

Canal Winchester

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



Meeting Minutes - Final

November 18, 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 Called to Order at 7:49 pm

B. Pledge of Allegiance - Jarvis

C. Roll Call

Present 6 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch

Motion to excuse Walker made by Bennett; seconded by Clark

Motion carried by the following vote:

Yes 6 – Bennett, Clark, Amos, Coolman, Jarvis, Lynch

D. Approval of Minutes

[MIN-19-050](#)

11-4-19 Work Session Minutes ([Minutes](#))

[MIN-19-051](#)

11-4-19 Council Minutes ([Minutes](#))

Motion to approve minutes from November 4, 2019 for work session and council meeting made by Coolman; seconded by Amos

Motion carried by the following vote:

Yes 5 – Coolman, Amos, Bennett, Clark, Jarvis

Abstain 1 - Lynch

E. Communications & Petitions

[19-100](#)

Madison Township Police Department October Statistics for Canal Winchester ([Information](#))

Chief Gary York, Madison Township Police Department, came forward to speak to the October 2019 statistics that he submitted for the agenda packet. This is the first month they have provided statistics for the City of Canal Winchester and it is a work in progress; if there is something you would like to see done differently please let him know. He said he is here to answer any questions you might have. Jarvis asked about the business check and what does it entail; York replied it may involve an officer getting out of patrol car to stretch, buy a refreshment, see if all is ok at the business, talk to people, walk around, visit establishments on third shift that have a lot of traffic, visibility of the officer; an officer is more approachable when out of the cruiser; Jarvis said it is considered community policing and York agreed. Amos asked what time the MTPD shifts are; York replied they work 6:00 am to 2:00 pm, 2:00 pm to 10:00 pm and 10:00 pm to 6:00 am. Lynch asked about the number of officers on each shift; York said the minimum is 2, but still has somebody cover south including Canal Winchester; Lynch asked about the amount of presence here, has seen Madison Township officers in the city. Lynch and Jarvis both thanked the Chief for everything. York stated that the data can be misconstrued, because when he pulls the zip code 43110, it includes more territory than just the city limits of Canal Winchester and he has to separate that data; York stated if there is any different data you want to see, please let him know. Hollins stated the resolution of intent has been passed on to the Franklin County Prosecutor. Lynch asked about the

coordination of radio communication between Madison Township and Fairfield County; York replied that they are working on it and it is progressing.

F. Public Comments - Five Minute Limit Per Person

G. RESOLUTIONS

H. ORDINANCES

Tabled

Third Reading

ORD-19-053

Law

Sponsor: Lynch

An Ordinance to Amend Section 331.44 of the Codified Ordinances of the City of Canal Winchester (**Ordinance**)

- Adoption

Lynch made a motion to approve ORD 19-053; seconded by Bennett. Clark asked to discuss; he thinks this is an important measure, but believes going to hand held only, and other surrounding communities do not have it, driving from Pickerington while holding your phone and you drive into Canal Winchester and you can be fined, or if a person from out of town doesn't know about the ordinance; believes this is not the level of government that this should be done. Jarvis commented that he respects Clark's opinion, but doesn't want to wait on the state of Ohio to do something; question of how long it takes to present education to residents and put up signs around the city. Coolman commented he understands the intent of the ordinance, make community safer, drivers more aware, but it is hard to enforce, believes police already have enough to do, hard to see somebody holding phone and then pull them over, unless an incident occurs, it may not be necessary at this time, problem is the distraction of the conversation taking your attention away, but could also be a cheeseburger, etc. that is distracting. Amos commented that it brings awareness to our community, awareness to our youth, making ourselves aware, don't pick up the phone in the car, sitting on desk of state legislator and not going anywhere, many cities considering this to give notice to the state that it needs to be done. Coolman commented about our events and people coming from out of town and not knowing about the law. Bennett commented that he hears Clark's opinions and thoughts, sometimes if enough municipalities take up an issue that the state will recognize it and realize it needs to be done statewide, initially brought up for safety issue, he knows when he enters Bexley that he has to hang up his phone, putting up the signs won't be enough, need proper education for public and police officers, knows that crashes have double in recent years due to distracted driving, anything we are doing regarding distracted driving is better than nothing, remains optimistic and hopeful that it is the right thing to do. Lynch was touched by the parents who came in to comment that they thought it would help their teenagers who are driving so they learn to not drive distracted, hopes police will be judicious and fair in enforcing this, hope this will light a fire under state legislature to take action. Amos stated we try to stay with the small-town feel, and pedestrian community, and this is one more step to make it safer for people, has witnessed drivers not paying attention to pedestrians, if this makes people pay attention for more than two seconds then this is what I want. Coolman again raises question of the city workers and vehicles again, can we include that city vehicles are excluded; Peoples stated there is equipment that can make current phones hands-free, but he is not wanting to make employees

wear ear buds, etc., his staff use cell phones and a radio system. Hollins stated public safety vehicles, ambulances, law enforcement vehicles, fire vehicles, EMT vehicles are exempt, public service or public works vehicles are not. Bennett asked the Mayor to comment; the Mayor stated if our employees are exempt then he would be better with it; he feels it is important for the employees to be included in this; he asked Coolman about number of claims he is receiving in the insurance industry; Coolman responded the claims and incident have increased by 49% since 2016. Mayor commented about people crossing the street while looking down at phone. Clark commented that he thinks it is different if person is looking down at phone versus holding the phone at your ear and talking but looking up visually. Multiple discussions ensued between members. Bennett commented that the call can wait until you get home, don't touch the phone while in the car. Clark commented about the phone being in a cradle and can you touch a button to answer it. Amos commented about the Maria's Message program and this message includes all distracted driving, including phones, eating, talking, music, etc. Coolman asked about the fine; Hollins stated the minor misdemeanor fine maximum is \$150. Jarvis stated it would be difficult to legislate this to make sense in all situations. Bennett asked Hollins to clarify the public safety and public works vehicles issue again; Hollins said our city vehicles are not exempt in the current ordinance language; Bennet asked Hollins what happens if our staff are responding to an emergency and in a sense become first responders; Hollins said there is a clause stating when a vehicle is acting as an emergency responder. Multiple discussions ensued between members. Jarvis stated about exempting city employees, amending the ordinance; already amending to change the effective date to April 1, 2020 to allow public service department time to produce signage and provide education pieces to residents about the new ordinance. Lynch made motion to amend Ordinance 19-053 to change the effective date to April 1, 2020 and to exempt all city work vehicles and put them under same classification as public safety vehicles in the ordinance; seconded by Jarvis.

***Motion to amend ORD 19-053 made by Lynch; seconded by Jarvis
Motion carried by the following vote:***

***Yes 6 – Lynch, Jarvis, Amos, Clark, Coolman,
No 1 - Bennett***

Discussion ensued regarding voting; Clark made motion to table; no second to this motion. Discussion regarding tabling ordinance to give Hollins time to re-draft the language in the ordinance; Jarvis stated there is a motion and a seconded already done; the Clerk reiterated that we were now going to vote on the Amended Ordinance 19-053.

***Motion to adopt Amended ORD 19-053 made by Lynch; seconded by
Bennett***

Motion carried by the following vote:

***Yes 5 – Lynch, Bennett, Amos, Coolman, Jarvis
No 1 – Clark***

ORD-19-060

Development

Sponsor: Amos

An Ordinance to Authorize the Mayor to Accept an Easement for Water Line from Canal Winchester Hotels, LLC ([Ordinance](#))

- Second Reading Only

Amos stated second read only, please.

[ORD-19-061](#)

Development

Sponsor: Coolman

An Ordinance to Authorize the Mayor to Accept an Easement for Water Line from Winchester Office Park, LLC ([Ordinance](#))

- *Second Reading Only*

Coolman stated second read only.

[ORD-19-062](#)

Public Service

Sponsor: Bennett

An Ordinance to Authorize the Mayor to Enter Into the Facility Use Agreement with the Canal Winchester Joint Recreation District ([Ordinance](#), [CWJRD Facility Use Agreement](#))

- *Second Reading Only*

Bennett stated second read only.

First Reading[ORD-19-063](#)

Development

An Ordinance Authorizing the Mayor and Clerk to Accept and Execute the Plat for Villages at Westchester Section 13, Phase 2 ([Ordinance](#), [Exhibit A](#), [Exhibit B](#))

- *First Reading Only*

Lynch stated first reading only.

[ORD-19-064](#)

Development

An Ordinance Approving the Final Development Plan for Outlot 4 Identified in the Meijer Outparcel Development Pattern Book ([Ordinance](#), [Exhibit A](#), [Exhibit B](#), [Exhibit C](#), [Exhibit D](#))

- *First Reading Only*

Clark stated first reading only. Jarvis stated with the understanding that we will suspend or waive third reading, adding an emergency clause and move to adoption at the next meeting.

[ORD 19-065](#)

Finance

An Ordinance to Authorize the Mayor to Enter into an Agreement with the Canal Winchester Historical Society for the Period January 1, 2020 Through December 31, 2022 ([Ordinance](#), [Exhibit A](#))

- *First Reading Only*

Lynch stated first reading only.

[ORD 19-066](#)

Finance

An Ordinance to Authorize the Mayor to Enter into a Health Services Contract with Franklin County Public Health ([Ordinance](#), [Exhibit A](#))

- *First Reading Only*

Bennett stated first read only.

[ORD 19-067](#)

Finance

An Ordinance to Authorize the Mayor to Enter into an Agreement for Legal Services with Frost Brown Todd LLC for the Period January 1, 2020 Through December 31, 2021 ([Ordinance](#), [Exhibit A](#))

- *First Reading Only*

Bennett stated first reading only.

[ORD 19-068](#)

Finance

An Ordinance to Amend the 2019 Appropriation Ordinance #18-040, Amendment #7 ([Ordinance, Exhibit A](#))

- First Reading Only

Coolman stated first read only.

[ORD-19-069](#)

Finance

An Ordinance for the 2020 Appropriations ([Ordinance](#))

- First Reading Only

Amos stated first read only, please.

[ORD 19-070](#)

Finance

An Ordinance to Establish City Employee Salary Ranges ([Ordinance, Exhibit A](#))

- First Reading Only

Bennett stated first read only.

I. Reports

Mayor's Report

[19-100](#)

Mayor's Report ([Report](#))

The Mayor stated he does not have anything to add to his written report, but needs the Mayor's court reports approved for August, September and October 2019.

[19-101](#)

Mayor's Court Report - August 2019 ([Report](#))

[19-102](#)

Mayor's Court Report - September 2019 ([Report](#))

[19-103](#)

Mayor's Court Report - October 2019 ([Report](#))

***Motion to accept Mayor's Court Reports for August, September and October 2019 made by Bennett; seconded by Amos
Motion carried by the following vote:***

Yes 6 – Bennett, Amos, Clark, Coolman, Jarvis, Lynch

Fairfield County Sheriff

Sergeant Hendershot commented that council was asking about percentages of the deputy's level of busyness and he stated in September it was 64.5% in October 62.7% of the time; Jarvis asked about the high-water mark of staff being too busy and Hendershot responded around 65% or more; Hendershot stated the other day he was helping with issues and there were still calls pending. Jarvis commented about looking for a red flag or warning about the level of staffing. Amos asked if Hendershot can contact Madison Township Police for assistance when Fairfield County is really busy; Hendershot replied yes, they do contact Madison Township when necessary to coordinate assisting on calls.

Law Director

Hollins requested an executive session to discuss the purchase or sale of real property.

*Finance Director***19-104**Finance Director's Report (**Report**)

Jackson stated she is back to work and still playing catch up and appreciate your patience.

*Public Service Director***19-105**Public Service Director's Report (**Report**)

Peoples added to his written report commenting on SWACO issues.

Development Director

Haire stated ED411 (Economic Development 411) will be held at the OSU Ohio Union on December 6 if anybody would like to attend please let him know.

J. Council Reports

Work Session/Council - Monday, December 2, 2019 at 6 p.m.

Work Session/Council - Monday, December 16, 2019 at 6 p.m.

Committee of the Whole - Monday, December 30, 2019 at 6 p.m.

CW Human Services - Mr. Lynch

CWICC - Mr. Clark

CWJRD - Mr. Bennett/Mrs. Amos

Destination: Canal Winchester - Mr. Coolman

New event is the Reindeer Run, Saturday, December 7 at 12:00 noon; held in downtown old Canal Winchester during Christmas in the Village weekend; new event concept and should be a lot of fun.

K. Old/New Business

Bennett commented about council gifts to human services for this holiday; Amos stated that Aletha will provide a list of what is needed for a child and we will sponsor gifts to this child.

L. Adjourn to Executive Session (if necessary)

***Motion to adjourn to executive session made by Clark; seconded by Lynch
Motion carried by the following vote:***

***Yes 6 – Clark, Lynch, Amos, Bennett, Coolman, Jarvis
Time out at 8:50 pm***

M. Adjournment

Time in from executive session at 9:09 pm

Motion to adjourn made by Lynch; seconded by Amos

Motion carried by the following vote:

Yes 6 – Lynch, Amos, Bennett, Clark, Coolman, Jarvis

Adjourned at 9:09 pm