it in our yard; we're wondering what's going on; I think the matter is how do

you enforce that, and awareness is one thing, but when someone blatantly knows what they're doing, and blatantly walks away, that's what should be addressed; Jarvis: It is the old saying about you can't legislate common sense, and it's never been truer; it's a lack of civility, or just common caring; hopefully that's the extent of this; Lynch: Legislating is one thing, enforcing is a completely different thing; I would defer to our local enforcer here – Sergeant Cassel, how would you, or could you even possibly enforce something like this? Cassel: I don't know, that's an interesting question because we would actually have to see it, we couldn't go on that person's word, unless they had it on video or something like that; I guess I would address it as speeding – you can tell me this guy is speeding all the time, but I actually have to see it, and produce evidence; Lynch: Is it you that has to produce it, or can the person – everyone carries video cameras with them; Cassel: That's what I mean, they would have to have evidence; how do you want me to enforce it, do you want me to issue summons for that, because that's going to be all over the internet, and it's not going to be good for the city in my opinion; I guess in my opinion, if you have somebody that does it blatantly, doesn't care, and they do it all the time – we can give them a warning, put it in the CAD system that we were out there, and that they did violate the city ordinance, there advised that if it happens again, they would be issued a summons to the mayor's court; Lynch: As crazy as that is, it almost sounds fair; Cassel: I definitely wouldn't feel comfortable citing them right away as a first offense; Walker: Maybe this is something that could be addressed in one of our letters out in our water bills; Mayor: Well, yeah, and I know where you're coming from; how many ordinances do we have that somebody would question 'I didn't know that'; you have to do the same thing with all of them; Amos: I know we do put occasionally out a Facebook notice on little things that do come up; is this a time – we don't get many residents asking us to inform our community of different ordinances; I agree with you, it could set us up for everybody wants us to announce everything; Mayor: They're out there for the public to see; Walker: This should just be common courtesy, as Mr. Jarvis said, common sense isn't a flower that grows in everyone's garden; it is just common courtesy that you wouldn't do that anyway; this is probably the first time this has come up in how many years; just be aware that it's public, that it's being made public now, and that there is an ordinance; Jarvis: I don't think we're going to solve all the problems this evening, but thank you for your comments.

[18-086](#)

Madison Township Fire Report – July 2018

Fasone: Now for something totally different; just a real quick recap, my apologies to Director Jackson over there, I'm trying to get this down so that you guys can have it in advance; just real quick to recap; we worked with BrewDog on the 2nd, that's the first time that they did fireworks in July that I'm aware of; that went off pretty well, I didn't hear of a lot of backlash from that; the only thing that I'm throwing out there is a suggestion from our fire marshal, who was there to supervise that event; there was quite a bit of traffic, his suggestion was that maybe – it would probably be up to them, but to do that special-duty wise, but to ask for help with dispersing traffic afterwards, it was quite a bit of a mess; the Ribfest went off, fire marshal again; we worked with the mayor, and the committees – Mr. Coolman, Scotty was in here to work with him in setting up the vendors; as far as I know everything went well, I appreciate your efforts in that; everything else is just statistics: 95 EMS runs inside the city, 75 ALS, 20 BLS; a recap, or just a general mentioning of the 13 fire runs inside of the city; I'll entertain any questions you may have at this time; Coolman: Chief, I'd just like to say the

fellas that helped us with the setup – Scott and his people did a fantastic job for the Blues & Ribfest; it was smooth Friday morning, we started pretty early; we got it done pretty quick, it was very systematic, and we appreciate that.

Jarvis: I neglected to mention earlier right after roll call that we were joined also by Mayor Ebert, Ms. Harrison (legal counsel, standing in for Mr. Hollins), Public Service Director Mr. Peoples, Development Director Haire, and Finance Director Jackson, as well as the Deputy Sheriff Cassel.

Jarvis: There were other communications and petitions that came to council after the publication of this; just a general note that if a member of the public notifies council, we all see it, but the clerk of council doesn't necessarily, so it will never make it to the record; if you don't see Ms. Jackson copied on that email, either forward that to her, or forward it to me and I'll take care of it; there were a number of emails that came in regarding the proposed change to council rules regarding invocation, both for and against.

F. Public Comments - Five Minute Limit Per Person

Nancy Holloway, 185 Groveport Pike, Unit 8D: When I first heard an "issue" had come before you regarding adding an invocation into your meeting agendas, my first thought was to wonder why it wasn't already there; do you know there are people in your community who already pray for you and the work you do? People are praying all over Canal Winchester every day for many reasons, groups of people praying for collaborative efforts (e.g. funding a new food pantry, the BrockStrong Foundation), and using the power of intercessory prayer for our homeless, hungry, businesses, schools, veterans, service members, first responders, community leaders, elderly, infirm, churches, and every other group and effort imaginable; I want to be very clear that personally I am 100% in support of adding an invocation to your standard agenda; I recently stated in this context, 'there is no greater gesture of care for the work being done than to offer a humble prayer'; why pray? We care and know we humans are imperfect and need all the divine wisdom we can get, even on top of our greatest and best efforts; we care about you and the time you take to serve our community that takes time away from your families and other activities; we care about our community and want everything to be based in respect and concern for our neighbors; we know that inherent in the nature of governing and legislating are situations that become contentious and we want to minimize that exposure for all; we want our community fabric strengthened through kind and ethical treatment in all situations for all people; we know there is a scaling up of what is required of all of us as our community continues to grow. Mr. Walker has already informed us of how an invocation is used in other groups; a number of community faith leaders have expressed their support of a process in which local faith leaders are available at city council meetings to offer an invocation; if you look at the number of faith groups and then look at participation in our chamber of commerce and also the area ministerial association, you'll see partial representation in both groups with a small overlap; the membership of both groups is open to all, though some choose not to participate; those that choose to participate in council meetings may have people in multiple church roles who could offer a short invocation – pastors, priests, lay leaders, elders, etc.. We also call on our faith groups to offer both invocation and benediction for our annual Veterans' Day ceremony which is my responsibility as co-chair of the committee; I ask you to give thoughtful, yes even prayerful, consideration to the benefits of prayer and the positive impacts it could have on your service to Canal Winchester which ultimately would benefit all of us; I ask you to approach it just that way, with open minds and hearts rather than to

prejudge effectiveness and decide that it either won't work or just isn't the thing to do without giving it an honest go; that's what community leaders do, give forth their best effort to make things happen; it is a productive thing to make a laundry list of every possible reason why adding the invocation might not work, why it might create administrative clumsiness during implementation, even why it might be a challenge to implement it "fairly"; since that list has already been afforded great time, I suggest using it as the start of a risk assessment or SWOT analysis (strengths, weaknesses, opportunities, threats) from which you can certainly manage against those things and eliminate or minimize any potential negative impact; then you can move forward in earnest to implement a process that works and includes faith groups represented in Canal Winchester; one last point I'd like to add is, when it comes to equal representation of faiths, initial input coming from predominately Christian churches may be because it is representative of the current involvement of faiths in Canal Winchester; thank you for your time and consideration.

Bobby Mitchell, 6057 Falla Drive: Happy to be here tonight, I am running for State Representative here in District 20; I am an Air Force veteran, a church pastor, a small business owner here in the area; I am thankful I have my parents, when I was 17 years old, they gave me a consent waiver to get me signed in early to the military; I went in as a sniper, protecting our nation's nuclear weapons in our northern tier bases from terrorists, both foreign and domestic; before I got out, I cross-trained and went into – graduated the Air Force contracting academy, and I wrote those contracts for those bare-bases in Afghanistan and Iraq; my wife even went over to Iraq during that same time period; I got out, started working at DSCC; started writing government contracts over there as well; my church work in the area, vested in the community, vested in the area; we're over off of Schoolhouse Road, we have a food pantry where we partner with the Mid-Ohio Foodbank, partner with Kroger, Chipotle, several other businesses in the area to help us end childhood hunger; we've fed over 15,000 people in the area since 2012; it's something that's very near and dear to our heart; I'm thankful for the support, state fire marshal Larry Flowers, former state fire marshal, has been out there serving with us; he's a big supporter of ours, Lisa Schacht is doing a wonderful corn roast for us this Thursday – get that plug in there, it's from 6 o'clock to 8 o'clock; I do believe in the power of prayer, I think I came on the right night, and you have my 100% support with that; that's a little bit about me, I will tell you that my first introduction here to Canal Winchester politics; I was sitting at home on my porch, which was a little bigger than 5-feet; I was over there on Snowberry Lane, as I was on Snowberry Lane, some people came by walking on nice shirts there; they knocked on my door, and I said 'how can I help you?'; they said 'we're here for Bob Clark'; they had this little pamphlet, and it told us about Bob Clark, and all about his life; I told him before they left that 'we're going to vote for Bob Clark'; it wasn't that we knew everything about Bob Clark, it was that they took the time to come by, and come by and knock on our door; I know some of you may not support me no matter what, but it's still civility – that you took the time to come by, and that you care; that means a lot, and that you took the time; I'm Bobby Mitchell, and thank you for your time.

Jim Loyd, 129 Beaty Court: Longtime resident, and when I heard that you were considering adding prayer at the beginning of your meeting, I wanted to come down and express my support for that; as we recited earlier, at the beginning of your meeting, we are 'one nation, under God'; so I just wanted to say that God is being taken out of too many things – schools, businesses; I wanted to say that my wife and I really support this effort for you to strongly consider putting a prayer at the beginning of your sessions; Nancy, your letter was beautiful, and I support that 100%; thank you, that's all I have to say, I just wanted to tell you that I was all for it; at least give it a very serious consideration.

G. Resolutions**RES-18-011***Public Service*

A Resolution In Support Of The Columbus And Franklin County Metro Parks Replacement Park Levy

*- Adoption****A motion was made by Jarvis, seconded by Bennett to table RES-18-011. The motion carried with the following vote:******Yes 7 – Jarvis, Bennett, Amos, Clark, Coolman, Lynch, Walker*****H. Ordinances***Tabled***ORD-18-017***Development**Sponsor: Coolman*

An Ordinance To Create Chapter 188 In Part One Of The Codified Ordinances Of Canal Winchester Enacting An Admissions Tax

- Tabled at Third Reading

Jarvis: This is the admissions tax ordinance; if you'll recall, at our last meeting, Mr. Hollins provided some additional verbiage that we were to look at, to see if there was anything else that we thought needed to be changed in there; I've heard from some kind of informally that there is still some thought or questions out there; I'll ask the question – is there any reason to un-table that ordinance this evening? I would, so it doesn't languish forever, I would ask that you do go back and take a look at that; if you have any reservations, or a suggestion for improvement – is Mr. Hollins out for an extended period of time, or was he just unavailable? Harrison: It was just this evening that he was unavailable; Jarvis: Okay, I think we can get there on this one, I really do; I wasn't too sure at the beginning, I wasn't sure I really liked the concept of it, and I'm still not crazy about it; I do accept what was spoken to us earlier that we shouldn't leave any stone unturned for an opportunity for revenue, so that we don't have to do something that's even more unpopular; the other thing that we've not heard back yet, Ms. Harrison I'll leave this with you – I'll ask staff if BrewDog and other businesses in the area have been – I guess we haven't got to the point that we have a draft; I'm a little cross-eyed from talking I guess, but we need to come up with a draft and at least get behind that, so that we have something to show the area's businesses and make sure they're on board; Haire: Mr. Jarvis, I did receive an email from Tanisha Robinson, the CEO of BrewDog that she supported the draft I sent her on July 2nd; Amos: That was the new one that we received that night, correct? Jarvis: If we have changes, obviously there will be one more tag-up with her; is there any other businesses that are being – Clark: The golf course; Haire: I know that some of the council members have talked with the local business owners; Jarvis: Kind of informal, alright; Clark: Is there any comment from the golf course? Haire: We haven't shared this with any other businesses unless they've asked about it; Mayor: The golf course is aware of it, though; Clark: But they have not expressed opposition to it? Mayor: No; Bennett: I think, Mr. Jarvis, the last reservation I have on this is when it comes to the free entertainment; I know local businesses use the free live entertainment to draw people in on slow nights; I guess as I'm trying to understand – if I have free entertainment, is there an additional tax on my regular menu items, because I'm serving food? It's just a scenario that I

think I need clarification on; Jarvis: I would think not, but I'd rather not – Bennett: I'll forward that onto Mr. Hollins for some clarification; Jarvis: I believe that was the intent, but we've already proven to ourselves that you can read a lot of things, we probably need legal clarification on that; Harrison: I'll direct questions to Mr. Hollins; Bennett: Okay, thank you; I just want to make sure – Lynch: It does read that way; Bennett: I just want to make sure that, if it's a clarification on – is it above standard menu pricing, how do you word that so you're not just – anytime someone, a local entrepreneur a live – whether it be trivia night, a band; I think what we're trying to account for is that if I'm offering live entertainment, but I'm up charging my meal to compensate for the free entertainment; I assume that that's the only reason it's in there; Jarvis: If that were the case, then it's just moving the cover charge to another place; Bennett: That's what I think it's trying to account for – hiding a cover charge – maybe, maybe not; Jarvis: Does the question make sense? Harrison: Yes, it does; Jackson: Mr. Bennett, do you know where exactly in here it says that? Lynch: Chapter 188-01, paragraph A; it says 'a charge made for season tickets' – Bennett: A charge made for food or refreshments where any entertainment, recreation, or amusement is provided; Lynch: That basically does state – Jackson: Are we looking at the same version, because the version – Bennett: It's the version in my packet; Jackson: That's the original version – the original version of this ordinance has been in your packet since we first introduced it; we have never put any of the updated ones in there, because nobody has made a motion to amend it, we've just been working on fine-tuning it; what you're reading right now is the very original version; that is no longer in there in the version that was sent out on July 2nd; Bennett: That helps clarify that, thank you; Coolman: We haven't made a motion to accept the amended ones, because we aren't done amending yet; Gene has to finish the rewriting of the few points in there; Jarvis: My memory Mike was that the ball was in our court; he had made some changes, and it was up to us then to go back and say 'we want to see that changed'; Amos: That was my understanding, that somebody was going to talk with BrewDog to see if Tanisha was on board, and anything that we needed to do; Haire: We made the amendments basically to remove the prepaid food and beverage; if they had a beer dinner, or a select pairing of food in a dinner, that wouldn't be subject; they don't want it to apply to their food or beverage; Bennett: I apologize for the confusion on that; Coolman: It was to collect the tax on a quarterly basis too, right? Jarvis: If you have any comments about the July 2nd version – Bennett: Do we want to make a motion to amend this, so that we can have a correct version in our packet? Coolman: As sponsor, I would like to leave this tabled until our next meeting, and then we can make a motion so that everybody has a last chance to review; if you haven't reviewed it, please do, and let Bruce or Gene Hollins if there's any other questions or corrections; Lynch: We'll have the updated copy then; Jarvis: You have the copy now; Coolman: It's not in your packet; Jackson: The reason that we did not put it in the packet was to avoid confusion, because there have been multiple drafts of this ordinance, so we have always kept the original in your packet; Bennett: That makes total sense, for clarity Mr. Coolman I was suggesting to amend this version to reflect the changes seen on the 2nd, so that when the next council meeting comes, the correct version appears in the packet; Jackson: Would it be easier if I just put both of them in next time? Technically speaking, it's like you amending the ordinance on the fly; you're saying 'here's the amendment I want', I want to make the motion to approve the amended version of this ordinance; Jarvis: Good point, I know it's confusing; if you refer to the July 2nd version that Gene had sent us, I think that that was the only communication; that's the one to respond to; if you don't have any comments – no

response will be considered approval; Mr. Coolman, we'll accept your recommendation to leave that tabled until the next meeting.

Third Reading

ORD-18-023

Finance

Sponsor: Amos

An Ordinance To Adopt Amendments To The Council Rules ([Ex. A](#))

- Adoption

Amos: As the sponsor, Mr. Walker and I talked briefly – I think we want to open it for one last section of comments before we take a vote; we have heard from so many of our residents; it's wonderful that our community has taken an interest in that; I've heard yes's, I've heard no's – they're about equal; I've also had – I was hoping my neighbor would be here, he was a former council member for a city, a much larger one with boards; he actually is a pastor, and he requested that it be taken off, because in their community it did become a problem; I was hoping that he would come in, and give his side; after you heard him talk, you could understand why he made the request he did; I see the power of prayer, daily, and I personally believe in prayer; it's also a very personal thing to me; Walker: That is one incident – we've heard, like you said, there is both sides; since 1774, continental congress has been giving prayer; it's in the three branches of government; 435 in the House of Representatives sit in the lower chamber, 100 in the Senate that sit in the upper chamber that open up with prayer, every day; we get our education, we get our knowledge from education; I've heard this said in different ways – 'upon that knowledge that we receive, we get God's wisdom and direction, and guidance'; that's what we're asking for; we've become a very, very intelligent people; to have, and ask for God's guidance – to ask for that wisdom that we need on top of that – it's all legal, it is all been passed to the Supreme Court; I think it was May 5th, 2014 – Supreme Court said it was the very fabric of who we are; it's us, there is nothing wrong with it, it's legal, the rest is opinion; with that, I tonight would like to motion.

Lynch: I just want to say that I was on the Rules Committee, and we gave this a lot of consideration; we came up with the decision that we came up with because we felt that was the best decision for this group; that's why we brought it forward; my beliefs are very similar to that of Ms. Amos; I've talked to a lot of people in our community, and I do have friends that are for it, and I do respect that; I have a lot of friends – probably a vast majority of them, probably about 80-90%, don't think it's necessary; I have one friend who is a 40-year veteran of Worthington city council; he's a very religious man, he says that it's not necessary, they've never used it; he doesn't recommend it; I find him to be a very wise doctor, as well as politician; I've heard people say that we are taking God out of politics, that we're taking God out of this; that's not true, we're not taking anything away; we're asking to add something, but if you think about it, it's already been added in here from the standpoint of the Pledge of Allegiance, and it says 'one nation, under God'; it is mentioned here, we're not taking anything out, we're not removing God from anything; I stand behind the decision of the Rules Committee, as we were tasked to do it; Jarvis: I appreciate what you're saying Mr. Lynch; nobody's faith is on trial here, and if it feels that way, I apologize; it certainly wasn't the intent of this exercise; the task, whether it was communicated clearly or not, to Rules Committee was to look at the feasibility of implementing it; not to say that you approved or disapproved it, or you talked to a guy who said it was a good idea; it was just to – when I was in the government, I was in a management position; I was asked frequently to develop a concept of operations; this was a fantasy version of – a conceptual version I should say – something that was being thought of by management; before they

actually made the decision, before they were going to make the decision in the blind; that's what we were trying to accomplish here, the Rules Committee looking at and coming up with a plan; not to say you agree with it, this is the right thing to do – that is still very much on the table, and I think what we are trying to do is bring it back, and recalibrate it a little bit; if Rules Committee wants to come back, we expect a recommendation that says 'we don't recommend doing this', but you still have to go through the exercise of looking and see if you were going to do that, how is something like this going to work; Coolman: As a third member of the Rules Committee, if I could interject, I just would like to say that initially we understood our assignment; our assignment was 'can we implement the invocation?'; it was quickly decided that no, we couldn't; in lieu of that, that's where the offer came from; I kind of call it like an olive branch offer; from there, it kind of got skewed; with a lot of opinions being out there, and going back and forth, we're forgetting a pretty important piece of this I think in discussion – that is if it went forward, who's going to do the implementation of it; personally, it's those people over there; I would like to hear from Mayor Ebert, and what his take is on it.

Jarvis: Here's the danger of asking him, I agree that the input should be there, we're requesting that, and we're asking Rules Committee to facilitate; in a public meeting, if we ask the mayor and put him on the spot of whether he's for or against this, now anything we do beyond that is going to be for or against the mayor; it's a little bit by design – we just want to find out procedurally if it's something that can be done; I have no doubt that it can be done, and to come to the conclusion that it couldn't be done, I think where you jumped ahead is perhaps that you don't think it's a good idea; as far as the mechanics go, I think that could be brought up; if somebody asked me, not that I would support this; 'what would you do if you could capture every raccoon in Canal Winchester and euthanize them?'; I would not want to do that, ever, but I could sit down and write 'here are the steps to do that', but not agree with the concept at all; we're just trying to get it to that point, where if put up to a vote; like I said earlier, nobody's facing a trial, there is no right or wrong answer tonight – it's a personal thing, but let's at least call it like it is; Bennett: Mr. Jarvis, I think you made a comment that you want to send it back to Rules Committee for them to bring it back; by a recommendation, do you mean an actual policy on how it would be handled? You said that you would expect that they wouldn't make a recommendation back; Jarvis: Not a recommendation; we got that – the recommendation was 'don't go there'; what we're looking for is that concept of operation; I'm not asking you – we did the same, I'll go back to my former life; we did a concept of operations; so that upper management had a full picture, and you had something to build on; Mayor: It sounds to me like you're asking for the committee to give you a yes or a no; Jarvis: No, I'm sorry; Walker: When I made the motion to take the ordinance 18-023 – if it passes back to staff and Rules Committee, so they can develop a plan for implementation, and then come back for a third reading; with that, for instance, if you'll indulge me for a moment; this has come from John Romig, president, pastor of the Senior Ministerial group; enclosed, please find a brief letter from Canal Winchester Lithopolis Ministerial letter in support for an invocation to be offered at the beginning of council meetings, please let me know if you have any suggestions; 'please know that the Canal Winchester Lithopolis Ministerial association is in support of an invocation to be given at the beginning of the council meetings. We are also willing to help schedule on a rotating basis representatives from our participating churches to attend council meetings for offering the invocation. Thank you for your careful consideration of this matter, which is inclusive of those in the community who support the wellbeing of Canal Winchester'; Amos: My one concern with the letter is that he says he's willing to work with the representatives from participating churches within the ministerial group, that doesn't speak to anybody outside of that group; Walker:

What I'm showing here is that it wasn't that that be the case; I'm giving an example – let's say 22 churches in Canal Winchester – let's say it would be outside – I'm just trying to give an example of how it can be implemented very easily, on a rotating basis; if we were to have, for instance let's say there were 24 churches in the city, and there's 24 meetings; we send out a letter the first of November, saying 'these are our council meetings, first come first serve, fill in the date that you would be able to send clergy to a council meeting to give invocation, please have in by end of November'; it could be faxed, emailed, or postage; we get them back in, let's say that all 24 – there's 24 – get back with us; other pastors are a part of this group, if it just stayed in Canal Winchester; we have them on a rotating basis; that could be implemented very easily, every first of November they know that letter will come out; I'm just giving an example of how it could be implemented; Jarvis: I guess the alternative – without having the 'who does what, when' questions answered, it's kind of hard to get behind anything; not just this subject, but anything; if we could answer those, and like I said, Rules Committee if you go through that process, if it's not feasible – truly not feasible; if you would identify that, that's great; if there's problem areas identified – that goes into the decision; I'm not asking to make a 'yes' or 'no' decision the question yet, we will do that as a full body; Bennett: Mr. Jarvis, you don't want them deciding if it's feasible, because you want them bringing a policy; for them to decide, it feels like they already have; they already decided that they weren't comfortable with it; that decision from that group has already been made, that they don't feel it's feasible; you're not asking for a feasibility assessment, you're asking for a policy; that would have to be what would come back from Rules Committee; Jarvis: Here's what I would say – a description of how this could work, along with any misgivings the group sees as any potential problems; I'll give you one right now that Mr. Clark and I discussed recently, and that is the ministerial association – you pointed out that it's not 100% participation; this is intended to be fully inclusive, whatever 'flavor' of faith, or no faith even, if you have a positive message to share – it has to be inclusive, it can't be singled up on one particular 'variety'; if you look at the ministerial association, they have churches within Canal Winchester corporate limits, and those that are just outside, our residents go to; Saint John 23rd is not within the corporation limits of Canal Winchester; they would be out if you said 'just Canal Winchester boundaries'; if you don't do something like that, then we don't have a boundary, and now you open it up to the state of Ohio, Franklin County? These are the kind of things that we were hoping that Rules Committee would be able to sift through; like I said, the alternative is we just without having those questions answered, decide on whether we want to go forward with this or not; Bennett: How does Rules Committee make a decision on those things, and then bring back a policy? Jarvis: It's not a decision, they're not a decision-maker; Bennett: But you want them to run an analysis on all of these things, but still make a decision on a policy recommendation, correct? Jarvis: No decisions; Mayor: So you want them to come back with maybe a recommendation to do prayer, and then there would be a vote on it, and that will be the decision-maker; Jarvis: Or their recommendation would maybe be not to do prayer; however, there still needs to be some sort of documented process that says 'if we were going to do this...', and this is how it's going to work; I don't expect you to solve those, but you can identify them; Amos: Mr. Walker asked that we, instead of adopting these amendments, he's asking us to change this to prayer – that's what you're asking us to vote first, is to change this to prayer, and take this back to Rules Committee; Jarvis: And then follow it up with a motion to table that, so that the committee can go through this process for describing – Mayor: The ultimate decision comes down to the 7 members; Jackson: Correct; Lynch: Yes, so all we'd be tasked to do is to come up with a hypothetical scenario as to how prayer could be done; whether we agree with it or not, then it comes to vote; keep in mind, when it does come to vote, if it's not agreed upon by all 7, it's gone; Coolman:

The other option could be that we recommend nothing; Walker: At that point, it would be, if it were to be voted; again, I don't ever want to take the power away from well-defined; it was well intended, I'm sure, but well-defined 'moment of silence' for a fallen soldier, for a fallen first responder, for flying the flag half-mast, for a disaster in Hawaii that are hurting and ruining peoples' lives, for any disaster; moment of silence has its definition, I don't want to change that; I don't want to take away from the power that it has; President Steve Donahue that sat on council prior to Mr. Jarvis had a moment of silence for a fellow council person, Mr. Wynkoop; we lost him as a council member last year; Mr. Donahue called for a moment of silence; it has its power, and its place; this is just to ask for God's guidance, God's wisdom upon our knowledge that we've received from our education; Bennett: If we did a moment of silent prayer, we wouldn't be the first community to do it; there are three other communities, Groveport being one of them, that do a moment of silent prayer; Walker: Not taking away from that, maybe – Bennett: Just want to make sure that we knew it's not something that's new; Walker: It's just defined years ago, I was just going on its true definition; invocation is thought of and defined differently; Jarvis: Within our culture, a moment of silence has been a reflection on somebody's passing, or a disaster; Bennett: During the service, we do do a silent prayer; we can offer our own reflections; it's a moment for us, each individually to do our own prayer; while a moment of silence within this body is seen one way, within my own church, we do a moment of silent prayer; it is a part of our service; Jarvis: It's something a little different to all of us; Amos: If there is a time that comes that we need to identify the reason why we are taking a moment of silence, the opportunity could be to say that 'tonight during our moment of silence, please think about...'; Coolman: We already do that; Walker: That's already a part of our natural – without it being in our agenda, we do have a moment of silence upon disaster.

A motion was made by Walker, seconded by Clark to amend ORD-18-023 for invocation in lieu of "moment of silent reflection." The motion failed with the following vote:

Yes 3 – Walker, Clark, Jarvis

No 4 – Amos, Bennett, Coolman, Lynch

A motion as made by Amos, seconded by Lynch to adopt ORD-18-023 as originally presented. The motion failed with the following vote:

Yes 2 – Amos, Lynch

No 4 – Bennett, Clark, Coolman, Jarvis, Walker

ORD-18-024

Development

Sponsor: Clark

An Ordinance Authorizing The Mayor And Clerk To Accept And Execute The Plat For The Villages At Westchester Section 10, Part 2

- Adoption

A motion was made by Clark, seconded by Bennett to ORD-18-024. The motion carried with the following vote:

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

H. Ordinances (continued)*Second Reading***ORD-18-025***Development**Sponsor: Clark*

An Ordinance Amending Section 1161.04 Of The Codified Ordinances Regarding Old Town Commercial Zoning District

- *Second Reading Only*

Haire: I'd like to note that you asked that we take that to landmarks commission, which we did with our last meeting; they were supportive of the change of increasing the density in the Historic District, in the Olde Towne Commercial District, as long as it met with their requirements of construction materials, and met with the landmarks guidelines; Jarvis: Okay, so everyone is on board? Haire: Correct.

*First Reading***ORD-18-027***Development*

An Ordinance Authorizing The Mayor And Clerk To Accept And Execute The Plat For The Villages At Westchester Section 12, Part 2, Phase III

- *First Reading Only*

ORD-18-028*Finance*

An Ordinance Authorizing The Mayor And Finance Director To Enter Into An Agreement With The Regional Income Tax Agency For The Administration Of The Income Tax Laws Of The City Of Canal Winchester And For The Collection Of Said Income Taxes, And Declaring An Emergency ([Ex. A](#))

- *Request waiver of second/third readings and adoption*

A motion was made by Amos, seconded by Bennett to suspend the rules requiring second and third reading. The motion carried with the following vote:

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

A motion was made by Amos, seconded by Bennett to adopt ORD-18-028. The motion carried with the following vote:

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

ORD-18-029

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 PID 184-002994, And To Adopt A Preliminary Development Plan And Development Text For A Proposed 79.5 Acre Planned Residential Development (Middletown Farms) ([Ex. A](#), [Ex. B](#))

- *First Reading Only*

I. Reports

Mayor's Report[18-076](#)

Mayor's Report

Mayor: I have no further comments on my written report, but if anyone has any questions, I'd be happy to answer them.

[18-075](#)

June 2018 Mayor's Court Report

[18-077](#)

July 2018 Mayor's Court Report

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

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

Fairfield County Sheriff

Cassel: As you guys know, I haven't been here for a while; I'm kind of behind on my stats; unfortunately, I have June's stats, but I do not have July's; the reason for that simply is the lieutenant changed the formula; what I do is enter my part, and then it's up to him to do whatever he does, and then give me the finished copy; I have June's, but I do not have July's; I will have July's at the next meeting on the 20th; if you flip to the second page, this is kind of like the old format that we did; total dispatched calls for the month of June was 466; 954 pick-up runs; 229 multiple unit calls; 98 reports; 56 addendums; 1 F.I. cards; 12 civil papers attempted; served papers 9; building checks 6,324; 193 vacation checks; 112 traffic stops; 99 citations; 57 warnings; 4 felony arrests; 16 misdemeanor arrests; 14 warrant arrests; 0 OVI's; 2 probates, which is a pink slip; 3 charge packets filed; 4 summons in lieu of arrest; 20 misdemeanor charges filed; 3 felony charges filed; a total of 58,094 minutes of possible downtime, with a busy time of 67.23%; I know you guys are looking at that and thinking 'that's a high number', but these months are our busiest time of year; I don't want that 67.23% to scare you; our manpower is where it needs to be, and we are doing a great job; don't be scared of that number; also, Blues & Ribfest went very well, we only had one incident with a juvenile; there was some horseplay involved, and he got hurt and had to be taken by squad to the ER, he hurt his knee; other than that, everything went great; we're looking forward to the Labor Day festival coming up; does anybody have anything for me? Clark: I saw Madison Township police coming down, and a guy was really flying on Waterloo; he did a u-turn, and hit his lights; I couldn't tell if he was stopping, or got a call on something else; do we know if they are – if they arrest somebody, and cite them for speeding here in town, where does that – do we know or not know? Cassel: That's an interesting question that the chief could probably answer, but I can't; they can patrol in Madison Township, which is in Canal Winchester, we encourage them to do that; as far as them citing in the Mayor's Court, or citing in Franklin County, you'd have to talk to the chief about that; I don't know what his directions are to his subordinates; Clark: There were too many cars in front of and behind me; Mayor: When was that, Sunday? Clark: Might have been, yeah; Mayor: Yeah, I saw that, too; Jarvis: Chief, can we put you on the spot? We can forget about the whole thing, but we would like to know the answer; Mayor: I'll find out; Clark: If he did, thank him – if he did stop them; the guy was going pretty fast, I could tell.

Bennett: Sergeant Cassel, are our business checks up, or are we averaging 6,000 a month? Cassel: I'd say that's average, it depends on how busy the guys are, though; I encourage them to go down and check the businesses as much as they can.

Law Director

Harrison: No reason for executive session tonight.

Finance Director

[18-078](#)

Finance Director's Report

Jackson: I don't have anything in addition to my written report, but I do want to say thank you for passing the RITA legislation this evening; it'll be very crucial that I get them signed agreements this week so that we can get moving on this process; Jarvis: Out of curiosity, have you seen a draft agreement on this – do they have a 6 month escape clause? Jackson: Their draft agreement is actually in your packet; I don't recall if it's 6 months or longer; it was discussed how we could get out of this if need be; we have been assured that this process will be smooth, and that should we decide to leave RITA at any point, that they would fully cooperate, just like the City of Columbus is doing right now; Mayor: There are not a whole lot of other alternatives; Jarvis: That's what scares me, is if we get into a situation like that; it seems like a short fuse to me, 6 months to switch over; I'm glad it could be done safely and effectively; it put us all under extra stress; I was blissfully unaware of the problem until the packets; Mayor: RITA is the largest agency in the state of Ohio that does tax collections; Jackson: They have just over 300 municipalities and special districts that they collect for; Jarvis: I think I've heard of them; Lynch: Ms. Jackson, it said that someone's has to be a representative from here or a legislative board, would that be yourself? Jackson: The board is not actually made up of each – of the 300, that'd be quite a board; we vote, the members would then vote on the board.

Amos: On the Bed Tax grant, please remind me how often that's collected – I saw that we have 70,000 budgeted, our year to date balance is 120,000; Jackson: That's actually collected monthly; the \$70,000 was reflected of – are you looking in the general fund? Amos: Yes; Jackson: The original plan for when these hotels were coming online; keep in mind it's split 50/50, so we've actually collected twice that amount this year; yes, that's where that number originally came from; Amos: Do we think we are going to be short? Jackson: Probably; Haire: I don't know if that's true, BrewDog is going to be opening their hotel on the 25th; or the 27th to the public; Jackson: It will depend on that, it would be a lot of money in a few months.

Public Service Director

[18-079](#)

Public Service Director's Project Update

[18-080](#)

Construction Services Administrator's Report

Peoples: Just to follow up on the work session, I will get with Metro Parks and will email you an answer once I get ahold of that; Clark: Matt, let me just add – if there would be some kind of plan in the future, if they're looking at any kind of – if they're just going to do this forever, if Franklin County is going to support these parks forever – or if they have a plan that is going to lead to others participating, that would be helpful to know.

Development Director

[18-081](#)

Development Director's Report

Haire: Just a couple items to touch on; we did finally close on the property with NIFCO; they finalized their purchase of the remaining 15.5 acres on the south side of Robinett; they will now own the entire

south side of Robinett, so we're happy to get that done; hopefully next month we'll see the plans for their first building that they plan to do there, on the south side of the roadway; that's coming to Planning & Zoning next month; a couple of business changes in the Olde Towne area here; Wagon Wheel wines relocated here from East Waterloo to West Waterloo; they're open now at 33 West Waterloo, next to Loose Rail; a dog treat bakery, 'Nom Nom Nom Natural Treats' will be opening soon here just across the street at 3 West Waterloo; they sell at farmers' markets all over the area, you've probably seen them, they've been at Canal Winchester's farmers' market before; they live in the area as well; we are happy to have another retail business down here; Remax Connection has opened a real estate office at 74 N High Street; lots of things taking place here – this was a property that was a business use, but wasn't open to the public for the last 15 years; now it's an office that people can go into, it's at the corner of Oak Street and High Street; lastly, Heavenly Treats Bakery at 100 Cemetery Road, or Winchester Cemetery Road, whatever you want to call it; they've opened as well, I've seen cars in the parking lot every time I've driven by, so it seems like they're doing well; Bennett: Mr. Haire, the signage for the Remax Connection office – I assume what they have out there now is temporary signage; Haire: It is, yeah; Bennett: Do they have a submission going through landmarks? Haire: I believe that they are on the Landmarks Commission agenda; I don't think the deadline – they're working with Andrew on it, I don't think they've filed yet; Lynch: Is there an Italian restaurant going across the street here, did I hear that correctly? Haire: A restaurant? No, we don't have any plans for a restaurant; Haire: They are planning renovations for that space, but there is no tenant identified in any of the renovations; there's not a kitchen shown on the renovations; Lynch: It must have been a rumor, as rumors go; Haire: This week, they should be starting a complete façade renovation of that building, so they're actually going to take it back to the historic look; they'll be relocating where the door is to the middle of the building, rather than on the side of the building to where it originally was; they'll also be removing the awning above the door that goes upstairs, that portion of the building will be removed to go back to a more historic look; part of the sidewalk will be closed probably for the next month at least, month and a half; Lynch: Done by Labor Day? Haire: No, I wouldn't anticipate that.

I. Council Reports

Work Session/Council

Monday, August 20, 2018 at 6:00 p.m.

Work Session/Council

TUESDAY, September 4, 2018 at 6:00 p.m.

Jarvis: Next work session and general council session is 2 weeks from tonight – Monday, August 20th at 6pm, normal start time; the first meeting of September – did we change this one, with the public hearing? Jackson: No, we added a public hearing at 6:30; Jarvis: Okay, so the start time remains 6 o'clock; Jackson: Yes; Jarvis: However, the curve ball is that there is a holiday, Labor Day, on Monday; as per our custom, we are going to meet the first Tuesday after that one.

CW Human Services

Mr. Lynch

Lynch: Human Services is partnering up with David Lutheran to help pay off their \$55,000 debt; they're creating what they call an 'impact week', this will happen September 9th through the 16th; they'll be getting together with local organizations to create this impact drive; they plan on meeting August 8th to put that together; they also have a dedication scheduled for their new building on October 7th at 2 o'clock; Jarvis: So the Impact Week is a fundraiser? Lynch: Yeah, the Impact Week is a fundraiser, organized between Human Services and David Lutheran; Bennett: I'd say it's a broader community initiative; Lynch: Yeah, it is; they want to get together with the local churches, groups,

organizations and see what they can do to do a quick, mass drive of all those people, to see what they can come up with and pay this thing off; Coolman: What's the date of the dedication? Lynch: October 7th, 2 o'clock.

CWICC

Mr. Clark

Clark: We have a meeting August 29th at 11:30, at the Interurban Building; Jarvis: Anything coming out of that group that you can share with us? Clark: No.

CWJRD

Mr. Bennett/Mrs. Amos

Bennett: Next executive board meeting is Thursday, August 16th at 7pm, Town Hall.

Destination: Canal Winchester

Mr. Walker

Walker: First of all, congratulations to an absolutely great 9th annual Blues & Ribfest; the only free Blues & Ribfest in the state of Ohio; to all of Destination Canal Winchester, to everyone that had helped, it was just fantastic; the board also would like everyone to know – they are donating the beer tent tips, starting in 2019, to Human Services; Clark: We did this year, too; Walker: Starting with 2018; we'll continue in 2019; again, it was, as everyone – if you were in town, or you've heard about it already, it was a fantastic festival; the next meeting is September 25th, the Interurban at 6:30; Jarvis: I'd like to echo Mr. Walker's comments regarding to the Blues and Ribfest, hats off to Mr. Coolman in particular; I know he's point-man on a lot of different things there; it's become really professional, and very well received; Coolman: Thank you, I'd also like to add one comment; every year, we call on a lot of volunteers to just give up their time; we kind of rely now, and depend upon the city and some of their employees; without all of you, we couldn't have this happen, and I just wanted to say without exception, this year the street crew – Matt, hats off to your people, they did a fantastic job this year; the weather couldn't have been more perfect for a festival than what we had this past year, which usually means more trash on the street; if you walked down there Sunday morning, it was absolutely – I think this is one of the best recovery years we've had after a festival, where we had very minimal signage of a festival even occurring; that's a complete tribute to Matthew's street crew; they're fantastic, without them we couldn't do this; without all of you, all of you in this room that stepped up and volunteered, I thank you; next year is our 10th, and we do plan a special thing – I'm sure Mr. Jarvis back when he accepted this, back in the day, never even imagined it would make it 10 years; congrats to all of you for helping us, and thank you; Walker: I will second that, a special thank you to Mr. Coolman and Karen Stiles, and everyone else involved; Amos: Out of curiosity, about how much were the beer tent tips? Coolman: \$182.75; Amos: Quite impressive that you remembered that; Clark: We went through 46 kegs, I know that; Amos: It was always busy when we were getting the trash out, so I can imagine.

J. Old/New Business

K. Adjourn to Executive Session (if necessary)

L. Adjournment at 8:39 p.m.

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

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