

**City Council  
MONDAY,  
November 21, 2011  
7:00 PM**

**MINUTES**

**Call to Order:** Mrs. Rush-Ekelberry calls the meeting to order at 7:40pm

**Pledge of Allegiance:** Dr. Bender

**Roll Call:**

John Bender	Rick Deeds	Steve Donahue	Bobbie Mershon
Marilyn Rush-Ekelberry	Leah Turner	James Wynkoop	

**Adjourn to Executive Session:**

Motion by Mrs. Turner to adjourn to Executive Session, seconded by Mr. Donahue.

**VOTE: AYES** Dr. Bender, Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Wynkoop, Mr. Donahue, Mrs. Mershon,  
Mrs. Turner

**NAYES**

Motion passed.

Motion by Mr. Wynkoop to return from Executive Session, seconded by Mr. Deeds.

**VOTE: AYES** Dr. Bender, Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Wynkoop, Mr. Donahue, Mrs. Mershon,  
Mrs. Turner

**NAYES**

Motion passed.

Returned from Executive Session at 7:55pm

Mrs. Turner moves to overturn decision of Planning and Zoning Commission made on 9-12-11 regarding approval of the Conditional Use Application CU11-02 to allow for the outdoor display of goods, seconded by Mr. Donahue.

**VOTE: AYES** Dr. Bender, Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Wynkoop, Mr. Donahue, Mrs. Mershon,  
Mrs. Turner

**NAYES**

Motion passed. Decision is overturned. Law Director, Gene Hollins, will prepare findings of facts and conclusions of law to be adopted at the next council meeting.

### **Approval of Minutes:**

Motion by Mr. Donahue to approve the November 7, 2011 minutes, seconded by Mrs. Mershon.

**VOTE: AYES** Dr. Bender, Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Wynkoop, Mr. Donahue, Mrs. Mershon, Mrs. Turner

**NAYES**

Motion passed.

### **Communications & Petitions:**

Letter from the Department of Commerce, Division of Liquor Control regarding the renewal of all liquor permits for 2012. Legislative authorities may file an objection to one or more renewals based the objections detailed in Ohio Revised Code Section 4303.292(A).

Letter from WOW! Internet, Cable and Phone informing the city that they will no longer be carrying Universal Sports effective December 31, 2011.

Letter from Ken Stammen of Columbia Gas of Ohio detailing assistance programs available for customers having trouble paying their gas bills and detailing program guidelines.

### **City Residents Comments:**

Five-minute limit per person

## **ORDINANCES:**

### **SECOND READING**

Sponsor: Mr. Deeds

O-11-11A AN ORDINANCE TO AMEND THE 2011 APPROPRIATION ORDINANCE 47-10, AMENDMENT #6

Sponsor: Mrs. Rush-Ekelberry

O-11-11B AN ORDINANCE TO MAKE FINAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF CANAL WINCHESTER, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2012.

Sponsor: Mrs. Mershon

O-11-11C AN ORDINANCE TO AMEND PART 11 OF THE CODIFIED ORDINANCES AND THE ZONING MAP OF THE CITY OF CANAL WINCHESTER, REZONING APPROXIMATELY 41.99 ACRES FROM GENERAL COMMERCIAL TO EXCEPTIONAL USE, LOCATED AT 5885 AND 5995 GENDER ROAD

Sponsor: Dr. Bender

O-11-11D AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT FOR PROSECUTION OF CRIMINAL CASES IN THE FRANKLIN COUNTY MUNICIPAL COURT AND CERTAIN CIVIL DIVISION CASES FOR THE CALENDAR YEAR 2012 WITH THE CITY OF COLUMBUS ATTORNEYS OFFICE.

Sponsor: Mr. Donahue

O-11-11E AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT FOR BUILDING DEPARTMENT SERVICES WITH OHIO BUILDING CODE CONSULTANTS, LLC FOR THE PROVISION OF BUILDING INSPECTIONS AND RESIDENTIAL BUILDING OFFICIAL SERVICES.

Sponsor: Mr. Donahue

O-11-11F AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT FOR BUILDING DEPARTMENT SERVICES WITH TGW CONSULTING, LLC FOR THE PROVISION OF CHIEF BUILDING OFFICIAL AND MASTER PLANS EXAMINER SERVICES.

### **FIRST READING**

Sponsor: Mr. Wynkoop

O-11-11G AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A COOPERATIVE CONSTRUCTION AGREEMENT WITH THE CITY OF COLUMBUS FOR THE GENDER RD IMPROVEMENTS - PHASE II PROJECT AND DECLARING AN EMERGENCY.

Motion by Mr. Wynkoop to suspend the rules, waive the second and third reading, and declare an emergency, seconded by Mr. Deeds.

**VOTE: AYES** Dr. Bender, Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Wynkoop, Mr. Donahue, Mrs. Mershon, Mrs. Turner

**NAYES**

Motion passed.

Motion by Mr. Wynkoop to adopt Ordinance 68-11, seconded by Mrs. Turner.

**VOTE: AYES** Dr. Bender, Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Wynkoop, Mr. Donahue, Mrs. Mershon, Mrs. Turner

**NAYES**

Motion passed.

Sponsor: Mrs. Turner

O-11-11H AN ORDINANCE TO ADOPT SECTION 941.061 OF THE CODIFIED ORDINANCES TO REQUIRE OPERATION AND MAINTENANCE PLANS AS PART OF THE STORMWATER MANAGEMENT CODE.

Sponsor: Mrs. Turner

O-11-11J AN ORDINANCE TO ESTABLISH WATER USER FEES FOR THE SPECIAL WATER ALLOCATION DISTRICT

### **Mayor's Report:**

Motion by Mrs. Turner to accept the Report of the Clerk of Court for October 2011, seconded by Dr. Bender.

**VOTE: AYES** Dr. Bender, Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Wynkoop, Mr. Donahue, Mrs. Mershon, Mrs. Turner

**NAYES**

Motion passed.

### **Fairfield County Sheriff:**

Srgt. Kern discusses "Shop with a Cop" with Meijer Store. He also reviews monthly stats.

### **Law Director:**

Jennifer Croghan – Discusses Juvenile Diversion program start date of 1/1/2012. No prosecutor is needed.

### **Finance Director:**

Nanisa Osborn - Financial Statement for October 2011. Outstanding checks do close out after so long and are transferred to the State of Ohio as unclaimed funds. \$167k of rather large estates settled this year. If someone passes away after 1/1/12 the City will not see any money from the estate.

### **Public Service Director:**

Matt Peoples – Gender Rd. phase I project is near completion. Winchester and Prentiss School light is starting to come on flash for about a week. Increased traffic flow. About 18,000 cars a day come thru this intersection. Street CIP a little bit of striping and guardrail left. Met with the contractor for the tennis courts, and have come up with some ideas about having three courts instead of two for close to the price of two. Courts to be open in the Spring with paving work. Gender Rd phase II design has a agreement with the City of Columbus. Still working on design for 2012 street CIP. Swimming pool painting. Trouble with some sand blasting. Paint all three next year. Begin removing ash trees. Try to stay in-house. Deitz Rd medians are done. All depts. finishing up projects for the end of the year. Started setting up for Christmas in the Village.

### **Development Director:**

Lucas Haire is out of town in Atlanta with Columbus 20-20 preset meetings with site selectors.

### **Council Reports:**

Old Town Committee	Monday, December 12, 2011 at 5:45 PM
Finance Committee	Monday, December 5, 2011 at 6:00 PM
Service Committee	Monday, December 19, 2011 at 5:45 PM
Safety Committee	Wednesday, December 7, 2011 at 9:00 AM – 36 S High St – LLCR
Public Hearing	Monday, December 5, 2011 at 6:30 PM – Re-zoning
Committee of Whole	Tuesday, November 29, 2011 at 6:30 PM
Canal Winchester Joint Recreation District Representative	– Nothing to report
CW Human Services Representative	- Food pantry to move into new location by 1/5/12.
Destination: Canal Winchester Representative	– Working on criteria for new formed CVV to use in recommending approval of different grants
Canal Winchester Industry & Commerce Corporation Representative	– 11/30/11 at 11:30am

### **Old/New Business:**

Comment – headlines in The Times regarding developers having a say-so in some of the zoning. Someone should call The Times and make sure this is a true statement. Residence would not be happy about this if so.

Re-Zoning that is going to EU, will it stay forever? Jennifer will discuss with Gene. The Dispatch and

Columbus doing a recycling program...Can C.W. have recyclables taken out? This will be discussed further with Gene.

**Adjournment:**

Motion by Dr. Bender to adjourn the meeting, seconded by Mrs. Turner.

**VOTE: AYES** Dr. Bender, Mr. Deeds, Mrs. Rush-Ekelberry, Mr. Wynkoop, Mr. Donahue, Mrs. Mershon, Mrs. Turner

**NAYES**

Motion passed.

Meeting adjourned at 8:25pm

Attest \_\_\_\_\_

\_\_\_\_\_  
President of Council

Date \_\_\_\_\_

\_\_\_\_\_  
Mayor