Canal Winchester

Town Hall
10 North High Street
Canal Winchester, OH 43110

Meeting Agenda

October 1, 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

B. Pledge of Allegiance - Jarvis

C. Roll Call

D. Approval of Minutes

MIN-18-043	9-17-18 Work Session Minutes (Work Session Minutes)
MIN-18-044	9-17-18 City Council Minutes (Council Minutes)

E. Communications & Petitions

18-106	Fire Prevention Week Proclamation (Proclamation)
18-109	Madison Township Fire Report - September 2018 (Report)

F. Public Comments - Five Minute Limit Per Person

G. RESOLUTIONS

RES-18-016 *Public Service*	A Resolution In Support Of Stormwater Awareness Week (Resolution) *- Adoption*

H. ORDINANCES

Tabled

ORD-18-029 *Development* *Sponsor:*	An Ordinance To Amend Part 11 Of The Codified Ordinances And The Zoning Map Of The City Of Canal Winchester, Rezoning An Approximately 11.954 Acre Tract Of Land From Exceptional Use (EU) To Planned Residential District (PRD), Owned By The Dwight A. Imler Revocable Living Trust, Located On The Southeast Corner Of The Intersection Of Hayes Road and Lithopolis Road And Consisting Of Parcel Number 184-002994, And To Adopt A Preliminary Development Plan And Development Text For A Proposed 79.5 Acre Planned Residential Development (Middletown Farms) (Ordinance, Exhibit A, Exhibit B) *- Tabled at Second Reading*

Third Reading **- NONE**

Second Reading **- NONE**

First Reading

ORD-18-034
Development

An Ordinance To Authorize The Mayor To Enter Into A Real Estate Sale And Purchase Contract With The Central Ohio Community Improvement Corporation To Acquire 18 West Waterloo Street Also Known As Franklin County Tax Parcel Number 184-000163-00, And Declaring An Emergency (**Ordinance**, **Purchase Contract**)

- Request waiver of second and/or third reading and adoption

ORD-18-035
Finance

An Ordinance To Amend The 2018 Appropriations Ordinance 17-049, Amendment #4 (**Ordinance**, **Appropriations Amend Memo 4**)

- Request waiver of second and/or third reading and adoption

I. Reports

Mayor's Report

18-110 **Mayor's Report**

Fairfield County Sheriff

Law Director

Finance Director

18-108 **Finance Director's Report**

Public Service Director

18-107 **Public Service Project Updates, Construction Services Update**

Development Director

18-105 **Development Report**

J. Council Reports

Work Session/Council - Monday, October 15, 2018 at 6 p.m.

Committee of the Whole - Monday, October 29, 2018 at 6 p.m. (TENTATIVE)

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

Public Hearing - Monday, November 5, 2018 at 6:30 p.m.
Small Cell Wireless Zoning Text Amendment

CW Human Services - Mr. Lynch

CWICC - Mr. Clark

CWJRD - Mr. Bennett/Mrs. Amos

Destination: Canal Winchester - Mr. Walker

K. Old/New Business

L. Adjourn to Executive Session (if necessary)

M. Adjournment

Canal Winchester

Town Hall
10 North High Street
Canal Winchester, OH 43110

Meeting Minutes - DRAFT

September 17, 2018

6:00 PM

DRAFT

Council Work Session

Mike Walker – Chair
Jill Amos
Will Bennett
Bob Clark
Mike Coolman
Bruce Jarvis
Patrick Lynch

A. Call To Order *Walker called the meeting to order at 6:00 p.m.*

B. Roll Call *Present 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker*

C. Also In Attendance

Mayor Ebert, Matt Peoples, Amanda Jackson, Bill Sims, Dick Miller, Steve Smith, Rick Brown, Sargent Cassel, Shane Spencer

D. Reports

Bill Sims - work is continuing on the Gender Road phase 4 project; widening Gender Road south of Groveport; storm sewer for Gender; road work is progressing along right on schedule; 2018 street program is basically complete; punch list items are what is happening now; private work in Canal Cove section IV is basically completed there; a couple small punch list items still; Westchester 10 we're at appoint now that we're accepting applications; Westchester section 12-2 part 3 on the other side of Gender Road underground utilities are now in place; we have the COTA park and ride project continuing north of 33; the onsite portion of the parking lot is progressing pretty quickly; some delays associated with sanitary sewer; fair amount of investigation; it's going to be close; slated to start pouring Gender Road today; hopefully completion of utilities in about a week; pipeline project is still ongoing in the Canal Winchester area; it just crossed Diley Road making their way to Amanda Northern Road; almost to Bowen road; look out to the left; we still got another couple weeks of pipeline work; the rest of the year of things look like they're getting back to normal;

Dick Miller - we're gearing up for fall pruning and planting; sent letters out to residents for the installation of the 53 fall street trees; hanging baskets traditionally come down as they begin to fade; street planter stays up just a bit longer; we put up protection fencing to protect the remaining trees at the entry to Canal Cove for new home construction; we had a few trees removed there; Saturday October 6th is our annual tire sweep; we will meet at the Metro Park office off Lithopolis Road and work our way upstream from the dog park toward Gender Road; breakfast is at 7:30 a.m. at the park office; we will then begin wading at 8 a.m. and finish at 11 am; the Walnut Creek Facebook report emanating initially from the urban forestry department will give you up to the minute real time reporting on Walnut Creek stream levels; we will safely wade the stream up to about 130 cubic feet per second; and you can read stream levels right form the active chart on the site; Walker: I just want to compliment you on the pots and flowers; they are absolutely incredible;

Steve Smith - three times in three weeks we had a complete shutdown of our South Gender lift station because of rags and wipes; we started investigating and found one pump was at the end of its life cycle; in the meantime we have protection; Albion has been working in the villages of Sycamore in Pickerington; excavation occurred to repair and replace a large section of sewer line that was very deep to stabilize it; it turned out very nice; as for rainfall we're 12 inches above normal for the year; we did complete our manhole lining project; we put coating on the inside of the manholes; those manholes were corroded by gases; we still have yet to receive our NPDES permit; we have ordered a new RAS pump; any questions;

Rick Brown - When looking upon the technology vista for September, the thoughts of grand accomplishments permeated my braincase; agonizingly though, daily challenges consumed the month; the technology Steve rick

DRAFT

conundrum involved servicing the everyday abnormalities while moving forward on strategic goals; the fickle behavior of devices can be derived by conditional and static changes with environmentals and internals; both frequented the domain this past month; with that said, all servers have been successfully migrated to a singular active platform; the passive platform that resides at our off-site data center is prepared; the coordinating platform that provides the synchronization between the platforms will be physically developed later; the coordinating platform logic build and implementation will occur post budget allocation for additional bandwidth between datacenters; Coolman: in laymen's terms; Brown: everything is good;

Sargent Cassel - these are the stats for August 2018; total possible down time was 89,280; total down time was 53,893; we were busy 60.56% ; total dispatched calls 498; total pick up runs 866; 282 multiple unit calls; 98 reports; 21 addendums to those reports; no F.I cards; 18 civil paper attempts; 4,087 building checks; 25 vacation checks; 97 traffic stops; 55 citations; 74 warnings; 3 felony arrests; 14 misdemeanor arrests; 23 warrant arrests; no OVI arrests; 5 pink slips; no charge packets; 14 summons in lieu; 30 misdemeanor charges filed; 7 felony charges filed; then we have the speed complaint study; Lynch: is this all on Columbus Street; Cassel: that is where Deputy D'Amore has been focusing his efforts but there are some on East Waterloo too; Lynch: well you guys are doing a great job; Clark: How much is a ticket for ten miles over; Jackson: $112.00; Clark: can we post that somewhere; that would deter people; Walker: thank you for doing a great job;

Shane Spencer - just a couple things to update here the past month; Gender Road phase IV is under construction; the 2018 Street program is under construction; we have completed preliminary estimates for candidate areas for the 2019 street program; be implementing new paving strategies and technologies to maximize the dollar spent relative to work completed; any questions;

E. Request for Council Action

ORD-18-033 *Construction Services*	An Ordinance Amending Section 1193 Of The Codified Ordinances Regarding Wireless Communication Facilities (**Ordinance, P&Z Recommendation**) *- Request to move to full Council*

Sims: this ordinance; we've spoken previously some on the new topics of; realized there were several deficiencies; we went through P&Z and updated the entire code; as we spoke before the state has established a new law on replacing small cell antennas on the right of way; so we also put that document together; Andrew and Lucas took that to planning and zoning; we're ready to move forward; we actually have two small cell antennas; they're not in the old town area; one is on the new black pole down by the high school; we want to make sure we're up to date; we can apply the new standards to them; it can move forward to council; it can be passed as an emergency measure; you don't really know how many requests we would receive at a time; and this addresses specifically right of way; and unfortunately we don't have much leeway in the public right of way;

A motion as made to move Ordinance 18-033 to full council by Clark, seconded by Amos. The motion carried with the following vote:

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

F. Items for Discussion

G. Old/New Business

DRAFT

H. Adjournment @ 6:29 p.m.

A motion as made for adjournment by Bennett, seconded by Coolman. The motion carried with the following vote:

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

DRAFT

Canal Winchester

Town Hall
10 North High Street
Canal Winchester, OH 43110

Meeting Minutes - DRAFT

September 17, 2018

6:45 PM

DRAFT

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 6:45 p.m.*

B. Pledge of Allegiance - Coolman

C. Roll Call *Present 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker*

D. Adjourn to Executive Session @ 6:49 p.m.

Jarvis: the first item on our agenda is to adjourn to executive session to discuss a pending quasi-judicial matter; Mr. Hollins you can take it from here; Hollins: that is correct; we will need a motion to go into executive session;

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

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

Council returned from Executive Session at 7:37 p.m.

E. Approval of Minutes

MIN-18-040 9-4-18 Work Session Minutes (**Work Session Minutes**)

MIN-18-041 9-4-18 Public Hearing Minutes (**Public Hearing Minutes**)

MIN-18-042 9-4-18 City Council Meeting Minutes (**Council Minutes**)

A motion was made to approve Minutes 18-040, 18-041, and 18-042 by Bennett seconded by Lynch. The motion carried with the following vote:

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

F. Communications & Petitions

18-100 Constitution Week Proclamation (**Proclamation**)

Jackson: whereas September 17, 2018 marks the 231st anniversary of the drafting of the constitution of the United States of America by the constitutional convention; and whereas it is fitting and proper to recognize this magnificent document and the anniversary of its creation; and whereas it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and whereas public law 915 guarantees the issuing of a proclamation each year by the president of the United States of America designating September 17th through the 23rd as constitution week; ow therefore I on behalf of Michael Ebert by virtue of the authority invested in him as the mayor of the City of Canal Winchester, Ohio do hereby proclaim September 17th through the 23rd 2018 to be constitution week in the city of Canal Winchester; and I ask our citizens to reaffirm the ideals that the framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties remembering that lost rights may never be regained; Mayor: and Nancy Schirm Wright is here this evening on behalf of the Daughters of the American

DRAFT

Revolution to accept this proclamation;

Jackson: Mr. Jarvis I do have one more; after consulting with Mr. Hollins about the small cell ordinance that was discussed at work session; ordinance 18-033 it was brought to our attention that council needs to hold a public hearing on that because it is a zoning text amendment; so rather than that being on for first reading this evening we would like to set a public hearing; looking ahead at the calendar and the way this needs to work we will have to set that public hearing for the first meeting in November; this would be November 5th; Clark: what does that do for the emergency; it will wipe all of that out; there will be nothing more done with it this evening; Jarvis: at that point would you recommend suspending the rules for the second and third reading then; Hollins: we'll consult with Bill; I don't know Bill Sims has pending applications to process to do this or not; but we'll consult with him; if staff does request it we'll bring that request to you and make sure we do it; it's just complicated because amendments to our zoning ordinance are treated a little differently than normal; but we will expedite it to the extent Bill says; Jarvis: Mrs. Jackson I'm not questioning your timing; I'm sure you've got very good reason but I guess I would appreciate; we have the month of October; there's no opportunity in there; Jackson: no; I am required to give 30 days' public notice and I cannot do that with the way the calendar falls; Jarvis: I see; thank you; Jackson: what time would you like to set that; I'm not sure if anyone has any thoughts on if that would be a long public hearing; if we want a 6:30 start or a 6:45; Jarvis: just a gut feeling that it's probably a 30 minute meeting; Jackson: so we'll do November 5th at 6:30; Jarvis: immediately following the work session; Jackson: I will tell you I will not be at the November 5th meeting so you won't have a report for me and that will shorten your work session a little bit; Jarvis: great thank you;

G. Public Comments - Five Minute Limit Per Person

H. RESOLUTIONS

I. ORDINANCES

Tabled

ORD-18-029
Development
Sponsor: Jarvis

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

- Tabled at Second Reading

Third Reading

ORD-18-030
Public Service

An Ordinance To Set Water User Fees For Customers Outside The Special Water Allocation District (**Ordinance**)

DRAFT

Sponsor: Lynch *- Adoption*

A motion made to adopt by Ordinance 18-030 by Lynch, seconded by Coolman. The motion carried with the following vote:

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

ORD-18-031
Public Service
Sponsor: Coolman

An Ordinance To Set Sanitary Sewer Fees (**Ordinance**)

- Adoption

A motion was made to adopt Ordinance 18-031 by Coolman, seconded by Walker. The motion carried with the following vote:

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

Second Reading

ORD-18-032
Finance
Sponsor: Clark

An Ordinance Amending The Transient Occupancy Grant (Bed Tax) Application And Award Process And Declaring An Emergency (**Ordinance, Bed Tax Grant Package_2018**)

- Request waiver of second and/or third reading and adoption

Bennett: the purpose for suspending the rules; Jackson: generally the bed tax grant opens on October 1st; so in order for me to get the applications out by that date I need it passed this evening; Bennett: thank you Mrs. Jackson;

A motion was made to suspend the rules and declare Ordinance 18-032 an emergency by Clark, seconded by Coolman. The motion carried with the following vote:

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

A motion was made to adopt Ordinance 18-032 by Clark, seconded by Amos. The motion carried with the following vote:

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

First Reading

ORD-18-033
Construction Services

An Ordinance Amending Section 1193 Of The Codified Ordinances Regarding Wireless Communication Facilities (**Ordinance**)

- First Reading Only

J. Reports

Mayor's Report

DRAFT

18-104 **Mayor's Report**

Mayor: just a couple quick reminders about prescription drug take back; that day is October 27th; 10:00 a.m. to 2:00 p.m.; it's going to be at Diley Ridge Medical Center once again; in the parking lot; we ask that people bring pills only; no liquids; no needles; no creams; and the question that gets asked probably 100 times between now and then is trick or treat; trick or treat is going to be observed in Canal Winchester on Wednesday, October 31st from 5:30 to 7:30 p.m. rain or shine; one thing I don't have in my written report and I want to bring up; first of all I'm going to start out by saying city employees or at least those that have the authority to write a purchase order; who do purchases and so forth; we've been working for five years or more maybe six years; since Amanda got here actually; to streamline our purchase order system; why; because the state auditor's office requests you do that; if you don't do it it's a ding against the city; and if she doesn't do it it's a ding against her; so we strive, I don't think there's a day that does not go by that we are not in one way or another discussing at least one purchase order; sometimes many more; again we have done and this has come a long, long way since Amanda has been pushing for this; and she's pushed very hard; that we comply 100 percent; you ask why am I bringing this up; on August the 7th I received an email that stated that a council member had requested that this building have a certificate of occupancy looked at and changed for this building; at that time the occupancy for this building was 50; the fire department got involved; the building official got involved; and the occupancy for this building was magically changed at no one's knowledge from 50 to 88 people; a day later we get an invoice for $152.50; for the work done to get that done; no again that was requested by a city council person; and city council people do not have that authority; it has to go through staff and myself; it has to follow the chain of command before a purchase order can be written; there was no purchase order written for this whatsoever; right now as of this minute the occupancy for this room stands at 88 people because it was changed without anybody's knowledge at the request of a council member; Lynch: may I interject; I would probably be the council member you're referring to; in case you're wondering let's throw it out there; I did make an inquiry to our fire chief asking if he knew anything about the laws; and I've talked to several people about this; what the laws for occupancy were; I've talked to several city building administrators from Columbus about it; and I asked if he could give me some input; what I never asked was for them to do an audit of the facility; or inspection of the facility in any manner that would require any fee; all I asked was for advice from them; and I never got any feedback from the people; I asked twice and never got any feedback; so this is a complete surprise; my apologies; I will write you a check personally for that amount if the city incurs any fees for that; unless someone else made mention or asked; but I'm thinking this came from a conversation I had just to get a little bit of advice as to what could be done; that's all; Mayor: well I think the person you probably talked to probably thought you had the power to do that; Lynch: I never gave that impression; not any way shape or form; I have no purchasing powers in this community; I realize that; Mayor: I don't know if they did or not; that's the thing; you got to be careful sometimes; Lynch: evidently; Mayor: so now we have an invoice with no purchase order to match it; we have an occupancy of 88 people in a room that is not completely ours to occupy; that up there belongs to CWJRD; additionally, the door on this building opens backwards; I can't see 88 people trying to get out of here in a door that opens backwards is safe period; Lynch: my understanding was based on a one door egress you can only have 50 people; how they came up with 88 is beyond me; Mayor: I don't know; Lynch: and that comes from Columbus city codes; Mayor: I am going to work to have it changed back to 50 people where it was at; because it's just not; Clark: can I ask Amanda what will that do t any kind of reporting score that you get with the auditor's office; Jackson: under the Ohio revised code I have a couple different options when we incur an expenditure that did not have a purchase order written for it prior to the expenditure being incurred; most commonly it's called a then and now certificate; basically I have to sign a statement saying that we had the money when this expenditure was initially entered into and it's in the treasury now; It's specific language that has to say that, that I just sign off on it; we try not

DRAFT

to do them; there is a dollar limit on that; this is underneath the dollar limit; the dollar limit is $3,000.00 for me to do that; we try and limit doing those; it's just not a very good practice at all; that means that basically anyone can go out and spend money and me not know about it; that's why we have the process we have; Lynch: can they rewrite the bill and send it me; if they thought I was asking to purchase anything like I said I will I want in no way shape of form want the city to pay for it; Coolman: my bigger concern goes to what happens to the financial rating of the city and what happens to Amanda's professional review; when they come in and audit what they're going to do is pick a random sample of the invoices and checks that we've written; and they will compare the invoices dates to the purchase order dates; if the purchase order date is before the invoice date we're good; if the purchase order date is after the invoice date is when they look harder; if it has a then and now certificate attached to it and it's a valid then and now certificate it's not counted against me; but again it's not a habit we like to have; we don't want to then and now everything; maybe three years ago or so I probably wrote an exorbitant amount of these then and now's; and I've stayed on top of the guys to say if you know you're going to do this you got to write the purchase order beforehand; and we've actually cut that back; last year was phenomenal with the small number of then and now's I had to do; there are certain things that just happen; there are emergency situations; there are things that come out of nowhere that this is good for; but we try very hard not to use them; the law does give me the ability to not let that reflect negatively on me; but I can tell you there are entities back in my auditing days that would then and now everything and that doesn't look good; that's not a good budgeting practice; Walker: forgive me; I missed out on what the $3000.00 was the limit that I have the ability to write the certificate; if it's over $3,000.00 I can bring it to council for your approval; we typically don't do that; that's just kind of an administrative hassle; Mayor: this is only $152.50; but could have very easily have been $3152.50; who knows; when it's done the way it was done; Lynch: who sent the bill; Mayor: it was sent by our building official to us; Amos: so Mrs. Jackson I understand that he didn't mean for anything to happen; so from here what would you like him to do; do you want him to call them and get the bill to him directly; Jackson: no; the city will take care of this; the whole point of having this conversation is that we need to be the ones initiating this; there's a process for having something like this done; there's an application that needs to be filled out; part of our grand audit is having these processes and following these processes to make sure we're doing things according to the law; Mayor: processes and procedures; Jackson: this process obviously whether it was miscommunication all around which it could have been we just you guys to know that everything has to come through us; Amos: when you say there's an application do you mean with the building inspector or do you mean with the purchase order; Jackson: both; there's an application for a certificate of occupancy with the city; Amos: so I guess that would be my question with the building inspector is how; Mayor: the fire department is I guess who you talked to; Lynch: I talked to our fire chief yes; Mayor: and he got with the building official which happens all the time; and that's when they say hey the city wants this done not knowing that he didn't have the authority to do that; Lynch: I didn't fill out any application; Jackson: and that's how we didn't know about it; there was no application ever filled out; Mayor: you just have to watch who you're talking to and how you're talking; Coolman: on this specific topic is there any communication going back to Madison Township; Mayor: I have talked to the fire chief about this two or three times; Coolman: is there any way that we can make this thing be canceled; or since it already occurred we can't bury it as they say; or can we just cancel the order; Mayor: the thing is I've got to have them come back in and I've got to have him change it back now to 50; I'm sure we don't want this building at 88; the CWJRD that's their cubby hole up there; Walker: is that an additional $150.00 to change it back; Mayor: I don't know; Jarvis: on principle I don't think that we should be paying them anything; I feel like part of this is lack of control; and we're dealing with a guy that's new to his job and I appreciate you clearing the air Mayor and also you Mr. Lynch for explaining your position in all of this; but to me if you feel that there is benefit if someone higher than the chief or one of the township trustees or administrator should be aware of this do that they can also educate their people that certain people you take those kinds of authorizations from and other do not;

DRAFT

Mayor: we can educate them ourselves; not that it's happened I never would have thought it would have happened; but the thing is if Luke would have told them the same thing it would have followed the same channel; follow me; so there still thinking or were thinking that he had the ability to give him that command to do; Luke or council member; Jarvis: yes; everybody is weighted equally; and we have different roles and responsibilities; you're point is very well taken; I don't expect this will ever happen again; and we appreciate knowing it did happen;

18-102 **August 2018 Mayor's Court Report**

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

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

Fairfield County Sheriff

Cassel: I have nothing further form my original report; Jarvis: thank you; I dint have a chance to flip through the traffic reports and according to what I was seeing there's not a whole lot of variance; people are pretty much staying where they should be; I don't know whether the patrol car was somewhat hidden where you do catch people off guard; or that was the reason everybody was behaving themselves so well; it doesn't look like at least during this random sampling that there was much of a problem on East Columbus Street or East Waterloo Street; and then there was one that did not have a location on it; it showed the same story wherever it was; Walker: did we bring up at one point kind of like a dummy car on some of the roads like Columbus or Waterloo where you actually just have an old squad there that doesn't even run anymore but you go the flashers; you know what I'm saying; Cassel: we can do that the issue is that people figure it out really quick that there's nobody in it; Walker: your know how they've got these, for lack of better words; dummies or mannequins that you just sit in there that just look pretty real; I know they might figure it out but I'm just throwing it out there; Cassel: we've had when I worked in the county we've had dummy cars that we sit around the county for the reason and people eventually figured it out; we could move it around a lot; anything the we can try would be good; and I've actually seen the dummy patrol guy that you're talking about on TV; I've never seen it in real person; but I know what you're talking about; Walker: they're pretty realistic like Mr. Lynch had said a little bit ago that the speed thing is working right now but if that stops working instead of taking your time maybe just moving that around; Cassel: yeah we can definitely try it; Peoples: Mr. Jarvis I will say that these results when we look at them are very similar to the results that we got from our speed tubes last August; August of 2017; I haven't entered these in yet or anything but I will try to figure out what the 85th percentile is; Coolman: so for the public members that or the public out there that challenged your numbers on your report they're still holding true today; Peoples: bases on a cursory review; I'll take the numbers back and enter them in; Jarvis: we sort of vowed that we would talk about this at our committee of the whole meeting; I think that the feeling I'm getting right now is that this boils down to perception versus reality; but the communicating the reality and this is the only real data that we have to work with; but making it available so people can look at it periodically; and I don't know what that portal is or if our website would lend itself to something like that or not; Peoples: my understanding of the last conversation we had was I was going to be providing a guidance document regardless; steps to follow; here's what's going to happen; if we do find that there's a problem here's some of the things that we can implement; I didn't think it was going to be a committee of the whole discussion; I know that was talked about but I thought it I was just going to present a guidance document at an upcoming council meeting; Jarvis: that would be great; we just didn't want to let it die here and now like I said it looks to me like it's more of a perception issue but there's also communication; Peoples: right and I already

DRAFT

have in there that the studies would be communicated with the residents; Bennett: just one other follow up on the study; I would just keep in mind while that may fall in line with Mr. Peoples; numbers taken by a police car I would say probably skew on the lower end; if you see a patrol car; Jarvis: but the tubes would probably not care anybody right; Bennett: probably not; I'm just saying if those numbers align; it would be interesting to see; because you think you'd actually be going slower in front of the patrol car versus the tubes; Peoples: my preliminary document has that the tube speed study would be done when there's no active enforcement out there; we do put in there that one of the steps would be active enforcement; make a little bit of presence; which I haven't shared with them by the way; Jarvis: I'm kind of curious when you've got those tubes outs there' it's all based on the time between the first wheel and the next wheel getting it; but then you have things like trucks with a wide wheel base; so how do you get things like that resolved; Peoples: they are able to calculate how that works; they do it by what's called classification; it will go up to a I think it's how many axels it will go; I don't believe that the semi-truck and trailer will work but a dump truck with multiple axels will; so there are provisions for that; Walker: I did just come across for the first time a school coming up to a school it was an LED light and it really lit up slow down or the speed limit; if we get to a point; I've seen a lot in the north end where you have to stop signs with the LED around them and even speed limit signs but this school thing was different it was overhead and I thought maybe they've had some issues there; Peoples: with LEDs coming out now there's a lot more options out there for those types of lighted signs; the LED lights don't use the energy that an incandescent bulb does so you don't have to wire it up; you can have just a small solar panel; we actually have one that is not ordered yet but it will be one of the tools in our toolbox to be able to put out there; we're not going to make these permanent signs because if you have something that is always flashing at you it's just going to wear out; talking about the train tracks and same thing with the speed trailer; we don't leave it out all the time; all of that will be in the guidance document; Jarvis: this discussion will never end; Lynch: but at least you put something in place which is outstanding; thank you;

Law Director

Hollins: you'll just love me; if you don't mine very, very brief executive session; for purposes of discussing pending litigation at the conclusion of the regular meeting; other than that unless you have any questions no further report;

Finance Director

18-101 **Finance Director's Report, August 2018 Financial Statements**

Jackson: thank you Mr. Jarvis; one item in addition to my written report this evening; last month at the beginning of August you approved the city of Canal Winchester entering into an agreement with the Regional Income Tax Agency (RITA) to be our income tax collector; I got information form them today that in the agreement that we signed we are required to appoint a delegate and an alternate to the regional council of governments that oversees RITA; basically this is the board that then votes on official business of the regional council of governments including appointing the RITA board; I know this is all very confusing; we need to appoint this delegate so that we have a vote as a member of RITA; and then again an alternate in case the delegate cannot be there; this does not need to be any formal registration but I do need a motion from council to approve those two positions; at this point we would like to appoint myself as the delegate and Stacey Williams our finance specials as the alternate; Mayor: those are my appointments by the way; Jackson: yes the mayor has to make the appointments but that is what we would like to recommend to council this evening

A motion was made to confirm appointment of Amanda Jackson as the representative for the RITA board and Stacey Williams as her alternate by

DRAFT

Amos, seconded by Lynch. The motion carried with the following vote:

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

Public Service Director

18-103 **Public Service Director's Report**

Peoples: thank you Mr. Jarvis; just a couple things to add to my written report; hydrant flushing starting this week; it will disrupt the system a little bit; if you do find some brown murky water or something like that please just run your tap a little bit; it does happen from time to time; we're flushing out; what the flushing does is keep all of that from building up and making it worse when you pull your tap on; sidewalk letters for the sidewalk grant program went out last week; those residents will be given a month then it will go on their taxes; Walker: I'd like to express my thanks; I live on Kramer Street where a fire hydrant was hit the clean-up was amazing and everything was done really well and we appreciate that; Clark: was that you; so if you'll extend my thank you to all the city workers that were there; there was a lot of brown water; they cleaned up and even came back again and cleaned up; Jarvis: the composition of that brown water it's just basically rust and some kind of sediment; I mean it wouldn't harm you if you drank it; Peoples: no; it's just rusty water; think about the inside of most of our pipes are ductile iron although the plastic pipe percentage has grown and has been grown with the new subdivisions and projects we're getting; there is still iron left even though we have iron filters and its below thresholds established by the EPA; it still does get in the water; and little tiny bits and pieces that come off the inside of the pipe; the inside of fire hydrants and that type of thing; there's always going to be valves just moving around so it's always going to be in there; that's what the flushing does is gets that out of there instead of allowing it to build up; since we've been feeding the phosphate the time for the hydrants clear as we're flushing them has decreased significantly; Amos: Mr. Peoples with the vandalism that occurred last week city wise what did that entail for your group; Peoples: a lot of clean up at this point; my understanding is that they believe they caught the individual that did that; that person spray painted a lot of stuff; and we had just gotten done cleaning up from the last time he did it; it was at a smaller rate down at the cover bridge; we power washed all that off then he hit it again; I think there were three days down there last time cleaning up the covered bridge; just power washed the inside of that off; this time they got signs that we were not able to get all of the paint of so we'll have to replace some of the signs; so that type of thing; Amos: do we believe we're going to get restitution; obviously we're going after it I would hope; Jackson: I would say we'll go after it but in my experience the chances of us seeing anything is nil; Amos: and then I had a resident ask me and honestly I don't know; she asked if there was a clear coat that could go on some of the signs because of all the new city park signs we've done; that would help protect it from paint and things like this; I have no idea; Peoples: they do have a spray paint that goes on there; but it can dull your finish; the new signs we just got out there cleaned up pretty well but some had some film on them; the new parks signs down at James Kelly Preserve with the trail marker signs on it, it actually came out pretty well; the surface is a different material the reflective coating that we have on all of our entry way signs is the same sheeting material as all of our stop signs; so it's a reflective material; so it just dulled those a little bit; Amos: thank you for all the work you put into it; Walker: it just hit me; no Mr. Clark it wasn't me or anyone in my family that hit the hydrant; (laughter)

Development Director

K. Council Reports

Work Session/Council - Monday, October 1, 2018 at 6 p.m.

DRAFT

Work Session/Council - Monday, October 15, 2018 at 6 p.m.

Committee of the Whole - Monday, October 29, 2018 at 6 p.m.(TENTATIVE)

Jarvis: COW; I am not going to be here but go ahead with it if there are pressing matters; I'm just letting you know;

CW Human Services - Mr. Lynch

Lynch: they just finished up with community week; evidentially they raised about 35,000; Amos: we're waiting for official numbers but we believe about 35; Jarvis: was that their target; Amos: 55; it's a darn good start; Jarvis: It's a good chunk;

CWICC - Mr. Clark

Clark: we're meeting Halloween; October 31st 11:30 a.m. at the Interurban building;

CWJRD - Mr. Bennett/Mrs. Amos

Bennett: really no update; we haven't had a board meeting in a while; we have a board meeting Thursday 7:00 p.m. here at Town Hall; also I would like to just; one other thing about community week; one other thing that was really great by the end of the week we saw people taking on their own initiatives for community week that really hadn't been part of the core group initially; it was amazing just to watch that spirit grow; Jarvis: what kind of things; Bennett: Cornersmiths put an offer out there on social media during the moonlight market that if you made a donation of a certain amount they would give you 50 percent of your purchases for the evening; Amos: Fantasy Cupcake picked up one; Bennett: Fantasy Cupcake was auctioning off cupcakes all week; and then did ten percent of their sale son Saturday; Amos: we saw some online fundraisers kick up; that were feeding right back to them; Bennett: another local resident who sells crafts and she was donating money from her goods back to that cause as well; so if you bought some of her goods off of Etsy she was donating as well; those were all initiative that weren't really part of the ore start; and it just goes to show you; Jarvis: you want to start the fire but you want it to spread; Bennett: and we kind of hoped it would but it goes to show that the community we live in these things really do happen like that; it's really cool to watch

Destination: Canal Winchester - Mr. Walker

Walker: the next meeting is September 25th 20158 6:30 at the interurban;

L. Old/New Business

APL-18-001	Notice Of Appeal Regarding The Denial Of Variance Application VA-18-009 By Planning And Zoning Commission To Approve The Keeping Of Chickens On A Residentially Zoned Property Under One (1) Acre At 42 Elizabeth Street

Jarvis: we have one item to act upon; there is an appeal of a denial to a variance request; Hollins: and in doing so know for the record staff that the law department did distribute to council two draft findings of fact conclusions of law; one does deny the variance and one would have been to grant the variance with conditions; so the motion as a friendly amendment and to adopt the finding of fact in conclusions of law denying the variance proposed by staff; Jarvis: I'm going to have a little trouble repeating that verbatim; Hollins: that's okay we have it on record; the motion would be to deny the variance and to adopt the proposed findings of fact conclusions of law denying the variance proposed by staff; Clark: and agreeing with planning and zoning; Hollins: that's true; and affirming planning and zonings denial; Mayor: so yes does what; Hollins: a vote of yes

DRAFT

denies the variance; and would take four yes votes to pass any motion; Jarvis: okay I want to make sure this is crystal clear to everybody because I thought I had it and I just lost it; A motion was made by Clark to uphold the decision of planning and zoning and denying the appeal request, seconded by Coolman. The motion carried with the following vote: Mr. Hollins: to be clear if I answer no when the roll is called I disagree with the denial; Hollins: correct; Jarvis: if I said yes that means I uphold planning and zonings decision and I deny it; Hollins: correct;

A motion was made to deny APL 18-001 and to adopt the proposed findings of fact conclusions of law denying the variance and upholding the decision of Planning and Zoning by Clark, seconded by Coolman. The motion carried with the following vote:

Yes 4 – Clark, Coolman, Jarvis, Walker

No 3 – Amos, Bennett, Lynch

M. Adjourn to Executive Session @ 8:26 p.m.

A motion was made to adjourn to Executive Session to discussion pending litigation by Coolman, seconded by Bennett. The motion carried with the following vote:

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

Council returned from Executive Session at 8:29 p.m.

N. Adjournment @ 8:29 p.m.

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

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

DRAFT

Proclamation

Whereas: The City of Canal Winchester, Ohio is committed to ensuring the safety and security of all those living in and visiting, Canal Winchester; and

Whereas, fire is a serious public safety concern both locally and nationally, and our homes are where we are at the greatest risk; and

Whereas, in 2016 more than 1.3 million fires were reported by fire departments resulting in an estimated 3,390 civilian deaths, the highest number of fatalities since 2008 in the United States; and

Whereas, many of today's products and furnishings produce toxic gases and smoke when burned, making it impossible to see and breath within moments. These conditions contribute to a smaller window of time for people to escape a home fire safely, with people having as little as one to two minutes to escape from the time the smoke alarm sounds; and

Whereas, three out of five home fire deaths result from fires in houses without working smoke alarms and in one-fifth of all homes with smoke alarms, none were working; and

Whereas, first responders are dedicated to reducing the occurrence of home fires and injuries through prevention and protection education; and

Whereas, home fire escape plans should be developed by all members of the household and practicing twice a year ensures that everyone knows what to do in a real fire; and

Now, Therefore, I, Michael L. Ebert, Mayor of the City of Canal Winchester proclaim October 7-13, 2018 as

Fire Prevention Week

And urge all of our residents to observe this year's Fire Prevention Week theme, "Look, Listen, Learn. Be aware – fire can happen anywhere." Which effectively serves to educate the public about the vital importance of looking for places fire can start, listening for the sound of the smoke alarm and learning two way's out of each room

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Canal Winchester, Ohio to be affixed this 1st day of October, in the year of our Lord, two thousand eighteen.

Michael L. Ebert, Mayor

MAYOR SEAL

Madison Township Fire Department

Franklin County, Ohio
4567 Firehouse Lane
Groveport, Ohio 43125

Sta. 181	Business Tel: (614) 837-7883	Fax: (614) 836-0716
Sta. 182	Business Tel: (614) 837-5149	Fax: (614) 837-5147
Sta. 183	Business Tel: (614) 828-8545	Fax: (614) 829-7424

CANAL WINCHESTER

SEPTEMBER 2018
(9/1 – 9/26)

Mayor Ebert, Members of Council and Staff,

EMS Runs – **86** ALS 72 BLS 14

FIRE Runs - **17** total

Electrical Fire	Prentiss School	Sparking Outlet	NO LOSS
Trash Fire	Gender Road	Trash Can	
Cooking Fire	Woodsview Dr	Food on Stove	NO LOSS
	Seymour Ct	Food on Stove	NO LOSS
Auto Extrication	Gender/33	Van vs. Van	
Personal Assist	Covenant Way		
	W Waterloo St	Elderly in parking lot	
Water Flow	Gender Rd	Water Pressure Fluctuation	
Fire Alarm	Mound St E	Open Burning	
	Gender Rd	Power Outage	
	Gender Rd	Power Washing set off	
	Winchester Blvd	Remodeling	
	Prentiss School	Popcorn Steam	
	Sarwil Dr N	Pizza Roll Steam	
	Gender Rd	Cancelled Enroute	
	Lakeview	Sawdust	
	Washington	Cancelled Enroute	

Respectfully submitted,
Jeff Fasone
Fire Chief

RESOLUTION NO. 18-016

A RESOLUTION IN SUPPORT OF STORMWATER AWARENESS WEEK

WHEREAS, urban stormwater runoff is the threat to water quality in Canal Winchester; and,

WHEREAS, population growth, residential and commercial development, and the resulting changes to the landscape will only increase stormwater quality and quantity concerns throughout Franklin County; and,

WHEREAS, these impacts cannot be entirely avoided or eliminated but can be minimized; and,

WHEREAS, the need arises not only from the regulatory requirements of EPA General Construction and Municipal Stormwater rules, but also from the recognition that citizens and local decision makers will benefit from a greater awareness of how the cumulative impacts of decisions at home, at work and through local policies impact our water quality, stream corridors and flooding; and,

WHEREAS, the development and implementation of effective, outcomes-based stormwater education and outreach programs will meet the related federal stormwater pollution control requirements and those of the communities they serve so that Franklin County and the Greater Columbus region continues to be a great place to live, work and play.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

Section 1. That the City of Canal Winchester fully supports the recognition of the 2nd calendar week in October as Stormwater Awareness Week.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED _____

_____
PRESIDENT OF COUNCIL

ATTEST _____
CLERK OF COUNCIL

_____
MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

_____
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

_____
Clerk of Council

ORDINANCE NO. 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)

WHEREAS, the rezoning of a 11.954 acre tract of land hereinafter described from Exceptional Use (EU) to Planned Residential District (PRD) has been proposed to the Council of the City of Canal Winchester by the owner, the Dwight A. Imler Revocable Living Trust ("Imler Trust"); and

WHEREAS, such 11.954 acre tract is contiguous to an approximately 67.55 acre tract of land also owned by the Imler Trust and currently zoned Planned Residential District ("PRD"); and

WHEREAS, an accompanying Planned Residential District preliminary development plan and development text has been submitted for the combined 79.5 acre tract for approval; and

WHEREAS, a public hearing has been held by the Planning and Zoning Commission of the City of Canal Winchester, and the Planning and Zoning Commission has recommended that the rezoning, the preliminary plan, and the development text not be approved by City Council; and

WHEREAS, notice of a public hearing has been duly advertised and the public hearing has been held before the Council of the City of Canal Winchester;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, OHIO:

Section 1. That Part 11 of the Codified Ordinances and the Zoning Map of the City of Canal Winchester, Ohio, which is a part thereof, be and hereby is amended as follows:

That approximately 11.954 acres, located at the southeast corner of the intersection of Hayes Road and Lithopolis Road and being a part of PID 184-002994, owned by The Dwight A. Imler Revocable Living Trust, as fully set forth in the description attached hereto as Exhibit A and incorporated herein by reference, is rezoned from Exceptional Use (EU) to Planned Residential District (PRD).

Section 2. That the preliminary development plan and development text of the proposed Middletown Farms as depicted in Exhibit B, attached hereto and made a part of hereof, be and hereby is accepted and approved.

Section 3. That all other provisions of Part 11 of the Codified Ordinances and accompanying zoning map shall remain in full force and effect.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED:_____ _____
PRESIDENT OF COUNCIL

ATTEST: _____ _____
CLERK OF COUNCIL MAYOR

DATE APPROVED:_____

APPROVED AS TO FORM:

_____
LEGAL COUNCIL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

_____
Finance Director/Clerk of Council

ORD-18-029
Exhibit A

11.954 ACRES

Situated in the State of Ohio, County of Franklin, City of Canal Winchester, in Section 1, Township 10, Range 21, Congress Lands, being part of that 70.797 acre tract of land conveyed to The Dwight A. Imler Revocable Living Trust by deed of record in Instrument Number 201607050085266, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the centerline intersection of Hayes Road and Lithopolis Road;

Thence South 53° 02' 57" East, with the centerline of said Lithopolis Road, a distance of 406.78 feet to the northwesterly corner of that 8.000 acre tract conveyed to Roger E. Sisler II by deed of record in Instrument Number 201604150045988;

Thence South 36° 43' 38" West, with the westerly line of said 8.000 acre tract, a distance of 721.31 feet to a point;

Thence North 53° 02' 48" West, crossing said 70.797 acre tract, a distance of 666.89 feet to a point in the easterly line of that 5.001 acre tract conveyed as Parcel III to The Dwight A. Imler Revocable Living Trust by deed of record in Instrument Number 201607050085266;

Thence North 00° 27' 50" East, with said easterly line, a distance of 419.95 feet to a point in the centerline of said Hayes Road;

Thence North 89° 50' 16" East, with said centerline, a distance of 635.80 feet to the POINT OF BEGINNING, containing 11.954 acres of land, more or less;

This description is to be used for zoning purposes only, not for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

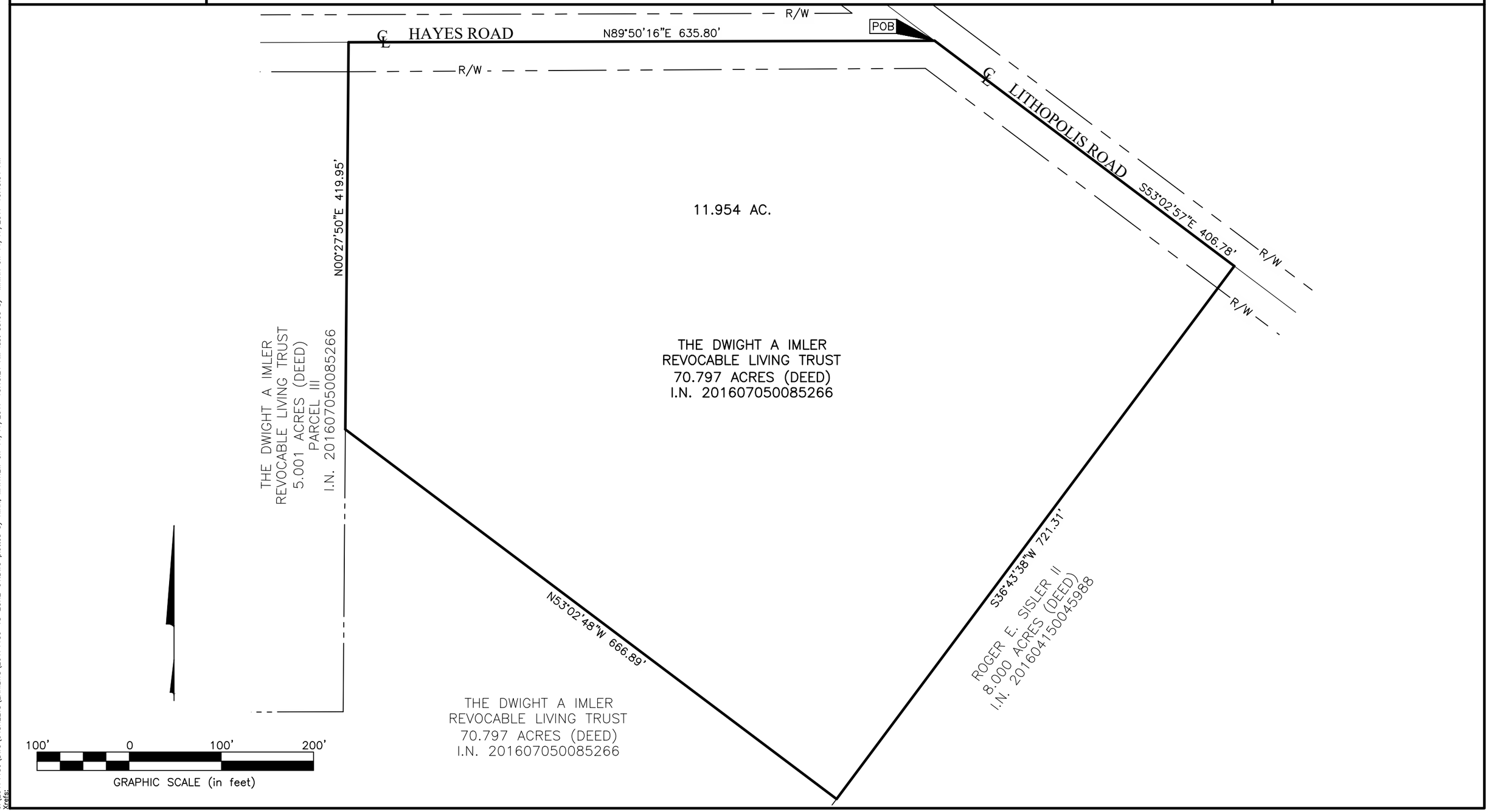
MAK:iep
11.954 ac 20171159-VS-ZONE-01.doc

EMH&T
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

ZONING EXHIBIT

SECTION 1, TOWNSHIP 10, RANGE 21
CONGRESS LANDS
CITY OF CANAL WINCHESTER, COUNTY OF FRANKLIN, STATE OF OHIO

Date:	November 16, 2017
Scale:	1" = 100'
Job No:	2017-1159



J:\20171159\DWG\04SHEETS\EXHIBITS\20171159-VS-ZONE-01.DWG plotted by KIRK, MATTHEW on 11/17/2017 10:13:21 AM last saved by MKIRK on 11/17/2017 10:13:04 AM
Xrefs:

ORD-18-029
Exhibit B

Middletown Farms

Preliminary Development Plan

Hayes and Oregon Roads

Canal Winchester, Ohio

January 22, 2018
Revised: April 23, 2018

Due to the size of this exhibit, only page one has been included in this packet. To view the entire exhibit, please click **here**.

WESTPORT HOMES

ORDINANCE NO. 18-034

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A REAL ESTATE SALE AND PURCHASE CONTRACT WITH THE CENTRAL OHIO COMMUNITY IMPROVEMENT CORPORATION TO ACQUIRE 18 WEST WATERLOO STREET ALSO KNOWN AS FRANKLIN COUNTY TAX PARCEL NUMBER 184-000163-00, AND DECLARING AN EMERGENCY

WHEREAS, the City of Canal Winchester desires to acquire a parcel of land owned by the Central Ohio Community Improvement Corporation for economic development purposes; and

WHEREAS, the City and the Central Ohio Community Improvement Corporation have cooperated to bring this property back into a developable state and return it to a productive use over the last twelve years, and

WHEREAS, the City hereby finds and determines that acquiring 18 West Waterloo Street will promote the welfare of the residents of the City, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, OHIO:

Section 1: That the Mayor or his designee be and hereby is authorized and directed to sign the real estate sale and purchase contract substantially similar to Exhibit A which is attached hereto and made part hereof.

Section 2: That this Ordinance is hereby declared to be an emergency measure necessary for the public health, safety and welfare, such emergency arising from the exigencies of the agreement and the need to immediately begin preparations for the transfer of the land WHEREFORE, this Ordinance shall take effect and be in force from and after its passage.

DATE PASSED _____

_____
PRESIDENT OF COUNCIL

ATTEST _____
CLERK OF COUNCIL

_____
MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

_____
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

_____
Finance Director/Clerk of Council

ORD-18-034
Exhibit A

REAL ESTATE SALE AND PURCHASE CONTRACT

This Real Estate Sale and Purchase Contract (this "Contract") is made and entered into this ___ day of _____, 2018 (the "Effective Date"), by and between CENTRAL OHIO COMMUNITY IMPROVEMENT CORPORATION ("COCIC"), with a business address of 845 Parsons Avenue, Columbus, Ohio 43206, and THE CITY OF CANAL WINCHESTER, with a business address of 36 South High Street, Canal Winchester, Ohio 43110 ("City") (COCIC and City each a "Party" and collectively the "Parties").

1. Background. COCIC is organized under Chapters 1702 and 1724 of the Ohio Revised Code as an Ohio non-profit corporation, a community improvement corporation and a land reutilization corporation and is operated for the purposes, among others, of facilitating the reclamation, rehabilitation and reutilization of vacant, abandoned, tax-foreclosed or other property and of promoting economic and housing development, all in Franklin County, Ohio. COCIC acquired the Property, as hereinafter defined, that is the subject of this Contract, and has expended approximately $283,564 for environmental testing and remediation ($134,032 of which has been reimbursed by a United States Environmental Protection Agency grant). City has expended approximately $21,990 for demolition, maintenance sidewalk repair and tree removal with respect to the Property (the "Property Intervention Costs"). City desires to acquire the Property and develop such Property for a public purpose.

2. Basic Agreement. COCIC agrees to convey to City, and City agrees to purchase, the real property situated generally at 18 West Waterloo Street, Canal Winchester, Ohio 43110 and identified as Franklin County Tax Parcel No. 184-000163-00 (the "Property") on the terms and conditions hereinafter set forth.

3. Purchase Price. The purchase price shall be Seventy-Five Thousand Dollars ($75,000.00) for the Property. At Closing, COCIC shall credit against the purchase price the amount of $21,990 to reimburse City for Property Intervention Costs.

4. Title and Deed. COCIC has provided to City a title insurance commitment, issued by First American Title Insurance Company as Commitment Number LB097 (the "Title Commitment"). COCIC covenants and agrees to convey to City, at Closing, as such term is hereinafter defined, the same quality of title as shown in the Title Commitment and to provide to City, promptly after the Closing, a fully paid owner's title insurance policy (the "Title Policy") insuring such title in City, with coverage in the amount of the purchase price or such lesser amount as may be required by applicable governmental rules or regulations governing such matters, and with such endorsements as are normally provided as community practice. Conveyance of the Property shall be by statutory limited warranty deed (the "Deed").

5. Impositions Defined. For the purposes of this Contract, "Impositions" shall mean all real property taxes and any certified general or special assessments.

6. Closing; Possession; Risk of Loss. Parties shall close the conveyance of the Property (the "Closing") on a mutually agreeable time and date, not later than thirty (30) days after the

Effective Date. COCIC shall surrender its possession of the Property to City immediately upon the Closing. COCIC shall bear the risk of loss to the Property until the Closing.

7. COCIC's Closing Obligations. COCIC shall:

(a) Execute and deliver a validly executed, transferable and recordable Deed conveying the Property to City; a mutually agreeable form of settlement statement; an affidavit certifying that COCIC is not a "foreign person"; and an affidavit in accordance with community practice sufficient for the title insurance company to delete the standard mechanic's lien and possession exceptions.

(b) Pay all conveyance fees, transfer fees and recording fees for instruments necessary to conclude the conveyance of the Property, giving effect to any exemptions that may apply, and all title charges and premiums with respect to the Title Commitment and Title Policy.

(c) The Parties acknowledge that the Property is currently exempt from real estate taxation; thus, there are no Impositions that are past due, currently payable or accrued and not yet payable.

8. City's Closing Obligation. City shall execute and deliver the purchase price at Closing (credited, as applicable, for the Property Intervention Costs), together with a mutually agreeable form of settlement statement and customary purchaser title documents.

9. As-Is, Where-Is Condition; Unpaid Utility Charges. City acknowledges that City has performed all inspections and evaluations of the Property as City deems necessary. City agrees to accept the Property at the Closing in its then AS-IS, WHERE-IS condition, with all faults and without express or implied warranty of any kind, including any warranty as to physical or legal condition. Further, City agrees to accept the Property subject to any and all accrued, but unpaid public utility charges not assessed for collection, including any that may preclude the right of City in any request for the forgiveness of such charges. The City assumes all risks of non-discovery of any physical or legal condition affecting the Property.

10. Brokers. City and COCIC each represents and warrants to the other that it has represented itself in this transaction, and no broker, finder, or real property agent is entitled to a commission relating to this Contract or the Property.

11. Notices. For any notice under this Contract to be effective, it must be in writing and, for notices given by COCIC, emailed to City at lhaire@canalwinchesterohio.gov and, for notices given by City, emailed to COCIC at cwilliams@cocic.org, or any Party may give written notice to the other Party by U.S. Registered Mail at the business address aforesaid. Any Party may change its email or business address or addresses, by notice as required under this subsection. Notice shall be deemed received on the third full day after it was emailed or mailed.

12. Entire Agreement; Modification; Waiver. This Contract constitutes the entire agreement between COCIC and City with respect to the conveyance of the Property and there are no representations, oral or written, that have not been incorporated herein. No modification of this Contract will be effective unless it is in writing and signed by the Parties. No waiver of any right or obligation under this Contract will be effective unless it is in writing and signed by the Party granting the waiver.

13. Choice of Law. The laws of the State of Ohio, without giving effect to principles of conflicts of law, govern all matters arising under or in connection with this Contract.

14. Time. Time is of the essence in the performance of this Contract.

15. Successors and Assigns. This Contract shall be binding upon and inure to the benefit of COCIC, City and their respective successors and assigns, except where expressly proscribed. City shall be permitted to assign its rights hereunder to an affiliate of City upon notice to COCIC.

IN WITNESS WHEREOF:

COCIC:

CENTRAL OHIO COMMUNITY
IMPROVEMENT CORPORATION

By: Curtiss L. Williams, Sr.
Name: _____
Its: President & CEO

PURCHASER:

CITY OF CANAL WINCHESTER

By: Michael Ebert
Name: _____
Its: Mayor

0128850.0615530 4815-4278-6921v2

ORDINANCE NO. 18-035

AN ORDINANCE TO AMEND THE 2018 APPROPRIATIONS ORDINANCE 17-049, AMENDMENT #4

WHEREAS, the City Council desires to proceed with activities of the City which require changes in the appropriations to accommodate those activities;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, OHIO:

Section 1: That the 2018 Annual Appropriations Ordinance be amended by appropriating from the unappropriated monies of the General Fund $264,000.00 to the following functions; and

Department	Function	Amount
Development	Operating Expenses	$ 20,000.00
Lands and Buildings	Capital Outlay	$ 54,000.00
Administration	Operating Expenses	$ 150,000.00
Construction Services	Operating Expenses	$ 40,000.00

Section 2: That the 2018 Annual Appropriations Ordinance be amended by appropriating from the unappropriated monies of the Water Fund $50,000.00 to the Plant – Operating Expenses function; and

Section 3: That the 2018 Annual Appropriations Ordinance be amended by appropriating from the unappropriated monies of the Sewer Fund $10,000.00 to the Plant – Operating Expenses function; and

Section 4: That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED_____

_____
PRESIDENT OF COUNCIL

ATTEST_____
CLERK OF COUNCIL

_____
MAYOR

DATE APPROVED_____

APPROVED AS TO FORM:

_____
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

_____
Finance Director/Clerk of Council

To: Members of City Council

From: Amanda Jackson, Finance Director

Date: September 27, 2018

RE: Appropriation Amendment #4

MEMORANDUM

Appropriation Amendment #4 for the 2018 Appropriations serves to accomplish the following:

General Fund – Appropriate $264,000.00 from the fund balance of $8,729,242.73 (as of 9/25/18)

- $20,000.00 to Development Operating Expenses for additional plan review and inspection fees to be incurred by the end of the year.
- $54,000.00 to Lands & Buildings Capital Outlay for the purchase of property located next to Town Hall.
- $150,000.00 to Administration Operating Expenses for the CEDA Income Tax Sharing Agreement.
- $40,000.00 to Construction Services Operating Expenses for inspection services related to Villages of Westchester Section 13 construction. These fees will be reimbursed by the developer at a later date.

Water Fund – Appropriate $50,000.00 from the fund balance of $1,226,348.00 (as of 9/25/18) to Plant Operating Expenses for chemicals. Due to changes made to the hardness level of the water, an increase in overall flow, and a $15/per ton increase in the cost of salt, the originally estimated chemical budget was not sufficient to cover the entire year.

Sewer Fund – Appropriate $10,000.00 from the fund balance of $1,973,108.15 (as of 9/25/18) to Plant Operating Expenses for miscellaneous contract services due to unforeseen issues using the originally budgeted balance to date.

Please let me know if you have any questions.

Mayor's Report

October 1, 2018

Property Acquired:

As you may recall a few months ago I reported that Amanda, Matt and I met with the Ashbrook Village Home Owners association to answer any questions they might have about McGill Park. From that discussion, we inquired about acquiring a piece of property owned by the association that borders the west end of the parkland and Washington Street. The board did not make a decision that evening but eventually informed us they would donate the property to the city to make the connection with trails from the Washington Street area to the McGill Park, a connection that will help tremendously. On September 24th the property, 1.799 acres was signed over to the city for $1 to be used as an extension or connector to McGill Park. We should all be thankful to the Ashbrook Village Home Owners Association for their gift to the city, a gift that will be used for decades by thousands and thousands of residents of Canal Winchester.

COUNCIL UPDATE

September 27, 2018

Finance Department

Amanda Jackson, Finance Director

Project Status:

Fairfield County Sheriff's Contract – The contract for police services will be presented at the next meeting. The contract is currently in the hands of the Sheriff's Office for review.

2019 Appropriations – The 2019 Appropriations are about complete. A formal presentation of the appropriations ordinance will be made at the October 15th Work Session.

Bed Tax Grant Applications – The updated Bed Tax Grant applications are now available on our website. Applications are due to my office by November 30th. As in the past, the legislation authorizing the awards will be brought before Council at the second meeting in December with checks being cut just after January 1st.

COUNCIL UPDATE

September 27, 2018

Department of Public Service
Matthew C. Peoples, Director

Project Status:

2019 Healthcare Premiums: The COHCC board recently approved the 2019 healthcare insurance premiums for 2019 and we ended with a 14.1% increase. Through the consortium premiums are directly tied to claims experience and our utilization was very high for this cycle. On a good note, the consortium distributes back to the entities if there is a fund balance surplus. This year the consortium had an overall good year and we are being credited back over $30,000.

Speed Control Guidance Document: Per our discussion at a previous Council meeting regarding the perception of excessive speeds on city streets, we are developing a guidance document to establish a step by step process we will go through to determine if there are excessive speeds on a particular street and the prescriptions we will employ to mitigate the speeds. I anticipate we will present a draft at the second meeting in October.

McGill Park: OHM continues work on a grading/drainage/utilities design for the park. We hope to begin a mass grading project this year that would plant turf in the spring in order to get sufficient growing seasons before any activity starts on them.

Office Renovations: We are working with our architects on office renovations at the Municipal Building and Community Center. Both focus on safety and security of staff and equipment.

Gender Road Paving: ODOT has scheduled to pave Gender Rd. from US Rt. 33 to Lithopolis Rd. in FY 2020 (beginning July, 2019) as part of their Urban Paving Program. The program pays 80% of the costs of paving related items with the city being responsible for the remaining 20% and all ancillary items such as pavement repairs, guardrail, drainage and lighting. The initial estimate for the paving portion is $702,273 with our portion being $140,455. We are discussing whether to include this in the 2019 budget as part of the street program or not.

2019 Street Capital Improvement Program: We are beginning planning for the 2019 Street CIP with the major focus on E. Waterloo St. and Ashbrook Village.

Gender IV OPWC Project: Project is progressing on schedule with crews currently working on the widening for the additional lanes, waterline, and traffic signals.

2018 Street Capital Improvement Program: Contractor is nearly complete with just a few minor punch list items left. Additionally, invoices for the sidewalk replacement program went out the week of September 17th.

Westchester Park Improvements: We have submitted the NatureWorks grant application to assist with funding of the project and expect results around November.

COUNCIL UPDATE

September 27, 2018

Division of Urban Forestry
Dick Miller, Urban Forester

Project Status:

Landscaping: We are working on proposed changes to the landscape code 1191 with the Zoning Department and the Director of Public Service.

Removals: Two established London Planetree originally planted by developers to the entry of Canal Cove subdivision were removed due to conflicts with proposed driveway construction.

Dangerous Tree: Standing dead private and public ash trees continue to plague most communities in central Ohio. We are aware of these trees and will pursue removal on a timely basis.

Pruning: We are presently working in tank town and Winchester Trace as weather permits.

COUNCIL UPDATE

September 27, 2018

Division of Water Reclamation
Steve Smith, Superintendent

Project Status:

Albion St. Sewer: Sewer repairs on the Albion/Furman Street line in The Villages of Sycamore has been completed. Most of the lawn restoration is also completed, with some fence replacement left to be done.

Manhole Rehabilitation: The lining of 19 manholes to ensure their continued viability for the future has been completed at the Villages of Sycamore - Canal Point area. An additional 18 manholes are preliminarily scheduled to be lined the first half of 2019 to complete the rehabilitation of the main line serving this area.

NPDES Permit Renewal: The city has received, reviewed and commented on the draft NPDES (National Pollutant Discharge System) permit.

Safety:

• The city has been awarded the Ohio Water Environment Association (OWEA) highest safety award for its successful safety program and the new city safety manual.
• August's safety meeting focuses on confined space entry and proper procedure.

COUNCIL UPDATE

September 27, 2018

Division of Streets, Lands and Buildings
Shawn Starcher, Superintendent

Project Status:

Leaf Removal: Trucks and Equipment have been prepped for the upcoming Leaf Removal Season beginning Oct. 1st and ending Dec. 7th.

Municipal Pool: Crews took care of several housekeeping items and winterization at the Municipal Pool.

Winter season: All of our snow plow trucks have been recently serviced and inspected for this winter season.

Mc Gill Park: Crews have begun demo work on the two barns at the McGill property with the small barn already down and are working on demolition debris removal.

Culverts: Crews continue with are yearly culvert cleaning.

COUNCIL UPDATE

September 27, 2018

Division of Information Technology
Rick Brown, Coordinator

Project Status:

Network Environment: Finalizing server infrastructure upgrade with just some cleanup tasks remaining.

New Software Solution: Started implementing Microsoft SharePoint for staff to use for project file sharing.

Updates/Audit/ Repairs: Continuing the process of updating all equipment firmware and software and completed the annual Microsoft software audit. Repaired network switch at water treatment plant.

COUNCIL UPDATE

September 27, 2018

Division of Water
Joe Taylor, Superintendent

Project Status:

Tower Antennae: Rawdon Meyer off site antenna work completed. System is working well and they just have a few punch list issues to clean up so the project can be completed.

Plant Production: We pumped 26.84 Million in August at an average of .866 mgd per day with an average hardness of 113 mg/l.

Leiberman Wellfield: The Leiberman generator radiator was repaired and placed back in service on 9/21/18

Lead and Copper: Lead and Copper testing performed. Canal Winchester's 90th percentile was <5.0 ug/l lead; well below the limit of 15ug/l. Working with two residential homes that had elevated levels at their fixtures. Testing was completed on different faucets within the homes and came back with acceptable results. Also retested original faucets and advised residents to replace faucet that came back again with elevated results.

AMI: AMI Metering System installs are ongoing. We have around 1230 units installed.

Tower Maintenance: South Gender Washout inspection has been completed. Meeting with Suez on Friday the 28th to discuss future tower maintenance contract.

Tower Work: South Gender tower washout inspection is scheduled for 8/28/18. We have a washout on the North Gender Tower as the only item left on the original 10-year contract and we are beginning negotiations with the vendor on a new long-term contract.

Hydrant Flushing: Hydrant Flushing has been completed with all hydrants looking good and clearing quickly.

COUNCIL UPDATE

September 28, 2018

Construction Services Department
Bill Sims, Administrator

ACTION NEEDED BY COUNCIL:

Capital Improvement Projects

2018 Street Program: Punch list completed.

Gender Rd. Ph. 4: All underground to be completed week of Aug. 1. Paving scheduled for week of October 8th. Traffic Signal pole and Street Light Pole delivery delayed by approx. 30 days due to manufacturing delays.

Private Development Projects

Canal Cove Sec. 5: Westport Homes. Homes under construction

Crossroads Church: Updated plans reviewed and ready for approval.

Winchester Veterinary Clinic: Preconstruction conducted 9/20/17. Construction dormant due to design issues.

New Faith Church: Drive approach under construction.

Winchester Ridge Phase 3: Phase 3 buildings under construction. Utilities installed, punch out remains. Mass grading in Phase 4 continuing.

Villages At Westchester Sec. 10-2 & 9-1: Homes under construction.

Villages At Westchester Section 12-2,part 3: Utilities complete. Roadway work to begin 10/1/18.

Villages At Westchester Section 13: Dewatering system being installed. Mass grading underway.

COTA Park & Ride: Utility work continuing. Park and ride curb and pavement under construction.

TransCanada Pipeline Replacement: Pipeline installation underway. Working from Hill Rd. toward Amanda-Northern Rd. currently.

Canal Winchester High School Additions: Site Utility work complete. Punch out underway.

Jeff Wyler - Chrysler Dodge Jeep & Ram: Preconstruction meeting conducted. Waterline 50% complete.

Winchester Office Park, Phase 1&2: Preconstruction Meeting held 9/1/18. Mass grading underway.

NIFCO on Robinett Way: Preliminary mass grading permit issue.

COUNCIL UPDATE

September 26, 2018

Development Department

Lucas Haire, Director

Development Report

- Construction has begun on Winchester Office Park at the dead end of Winchester Blvd. The first two buildings at 7,000 square feet each have been issued permits for construction.
- Nifco has begun site work on their new 175,000 square feet warehouse and production facility on Robinett Way.
- Winchester Veterinary Clinic has submitted new plans for their building on Thrush Dr.
- Permits have been issued for the sixth apartment building at Winchester Ridge Phase 3. 41 units of the 137 proposed are currently under construction.

New Businesses

- Dublin Building Systems has proposed a new building for Mill-Tech, a millwork and cabinet manufacturer in Canal Point. They are proposing a new 60,000 square feet building on nearly 7 acres on Rutherford Drive. Planning and Zoning Commission will consider their application at their meeting on October 8.
- Project Casto has proposed a rezoning of 69.24 acres from EU – Exceptional Use to LM – Limited Manufacturing on the north side of Winchester Blvd and to the rear of the Winchester Square shopping center. The rezoning is to accommodate 775,000 square feet of warehousing and distribution space. Planning and Zoning Commission will consider the application at their meeting on October 8.
- The Development Department in conjunction with the Urban Forester are proposing revisions to the landscape standards of the zoning code. There continue to be issues with application of the current code and a number of variance requests have recently moved forward based on the current standards. The revisions hope to address these issues while still promoting preservation of existing trees and attractive landscaping and screening.