Canal Winchester

Town Hall
10 North High Street
Canal Winchester, OH 43110

Meeting Minutes - FINAL

August 19, 2019
7:00 PM

City Council

Bruce Jarvis – President
Mike Walker – Vice President
Jill Amos
Will Bennett
Bob Clark
Mike Coolman
Patrick Lynch
A. Call To Order
Call to order @ 7:35pm

B. Pledge of Allegiance - Clark

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

D. Approval of Minutes

MIN-19-035 8-5-19 Work Session Minutes (Work Session Minutes)
MIN-19-036 8-5-19 Public Hearing Minutes (Public Hearing Minutes)
MIN-19-037 8-5-19 City Council Meeting Minutes (Council Minutes)

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

Yes 6 – Lynch, Coolman, Amos, Bennett, Jarvis, Walker
Abstain 1 - Clark

E. Communications & Petitions

19-080 Franklin County Board of Elections
(Presentation by Diann Cole, Franklin County Board of Elections)

19-079 Childhood Cancer Awareness Month (Proclamation)

19-081 Violet Township Open House (Letter)
Bennett: Sunday, October 13th from 1pm-3pm at fire station 591 in Pickerington.

F. Public Comments - Five Minute Limit Per Person

John Demkowicz, 70 East Columbus Street: The reason I am here tonight is because my property backs up to Mr. McCee, who received notice that he is having too many yard sales; I’d like to object to that – I don’t think it’s too many, because what he does is an admirable cause, he does it for saving dogs; I’ve lived here for 30 years – Mr. McCee has lived here about 28; he’s had these sales once or twice a month for 28 years; there has never been an objection to it, and I’m not exactly sure why there is now; it’s caused the same situation – cars in the street, people walking across the street, people parking in the community center; now they are parking behind McDorman, because that wasn’t there for a long time; I think it’s really just terrible that you have taken an admirable cause like that, and all of a sudden ‘no, you can’t do it anymore’; he does have permits for the next few sales – I have a question, I picked up a copy of the permit
this morning; if I, for example, have some items I want to sell, but I don’t have the space to do it in my driveway, and I don’t want to put it in my yard – by reading this application, it’s my understanding that I could take them to Mr. McCee, and have him include those in his sale; if he doesn’t want to have a sale, but says ‘okay, you can do it’, the way the application reads – he’s the property owner, I’m the applicant, and the subject property would be his location, not mine; just reading this application, I’m assuming that I can have a yard sale in somebody else’s yard; I’d just like to say that I think it’s something that you need to reconsider; there is an issue about parking on the grass; Mr. Haire or somebody had included on his last application that you can’t do that, because it’s owned by the state; the state isn’t doing anything, anyway that’s rotted and has fallen on several occasions on both my fence and Mr. Stiteler’s fence – thankfully they have not broken through yet, but the state doesn’t want to do anything with the tree; between my property line and the Winchester Pride wall, there is a curb-cut; that curb-cut was put in to allow access to that property for additional parking; it was used for Labor Day, and all kinds of other events; I’m not sure what the problem with using that is for parking – the state doesn’t care one way or another; I’d just like to ask why don’t you guys reconsider the yard sales for Mr. McCee.

G. RESOLUTIONS

RES-19-017  
Development  
A Resolution Approving The Recommendations Of The Tax Incentive Review Council For The Franklin County Tax Abatement Areas Within The City Of Canal Winchester (Resolution, Exhibit)  
- Adoption  
A motion was made by Jarvis to adopt RES-19-017, seconded by Coolman; the motion carried with the following vote:  
Yes 7 – Jarvis, Coolman, Amos, Bennett, Clark, Lynch, Walker

RES-19-018  
Development  
A Resolution Approving The Recommendations Of The Tax Incentive Review Council For The Fairfield County Tax Abatement Areas Within The City Of Canal Winchester (Resolution, Exhibit)  
- Adoption  
A motion was made by Clark to adopt RES-19-018, seconded by Bennett; the motion carried with the following vote:  
Yes 7 – Clark, Bennett, Amos, Coolman, Jarvis, Lynch, Walker

RES-19-019  
Council  
A Resolution Appointing Audra Diorio As Clerk Of Council For The City Of Canal Winchester (Resolution)  
- Adoption  
A motion was made by Jarvis to adopt RES-19-019, seconded by Amos; the motion carried with the following vote:
H. ORDINANCES

Third Reading - NONE

Second Reading

ORD-19-045  
Public Service  
Sponsor: Coolman  
An Ordinance To Authorize The Mayor To Provide Consent To The Director Of The Ohio Department Of Transportation Necessary For The Bridge Inspection Program Services (Ordinance, Exhibit A)  
- Second Reading Only

First Reading

ORD-19-047  
Development  
An Ordinance Authorizing The Mayor And Clerk To Accept And Execute The Plat For Canal Cove Section 6 (Ordinance, Recommendation, Exhibit)  
- First Reading Only

ORD-19-048  
Development  
An Ordinance Authorizing The Mayor And Clerk To Accept And Execute The Plat For Canal Cove Section 7 (Ordinance, Exhibit)  
- First Reading Only

ORD-19-049  
Public Service  
An Ordinance To Accept Hill Road Right-Of-Way (Ordinance, Exhibit A, Exhibit B)  
- First Reading Only

I. Reports

Mayor's Report

Mayor's Report

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

Jarvis: I attended the census meeting, and I’d like to add that there were a couple of stats – if you are not counted, it was something along the line of about $2,000 per person in federal funds that would not
materialize; you can see how that would add up really quickly; it also helps determine congressional districts, and we could lose representation by not being counted; it is very important, and it seems to some people a little intrusive – that’s our job, is to try to convince folks that cooperating is the right thing to do; Mayor: If I remember right, I think there was $685 million up for grabs.

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

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

Public Service Director

**19-078 Public Service Project Updates**

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

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

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

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

(Discussion ensued)

Jarvis: The convenience store - do you know right offhand whether that’s a right-in, right-out-only exit?
Haire: Trillium Avenue – the existing road is full-access; what they are proposing is a right-in, but a right-out only.

J. Council Reports

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

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

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

CW Human Services - Mr. Lynch

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

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

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

K. Old/New Business

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

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

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

(Discussion ensued)

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

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

(Discussion ensued)

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

(Discussion ensued)

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

(Discussion ensued)

Amos: One thing about recycling, the kids that helped start the program back in January are leaving for
school, or have left; they are all off on their own – 2 to UC, and 1 to Colorado State; very proud of those
kids, but wanted to give you stats; we meet every 1st and 3rd Saturday at the elementary school; we invite
the community and ask them to share; this week, we saw a record number of cars come through; since we
started in May, we’ve collected 6,672 pounds of old, corrugated cardboard and 5,620 pounds of mixed
loads – plastics, aluminum, different types of materials, which is over 6 tons of what we have saved from
going to the landfills; kudos to the kids, they are quite impressive; Mr. Bennett has been absolutely
wonderful – for those of you who don’t know, he is incredibly talented on designing; he made some flyers,
and we have taken the Indians Club, who are volunteers from the high school; they are students at the
high school, and it’s a group who are working to pay it forward, and they are going to take over the
recycling program so that it can continue; they are going to be going door-to-door passing out these
flyers, so we can get the word out about what we are doing; we hope to go from 76 cars to lots and lots of cars for us to take their recycling.

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

L. Adjourn to Executive Session (if necessary)

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

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

Adjourn @ 8:34pm

Time in @ 8:54pm

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

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

M. Adjournment

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

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

Adjourn @ 8:55pm