

# Canal Winchester

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



## Meeting Minutes - Final

September 16, 2019

6:00 PM

## Council Work Session

*Mike Walker – Chair*

*Jill Amos*

*Will Bennett*

*Bob Clark*

*Mike Coolman*

*Bruce Jarvis*

*Patrick Lynch*

- A. Call To Order** Call to order at 6:00 pm
- B.** Present 6-Amos, Clark, Coolman, Jarvis, Lynch, Walker  
Absent 1-Bennett
- Roll Call** **Motion to excuse Bennett made by Amos; seconded by Lynch**  
**Motion carried with the following vote:**  
**Yes 6-Amos, Lynch, Clark, Coolman, Jarvis, Walker**

**C. Also In Attendance**

*Mayor Ebert, Matt Peoples, Lucas Haire, Bill Sims, Dick Miller, Steve Smith, Rick Brown, Sargent Cassel, Shane Spencer*

**D. Reports**

*Bill Sims - Mr. Sims stated the original contract street program work is being finalized for the Westchester Park parking lot improvements; High Street railroad crossing project is moving forward; Westchester Park improvements plans are moving forward; Gender Road phase five project; Crossroads Church public roadway project; Canal Cove section six and seven; Winchester Ridge apartments phase four sanitary work; Nifco project on Robinette utilities; Hampton Inn work continuing; Turning Stone project Conrad Road; park at Carriage Place; pre-construction meeting for mixed use site at West 16-28 Waterloo Street; right-of-way permits issued. Lynch asked about Turning Stone project; Mr. Sims responded regarding the building timing. Mr. Haire responded about issuing permit for model home and home lots and building will commence in spring; Ryan Homes is the builder.*

*Dick Miller - Mr. Miller spoke about trees to be installed, pruning along Groveport bike path, work to be done at old Marathon site on Waterloo next to the town hall; state of Ohio Division of Forestry will remove sixteen street tree stumps around the city; field adjustments to trees along Route 33; will review progress of Winchester Ridge phase three apartments; will remove and store hanging baskets and street planters which residents notice the change in seasons; better living through chemistry with the flowers. Amos commented about the flowers. Amos asked about the Turning Stone project; Mr. Miller responded. Coolman asked about ramp area around Route 33 and Diley Road as to who maintains these areas; Mr. Miller responded that Violet Township mows the grass east side of Diley Road; what about the swamp area around cloverleaf; Mr. Peoples responded; dead grass that was treated and invasive pear trees; used dormant base spray; some areas around 33 ramps trying to achieve a savannah look.*

*Steve Smith - Mr. Smith stated there will be a dig on Groveport Road east of Gender Road section of pipe damaged; diffuser change to happen; he asked for questions...no questions*

*Rick Brown* - Mr. Brown stated he installed Microsoft updates on all workstations; updated all servers; set up a new employee; replaced some UPSs; worked on cooling equipment; took down some speakers at the pool; repaired a camera; attended an audio and visual show in Columbus; working on finalizing fiber contracts; August recorded over 10,000 attacks on our network; data centers in different countries; issue of receiving mail from Brew Dog. Walker asked question about a barracuda device; Mr. Brown responded; another question regarding cell service outage or overworked cell service when Brew Dog has a large event and affecting the ability of people needing to call 911 and cannot get through; Mr. Brown responded about the 4G network and moving to 5G and what will be on the Gender towers; have to be closer together to increase cell speed.

*Sargent Cassel* - Sgt. Cassel stated he has statistics from August 2019 from first, second and third shifts. Amos asked what are the hours of each shift; Sgt. Cassel replied first shift is 0700 to 1500, second shift is 1500 to 2300 and third shift is 2300 to 0700.

*Shane Spencer* - . Mr. Spencer stated an update from ODOT on Gender Road traffic signal; they have a consultant to do a traffic count; assisting with High Street railroad crossing; received information from MORPC for city's though fare plan; application for Gender Road phase five funding; concept of Gender Road phase six, met with ODOT regarding dedicated right turn lane and pedestrian connection at Route 33; ODOT has authority of these part of improvement; improve pedestrian access; any issues with Route 33 bridge, possible ODOT safety funds for improvements; 2020 street maintenance projects being discussed with Mr. Sims. Clark asked about any ODOT issues with Route 33 bridge; Mr. Spencer replied it is being discussed about the current design and re-purposing the bridge space. Clark asked regarding a tract system; Mr. Spencer replied about deadlines for requesting funds in April.

#### **E. Request for Council Action**

##### **RES-19-021**

*Development*

A Resolution Of Intent To Appropriate A Fee Simple Absolute Interest In 2.391 Acres, More Or Less, Located At West Waterloo Street, For The Public Purpose Of Constructing Roadway Improvements, Which Shall Be Open To The Public Without Charge, And Declaring An Emergency ([Resolution, Attachment](#))

- Request to move to full Council

*Mr. Haire* spoke regarding the city gaining control of easement on High Street working with the estate of Bob Woods and property; resolution to address this easement issue and gain title to this area of the property. Jarvis asked what is a fee simple absolute interest; Mr. Hollins replied it is a basic form of ownership of property. Mr. Hollins stated in the past, these side of roadway areas were owned by the farmer, but did not necessarily transfer in a sale of property because it is covered by the roadway. Discussion ensued regarding the appraiser for this project.

***Motion was made by Coolman to adopt RES-19-021, seconded by Lynch***

***Motion carried with the following vote:***

***Yes 6-Coolman, Lynch, Amos, Clark, Jarvis, Walker***

**RES-19-022**

*Finance*

A Resolution Accepting The Amounts And Rates Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor ([Resolution](#))

*- Request to move to full Council*

*Mr. Peoples, however he declined to comment on this issue, deferring to Mr. Hollins for a statement regarding finance. Mr. Hollins spoke regarding the millage and the taxing district.*

***Motion was made by Clark to adopt RES-19-022, seconded by Amos***

***Motion carried with the following vote:***

***Yes 6-Clark, Amos, Coolman, Jarvis, Lynch, Walker***

**ORD-19-052**

*Development*

An Ordinance Authorizing The Appropriation Of Property For The Public Purpose Of Constructing Roadway Improvements, Which Such Roadway Shall Be Open To The Public Without Charge, And Declaring An Emergency ([Ordinance, Exhibit A, Exhibit B](#))

*- Request to move to full Council*

*Mr. Peoples, however he declined to comment on this issue, deferring to Mr. Hollins for a statement regarding finance. Mr. Hollins spoke regarding the millage and the taxing district.*

***Motion was made by Lynch to adopt ORD-19-052, seconded by Coolman***

***Motion carried with the following vote:***

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

**ORD-19-053**

*Law*

An Ordinance To Amend Section 331.44 Of The Codified Ordinances Of The City of Canal Winchester ([Ordinance](#))

*- Request to move to full Council*

*Mr. Hollins stated this is the re-written texting while driving ordinance. The penalty section is taken from state law; commented regarding the juvenile section and for second reading it will be corrected to reflect state law. This tracts the under 18 hands free operation of any device while driving the vehicle; it is following the state law for drivers age 16-18. Jarvis commented that this will affect everybody who is driving, and if we had scheduled a public meeting to hear their concerns and we should have some press coverage to incorporate public opinion in our decision on this issue. Clark stated Governor DeWine has presented this issue to the Ohio General Assembly for consideration to make illegal to hold device while driving; legislation in committee now; feels that is the appropriate place to enact this type of law; unless the state does not act in a timely manner; not common in communities; issue of people driving through town and not knowing it is our city law. Amos stated we spent a lot of time working on this issue; she personally would like to see us enact it now and amend with state law; Jarvis stated contact local press to write feature on this topic and then hold a meeting. Coolman asked if there should be clause in law to*

*protect city employees who are using hand held device while at work. Mr. Hollins said the city employees are not exempted right now, but clause for emergencies. Mr. Peoples state city employees do use radios while running snow plows, it is something that can be looked at. Question of what is an emergency vehicle and emergency purpose; flashing lights on vehicles; possible wording to exempt city employees in a city vehicle. Coolman commented about state law between minors and others, plus exceptions that apply to adults; a public vehicle exception. Mr. Hollins stated the state law does not include many exceptions for 16-18 year olds; we went with a hands free approach; can now look at other exceptions that apply to adults. Jarvis state want to come up with a time line for this, would be more comfortable to have a public meeting before moving forward; possibly in two weeks and then do first reading. Can do public meeting before Committee of the Whole on September 30; to get feedback from residents before first reading on October 8. Deputy Clerk stated we can do a public meeting at 6:00 pm and Committee of the Whole at 7:00 pm on September 30; however, keep in mind there are multiple topics for Committee of the Whole. Jarvis raised concern raised regarding notifying the press and notifying the public. Clark asked if we can table it now; Mr. Hollins stated they can either table now or move to full council. Mr. Hollins said they can set the special meeting in full council. Amos asked what is reason to table now versus moving it forward; Jarvis stated it is the symbolism of giving the public input before the first reading of the ordinance; both newspapers ran articles in April, and not much public feedback since then.*

***Motion to table made by Clark, seconded by Coolman***

***Motion carried with the following vote:***

***Yes 5 – Clark, Coolman, Jarvis, Lynch, Walker***

***No 1 – Amos***

**ORD-19-054**

*Public Service*

An Ordinance To Authorize The Mayor And Finance Director To Enter Into Contracts With The Director Of Transportation For The Improvements Of State Route 674 ([Ordinance](#))

*- Request to move to full Council*

*Mr. Peoples stated this authorizes ODOT to move forward with the Gender Road paving project.*

***Motion was made by Coolman to adopt ORD-19-054, seconded by Lynch***

***Motion was carried with the following vote:***

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

**F. Items for Discussion**

**G. Old/New Business**

*Clark stated an item under old business regarding admission tax and are we collecting anything from this; Brew Dog has had sizeable events and are we collecting anything from these. (unintelligible)*

*Walker state old business of a meeting with Madison Township Police; regarding incorporated and unincorporated jurisdiction; the ball has not been dropped; positive meeting; moving in the right direction. Amos asked if Madison Township is working on a MOU. Walker stated the county prosecutors are draft a memo of understanding and where charges will be filed; he is trying to bring some harmony. Mayor Ebert*

said that meeting happened in the fall of last year, whether to go through our Mayor's Court or Franklin County, discussed the cost if person is in jail in Franklin or Fairfield County. Walker talked about the MARCS system and the communication; confusion about contract with or without with Madison County; expectation of coverage due to levy that was passed. Coolman stated this will be discussed at Committee of the Whole on September 30<sup>th</sup>. Walker re-stated that he didn't drop the ball on this topic. Amos asked about the MOU and was it discussed a year ago. Mr. Hollins state townships are governed by state law; township officers cannot write charges without a mutual aid agreement and they are drafting changes to write charges under our city ordinances; however, township officers do have jurisdiction in the entire township and can write charges under state law. Amos asked if one year waiting time was normal for this; Mr. Hollins stated county prosecutors have criminal matters and other duties that are taking their time. Amos asked if it was out of our order to approach and ask where it stands; Mr. Hollins stated the county prosecutors would not respond, we are not their clients. Walker stated again that it was initiated and is moving along and asked what would be brought up at Committee of the Whole. Amos stated the purpose of discussing this at the Committee of the Whole is to address the concerns we have been hearing about coverage and everybody getting on the same page about what Madison Township covers. Walker state that is what the prosecutors are drafting is regarding coverage. Comment to not invite the township officials until we have more information. Mayor stated a township person said it was not intended for Madison Township to patrol Canal Winchester, but to be a back-up. Issue of communication discussed and the MARCS system. Amos asked Sgt. Cassel to attend the meeting; Sgt. Cassel agreed; he commented that if Canal Winchester is paying them to patrol, then they should patrol. Walker re-stated he just wanted to clear it up about where it stands.

- H. **Motion to adjourn was made by Lynch, seconded by Amos**  
**Motion was carried by the following vote:**  
**Yes 6 – Lynch, Amos, Clark, Coolman, Jarvis, Walker**  
**Adjourned at 7:25 pm**