Meeting Agenda

June 1, 2020

7:00 PM

City Council

Mike Walker - President
Mike Coolman - Vice President
Jill Amos
Will Bennett
Bob Clark
Patrick Lynch
Chuck Milliken

Until further notice, all City Council Work Sessions and Regular City Council Meetings (held at 6:00 pm and 7:00 pm respectively on the first and third Mondays of each month) will be hosted online using the "Go-To-Meeting" platform.

Council Members may attend in person at the City Public Service Complex. Residents may view the meeting using the Go-To-Meeting platform from a computer, tablet or smartphone or may dial in to listen.

Per the direction of the Ohio Attorney General Dave Yost and the Ohio Public Meetings Act, public comments may be accepted prior to a council meeting. Comments regarding legislation or other topics will be accepted until 3:00 pm on the day of the meeting. ***Submit a Comment***

Please join my meeting from your computer, tablet or smartphone.
https://www.gotomeet.me/CWGov/cw-council-meeting---june-1-2020-6

You can also dial in using your phone.
United States: +1 (312) 757-3121

Access Code: 328-793-341

Note: In this format, video and audio of the meeting will be available as the meeting takes place, however, viewers will not have microphone or webcam permissions.

A. Call To Order

B. Pledge of Allegiance - Clark

C. Roll Call

D. Approval of Minutes

20-140	Minutes of May 18, 2020 Work Session (**Minutes**)
20-141	Minutes of May 18, 2020 Full Council (**Minutes**)

E. Communications & Petitions

20-139	Dr. John Bender Scholarship Awards Presentation
20-142	Schedule a Public Hearing to Consider Appeal of Planning and Zoning Approved Variance (**Letter of Appeal**)
20-143	Roehrenbeck Letter (**Letter**)
20-150	WOW Information (**Info**)

F. Public Comments - Five Minute Limit Per Person

20-144	Davis Public Comment (**Comment**)

G. RESOLUTIONS

H. ORDINANCES

Tabled

Third Reading

ORD 20-022 *Finance* *Sponsor: Amos*	An Ordinance Authorizing the Issuance of Not to Exceed Nine Hundred Fifty Thousand Dollars ($950,000) of Notes in Anticipation of the Issuance of Bonds for the Purpose of Acquiring Approximately 110.244 Acres of Land and Interests in Land at the Corner of Bixby and Rager Roads and All Necessary Appurtenances and Improvements Thereto; and Reimbursing the City for Any Moneys Advanced for Such Purposes; and Declaring an Emergency (**Ordinance**) *- Adoption*
ORD 20-025 *Finance* *Sponsor: Coolman*	An Ordinance to Amend the 2020 Appropriation Ordinance #19-069, Amendment #2 (**Ordinance, Exhibit A**) *- Adoption*

Second Reading

First Reading

ORD 20-028
Finance

An Ordinance Authorizing the Mayor and Finance Director to Enter Into a Land and Water Conservation Fund Program State/Local Grant Agreement with the Ohio Department of Natural Resources for the Proposed McGill Park Phase One Improvements and to Declare an Emergency (**Ordinance, Exhibit A**)

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

ORD 20-029
Finance

An Ordinance Approving and Adopting the 2021 Tax Budget (**Ordinance, Exhibit A**) *- First Reading Only*

I. Reports

Mayor's Report

20-145 **Report**

Fairfield County Sheriff

Law Director

Finance Director

20-146 **Report**

Public Service Director

20-147 Report from Public Services (**Report**)

20-148 Report from Construction Services and Engineering (**Report**)

Development Director

J. Council Reports

Work Session and Council Meetings on Monday, June 15, 2020 starting at 5:30 p.m.

Public Hearing Regarding the 2021 Tax Budget on Monday, June 15, 2020 at 6:00 p.m.

Public Hearing Regarding a Notice of Appeal on Monday, June 15, 2020 at 6:30 p.m.

Conversation with Council Town Hall Meeting on Tuesday, June 23 at 7:00 p.m. (Location To Be Announced)

CW Human Services - Milliken

CWICC - Clark and Coolman

CWJRD - Amos and Bennett

Destination: Canal Winchester - Walker

K. Old/New Business

20-149 Discussion of Bed Tax Grant Funds for Relay for Life and Bender Virtual 5K

L. Adjourn to Executive Session (if necessary)

M. Adjournment

Canal Winchester

Town Hall
10 North High Street
Canal Winchester, OH 43110

Meeting Minutes - DRAFT

May 18, 2020

6:00 PM

Council Work Session

Mike Walker - President
Mike Coolman – Vice President
Jill Amos
Will Bennett
Bob Clark
Patrick Lynch
Chuck Milliken

DRAFT

A. Call To Order at 6:00 p.m.

B. Roll Call

Present 7 – Amos, Bennett, Clark, Coolman, Lynch, Milliken, Walker

C. Also In Attendance

Mayor Ebert, Matt Peoples, Lucas Haire, Amanda Jackson, Bill Sims

D. Reports

Bill Sims

Sims said construction work is continuing as normal. The 2020 street program is underway and the sidewalk program is complete as part of that. Paint and repairs have been done and contractor doing resurfacing work this week, today they got rained out, but paving beginning in the Ashbrook subdivision, then move to Westchester and then West Waterloo Street over the coming two weeks. The path along the creek in Cherry Landing subdivision has started. The extension to the pool parking lot has not started yet. Westchester Park improvements are almost wrapped up, shelter building is up, grass is growing, playground equipment is installed, waiting on electrical work to shelter to occur; South Central still needs to extend their service to the site. Gender Road phase five is in the design phase. We have a pre-construction meeting for Bixby Road utility extension, the water and sewer extension, is tomorrow, so hopefully we'll see the start of work in a couple of weeks on that project. For the municipal complex we did have a kick off meeting last week with Lehman Daman and Triad. We basically set some initial goals and talked about the most important portions of the work we are considering. Also talked about the schedule and they are preparing based on our comments, a schedule for submittals and review meetings, so I expect to have that at any time. The Gender Road, ODOT project urban repaving program; the paving is complete, the contractor will be working on striping this week and there will be some congestion with that but unlike the paving it moves along quicker and hopefully won't back up as badly as it did with the paving and traffic. That is supposed to happen this week weather depending. They are also working on the vehicle detection system that is being installed so we are converting all the intersections to the microwave cameras that you see, that we have at Groveport Road and Walnut; all of the intersections on Gender Road will have cameras now; that is underway and will take two to three weeks to complete. On the private side, Three Counts Condos continues to work, the public sanitary sewer has been installed now for about ten days; the contractor is working waterline work and on storm sewer and draining. Winchester Logistics our portion is the…onsite is basically completed, they are working their buildings and on grading; they are working on the Winchester Boulevard extension actively; utilities are installed, working on grading, but soil is a bit damp; going to get that done here this week scheduled for tomorrow but today's rain will set them back about two days. Crossroads Church has the paving done at the right in and right out onto Gender Road by the railroad tracks; most of their onsite paving is complete now as well, it is really starting to take shape. Pediatric Associates, the public waterline associated with that project is in. Fairfield Inn and Hampton Inn are both working and are past the stages of public utility work so they are working on their buildings at this point.

Amos asked about the McDorman building and if the community center was represented at the meeting; Sims replied they had me, he certainly understands the importance of the looking at very closely how the community are going to serve people and what we will include in that; it was one of the five most critical points, maybe even the most critical point; today I talked to Linda to bring her up to speed and let her know when we might have something to look at and be able to sit down and work on that. Amos asked about the trails and do you have anything that we can give residents that shows the ones in the community and the ones we are hoping to connect; I don't think residents realize all of the trails that are starting to connect and I would love to share that with them; we found one in the neighborhood behind us that we didn't know existed; I would like to share and say here is what we currently have and here is what we are working on; Sims replied he believes we have that type of document, trail connectivity and relationship to parks I believe we have a document to that but I will follow-up on that. Amos said residents would appreciate it and she has seen so many residents out walking now and it would be very beneficial. Lynch commented that it was discussed earlier in the year about how we would fund some of these trail projects so along with the map can we get an idea of how we have budgeted out and what areas will be implemented, you guys have done a great job over time of adding and adding, and what is the long term plan for that, I know we have Gender Road five, but I think people would like to know that. Peoples said we have a trail map on the website under the parks section there is a tab marked trails, the trail for McGill Park I believe is on there. Sims said the future is to connect Walnut Woods metro park is an important piece of that. Lynch made comment about Metro Parks helping to fund that and help implement that to connect Walnut Creek…Walnut Woods…connect with us, waiting on them to take initiative on that. Sims we work in conjunction with them, we have a short piece within our city limits that is part of that, we'll have to cross Groveport Road at some location and it will be important to work with them as to where that should occur; Peoples said and a creek crossing that will require a bridge. Coolman said for the metro parks to step in we have to have all of our pieces in line already, right; Peoples said we have met with them a couple of years ago and in the currently funding cycle I am not sure when that renewal goes but at that time it was in the last two years at least when Mayor Ebert and I met with them they were…it was on their radar but not in their funding cycle; the five year plan has numerous trails on their as we have talked before; it's a guidance document just because we are on there for 2025 doesn't mean we are good; the only thing that is hard and fast is the stuff we are doing in the next year. Lynch said it's the kind of stuff people like to hear about.

Clark said I am sure this has been discussed but there is a new trail going on right by Chesterville Road and Cherry Bend, where is that going to and are we doing that or is the homeowners association? Sims replied we are doing that trail as part of the street program for this year, it connects at Waterloo Street and Chesterville and goes to Bigerton Bend in the portion by the Crossroads Church development, so it basically runs right along the creek, in Cherry Landing subdivisions there are two big basins in there so we have the property between the basins and the creek, that is city property, I expect the path to be utilized a lot, it's a connector from Groveport Road area into town. Coolman said resident there can get into the shopping center. Sims said it helps make a really good loop to go through town and on the Cherry Landing path to Bigerton Bend and then a short stretch to get into Brew Dog and over to Groveport Road and back into town to a parking lot; it really does make a nice loop without having to use the path on Gender that is immediately adjacent to the travel lanes. Amos asked about a cross walk there at Cherry Landing; Sims replied yes that is in the mill right now; last year we put in a ramp at Cemetery Road and made a crossing, there are very few pedestrian crossings on Waterloo so we put one there; this year we put one at Pfeifer Drive and at Chesterville so pedestrians can cross Waterloo; Coolman commented about this allowing residents to safely cross there now; Sims commented about each side of the road has residential

neighborhoods and Amos said we do see a lot of residents using the crosswalk from Sarwill over into Cherry Landing. Lynch asked who has right of way in these crosswalks the pedestrian or car; Sims replied all the crosswalks they have installed are at intersections of right of way so even if it is not marked there is a crosswalk whether it is ramps, stripes or anything else and the pedestrian always has the right of way if they are in the roadway; sometimes there is a mid-block crossing that is not an intersection so there is a lot of signage that has to go in there for that but even at a mi-block crossing the pedestrian in the roadway has the right of way; there is talk of making changes to this law regarding if you are leading into the roadway without having stepped off yet as in approaching the curb. Amos said depends on if you foot is out there, I stick it out and they keep on driving past anyway. Coolman said the traffic laws in Ohio say you have to give a driver an indication, you can't wait until a driver going 35 miles per hour is right there and you step your foot out there; Sims said now the idea is that drivers need to anticipate that if you see someone coming up to a crosswalk you need to anticipate that they wish to cross that road. Amos said goal is to make us pedestrian friendly and need to shoot for a more pedestrian friendly and ensure our residents are safe in the downtown area with new businesses coming in, I appreciate all of the crosswalks you want to throw in. Coolman said on these crosswalks as the community continues to grow, like out at the airport where drivers are picking up and they have signs there and it makes you alerted, our we planning to put signs up on some of these crosswalks to make people alerted…on the side…Lynch said that was one of his questions. Sims replied we are not required to do it but we are doing it at intersections of right of ways so we don't have to have advanced warning signs and things of that nature, but we do in some instances, so it's kind of a balance there, we have talked a lot about the West Waterloo and Washington Street intersection, we have done a couple of things there with nicer signage and more visible striping, we talked briefly about the rectangular rapid flashing beacons and those are all good tools but you want to put them in where they are needed not just haphazard; if we line West Waterloo Street for instance with flashing beacons it would have the opposite affect and people will stop paying attention to it so you want them where they need to be but you don't want to overdue it cause pretty soon it is just normal to see the flashing beacon and people don't pay attention to them; Amos said Mr. Butler who comes to coffee with council and one of his biggest complaints is just to be consistent with whatever signage you choose so that throughout the community you know when a crosswalk is there; but if you are new to town you don't necessarily know if the brick areas are actual crosswalks or part of the canal design; Sims said right, that has been a source of confusions since there were installed and twenty years ago I always thought the one by the Interurban was a crosswalk and it boggles my mind why is there a crosswalk with no ramps and right into parking spaces but there are part of the representation of the canal and they are not crosswalks at all, particularly the one by Shades; Amos said yes the one by Shades is the representation of the old canal and then the one that crosses over Waterloo at Trine and it is the same format but it is not a representation it is an actual crosswalk so it is confusing so his whole thing was to be consistent with signage. Sims replied we are consistent with the standard crosswalks, the bricks at Shades are not an actual crosswalk so there is no signage, and if it was it would be a mid-block crossing which then there would be an advance warning sign and as well as others which we have on West Waterloo by Dr. Quinlin's office, there is a mid-block crossing there with signs and again at any intersection of right of ways there is implied legal crossing at all times; short of if you have a problem area where there is high pedestrian traffic and a high risk situation then you can start doing things with the signage like we put at Waterloo and Washington and maybe put like a flashing beacon so what we are doing is consistent with standard practice. Amos said I do find it funny that the one by Shade is not a crosswalk but people cross there all the time; Sims said I have never seen a problem there. Coolman said the problem is at the end of the street where people stop on High Street and there is no

stop sign; Sims said that can be challenging there because there is no stop on High Street and if you are trying to cross High and you have cars coming from different directions which is difficult for a pedestrian.

E. Request for Council Action

ORD 20-026 An Ordinance to Waive Competitive Bidding for Municipal Recycling, Waste
Public Service Hauling and Disposal Services and Declaring an Emergency (**Ordinance**)

- Request to move to full Council

Peoples said as we discussed at the last council meeting we are moving forward with a RFP process and as part of that process it requires us to waive competitive bidding, but we will still seek competitive bids it will just not be the competitive bid process; we have use this process before and most recently for the McDorman Building for a design build and we did waive competitive bidding; it's a similar process it is just not the same delivery. Amos asked is this partly due to the short amount of time we are working with; Peoples replied yes, if we had more of a head start we could put together a competitive bid package, and I don't know if contract wise it would be a whole lot different but in working with Gene he said this would be the best route to go at this point in time. Lynch said would this concept…the process you want to do would it allow you to get sealed bids where the lowest bid wins but in this case you are able to look at all of the bids and choose the best bid not necessarily the lowest bid; Peoples replied yes that is correct; it is based on the evaluation criteria that we will go through as we did with the McDorman bids where the directors and the mayor did an evaluation based on criteria that Mr. Sims put together, and the lowest price did not get the contract but the best proposal was given that. Bennett asked if we would have a role in evaluating those RFPs; Peoples said similar to the McDorman process we can have a council representative take a look at those; Bennett said I would be interested in supporting that if that is amenable to the rest of council; Lynch said I don't have a problem with that and Mr. Bennett you have done a lot of research on the trash and recycling issues so I believe you are qualified to do that; consensus from council for Mr. Bennett to participate in reviewing the RFPs; Peoples replied it sounds like you are on the team; Bennett said thank you. Peoples said he is working on the RFP now and hoping to get it out in next couple of weeks.

Motion to move ORD 20-026 to full council made by Bennett; seconded by Milliken
Motion carried by the following vote:

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

ORD 20-027 An Ordinance to Make Technical Corrections to Ordinance
Public Service Number 23-10 (**Ordinance, Exhibit A**)

- Request to move to full Council

Peoples said Steve Smith found a typo in one of our ordinances, it actually had instead of a milligrams per liter on tungsten for a limit on industrial discharge it was "rngl", if you look at it real close it looks like a "rn" next to each other but Gene said the easiest way to do it was an ordinance for a technical correction and it will get put into the codified ordinances as well. Lynch said I am curious what does the "rn" stand for; People replied nothing, he had use an old document that he scanned and converted a pdf into a word file and it didn't covert well and I was editing it and I could have made argument it was a "m" but I was overruled plus I knew what it was supposed to say and there is no such thing as "rngl" in this. Lynch said I

am impressed with Steve's attention to detail; People said he was contacted by a local business that was inquiring about a discharge of tungsten so he started doing the research and found it and brought it to my attention; yes, he is on top of things. Clark asked since it is a technical correction can we make it an emergency and be done with it so we don't have to read it twenty times; Peoples replied we can, if it was more of an issue of pressing, but we can, it is up to you; we didn't request it because it was such a minor issue to have and we have had other emergency ordinances recently, this one is fine as far as I am concerned, but if you want to pass it that is fine with me as well. Coolman said as far as I am concerned I am fine with declaring an emergency if you want to declare it, normal process would put it through three readings; it's a typo correction, it's in our packets, we saw it, there is no pressing business on it but if you want to clear the deck by majority vote we can say yes to the emergency if you want; we can declare the emergency in council; People said you are voicing your intent now but in council would be the place to do it; Coolman said in council we can bring that up and do that, this is what work session is about. Amos asked what would be the reason for declaring the emergency; Peoples replied that our codified ordinances are incorrect at this point, Mr. Hollins talked about doing a resolution, but in talking with Mrs. Jackson we thought the ordinance would work better because it would be picked up by codification and do it as quickly as possible and he said could do it by emergency as well; this would help with any conflict in the future, a conflict with policy and we found something incorrect we would want it done as an emergency then this would definitely help out in the future if we found something in error or conflict. Coolman said are there past contracts that anybody had with the city that would be affected by this change; Peoples replied, no, tungsten is an odd one, it is more of an industrial discharge, right now the only industrial discharge we have is Brew Dog and they are not putting tungsten in anything. Coolman said I need a motion to move it and then we'll do the emergency clause in council.

Motion to move ORD 20-027 to full council made by Clark; seconded by Walker
Motion carried by the following vote:

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

F. Items for Discussion

Lynch said he has been talking to some downtown businesses and I know we have talked about how we can help some of our local businesses and one thing that is popular and from a few years back has been is to create a downtown DORA district; I talked to city of Hilliard and it has been highly successful there; I talked to downtown destination Lancaster and she gave me the information on their system and it is working extremely well; they have it in Toledo, Defiance, Middletown, Lebanon, Springboro, Grove City, Hilliard. It is pretty easy to implement, I asked if there have been any problems with having this and cities said no more problems than what you would have with when people come out of bars anyway. They said it has greatly enhanced a lot of their downtown activities; we have the art stroll, the Friday night festivals…it would help bring more people here; Hilliard said it almost doubled their attendance for downtown gatherings. I think this is something we should look into. I talked to Jenny from Roman's and she loved the idea; I talked to Greg Powers, he loved the idea; I talked to Nathan and he is onboard; I talked to the guys who own Barrell & Boar and they are very much in favor of it. There are steps we would need to take, get a letter from an executive officer, be that Amanda or the Mayor and we can get this thing rolling, a petition from one of the businesses. Clark asked what it is called; Lynch replied it is a DORA which is a Designated Outdoor Refreshment Area, I am sorry I should have stated that up front. Lynch said basically it is an open container policy that is allowed, and you have to have a designated area

to do this and the area I would propose is High Street to Columbus Street and to Mound Street, and on Waterloo from Washington down to Trine; that is basically an all commercial area; it would greatly help Destination Canal Winchester and your efforts and it is a great thing for a community to have. Marysville has had a lot of success with it, my brother owns a shop in Marysville and it brings a lot of people into the downtown when they have their weekend shop gatherings. Lynch said I am bringing this up for discussion and I think it's a great tool we can use to help our businesses.

Clark asked we would basically be closing from Columbus Street to Mound Street; Lynch said, no, absolutely not, the neat thing about a DORA district is you don't have to close the streets, you don't have to fence in a festival, you don't have to fence in a beer tent at a festival, it is basically all open; you post signs. In Lancaster they have a sign that they zip tie to a lamp post at the end of the district that basically says no alcohol beyond this point, that is how they mark it. I talked to Hilliard and they have pylons and the police set them out, a pylon with a stake and a sign to mark where the boundaries are, but no you don't have to close the roads, you don't have to do wristbands or nothing. Clark asked are you putting tables out on the sidewalks and people walk out of one restaurant…Lynch said what you have is a cup, a clear solo cup, that could have Destination Canal Winchester printed on it so all of the cups look alike, then each businesses buys their own boxes of cups, so I can go into Shades and ask for a to go drink, a beer or cocktail, but they have to serve it in that cup and then I can take that cup outside and walk around and attend the festival; Coolman said within the designated area; Lynch said within that boundary; he said what I cannot do is take that cup with alcohol in it into another business and it's easy to see if it has alcohol in it because it is a clear cup. Clark said so once you buy one and go out into the street, you cannot go into in any others until you drink that one; Lynch said correct. Lynch said for some of the shops that don't have a liquor license, if I understand it correctly, don't quote me on this, but say Corner Smiths, I leave Shades and I want to do some shopping for my wife's birthday, I believe I can take my drink in there if they allow it and they have the right to post no drinks allowed; but I think during a festival or a weekend thing they would want people to come in and frankly maybe some of those places would serve wine and snacks if they could but they can't; this allows a way for people to come and mingle and get together. Peoples said we have looked at that before and Luke would probably have the information on it and when we did look at it, if I remember correctly, there was a 10,000 person population that you had to meet beforehand, and they were looking at a law change and I don't know if it ever went through and I know it was being discussed internally, I don't remember how long ago that was. Lynch said Ohio Revised Code 4301.82D, section 3, line B says a population of thirty-five thousand or less may create one outdoor refreshment area if the proposed area will include at least four qualified permit holders, and I think we have got at least four of the places I mentioned, and be composed of one hundred fifty or fewer contiguous acres. In 2015 it was thirty-five thousand or more was allowed to have it prior to that, and it was changed after that; Jackson said it was changed in 2019, they amended that section of the revised code in 2019. Peoples said we can get with Luke and see what information he still has; Lynch said I have a lot right here as well as the code that was written for Lancaster they said here is all of our information go for its you guys will love it. Milliken asked how would that change the set up with the festivals that we already have and the designated drinking area does that stay like that or would it open things up larger; Coolman said good question; Lynch said as I understand it we can still have that area but would not need to fence it in and have police patrol just that spot, the police can work the whole festival instead of one designated area, so you can still have the beer sales; now does that cut into beer sales for festivals and the revenue generating aspect, it might cut into it a little bit, but on the other hand it allows our restaurants to participate a little more and levels the playing field for everyone. Coolman said I have been looking into this the past year and for the Blues and Rib Fest we wanted an area that you could take

your drink…and at Destination we were trying to figure out if you take your beer from the beer tent how do you get it up to the designated drinking area in front of the stage at the main intersection, how do you do that; Shades is open during the Blues and Rib Fest, Barrel and Boar is open, Jenny is open and Harvest Moon is open so they are ready to co-mingle with us on this as well as Loose Rail, so there is five we that we have and that doesn't hurt us because the beer tent will still be the beer tent and that is where people gather and they like to see the entertainment on Waterloo or at Stradley Park, the main reason for the beer tent is so people can get together in groups and you would still have that, you are not taking away anything. Amos said the beer tent gets so over populated this might help spread that out. Clark said I think it may even increase beer sales because I have a lot of people come up and ask I want to take this beer and go listen to the music and I said you can't and they walk away and not buy. Coolman said right, cause our main entertainment is down on the stage at Waterloo and you can't take a beer out there and that is the main complaint out there and at the end of the show when we are cleaning up after the festival is over there are water bottles by the millions, so this way you have a cup and in my opinion it give people a reason to take care of that cup. Walker said we thought about this a couple of year ago I believe; Lynch said I have been talking about this for years, I talked to Bruce about it; Walker said I thought it was maybe because they law just changed that it had come back up; Lynch said I have been looking at this for a couple of years and last year delved into more details of it and talked to people to get a feel for how it actually has worked for them and like I said Hilliard, Marysville, Lancaster they love it and it has been a great bonus shot for the downtown business. Amos said our competing town of Obetz for Labor Day they are allowed to travel around with alcohol. Lynch said with our population we can only have one DORA district, we can't have multiple, I don't see anywhere else we would have it. Coolman said the legislature has been a stumbling block for us cause we were not a big enough community to have one or we didn't have businesses involved and we I got diving into it for the Blues and Rib Fest and how can I designated that area in front of the main stage; the old language was you got to designate the area, protect the area, identify the area and you got to patrol it, how do you do all of that and still deliver the service.

Peoples said Luke may be on the speaker; Haire said I am here and having trouble on the audio hearing people speaking so I am not getting the full story of what people are looking at but for the Designated Outdoor Refreshment Area we put together quite a bit of research on that and potential maps of what that might look like; you are capped at 150 acres and you have to have at least four establishments we would easily meet both of those requirements and encompass most of the old town areas that are commercial areas there; I have five or six examples of ordinances that other communities have passed; you are required to put together a plan for how you would operate and that allows you to limit the hours of operation so you could say only certain nights of the week, some communities do that, some communities only do certain events, like a first Friday event and only allow it during those type of events, so there are a number of ways you can do it to restrict the sales only during certain periods. The biggest issue we ran into with our research was a lot of communities said you have to have a specific cup and some businesses were having trouble getting access to those cups or they were providing alcohol in not the designated cup in maybe some other plastic cups they had and so that's the only drawback from communities that were heard was that if you are doing a specific cup then make sure you have a supplier that can supply the number that are needed. Lynch said Lancaster's Destination Downtown actually buys all of the cups and sells them in bulk to the local businesses for a nominal mark-up like a couple cents a cup; maybe that is something our downtown shop group or whatever or maybe destination can buy these things and inventory them and sell them out, I think that can be overcome. Lucas said I will be happy to share all the research, examples of what other communities do, you have to post specific

signage that designates the boundaries so people know not to leave a certain area with an open container; you have to have a waste plan to manage the waste, typically public trash receptacles and the locations of those so people know where they can throw away the cups once they are done with them, so we can forward the information on other communities and what they have done. Lynch said I have a whole packet and I will forward that, too. Ebert asked what would keep people coming from the outside with a cup, a different cup I know, but who is going to police that; Lynch replied it could happen, it could happen with people with water bottles with alcohol in it, it could happen today or anytime whether we have a DORA or not, I could fill up that bottle there…not sure if Jill is drinking alcohol there (laughter), but that is just one example, it could happen, how do you police it, I don't know that you can. Coolman said these are all good point of discussion that we can have; Lynch said and the neat thing about this is we can put whatever restrictions we want on this, we can have it so you have to apply thirty days in advance for each event, or in Lancaster they fill out one for the whole year and that way they are covered for all of their events; but like you said we can designated for certain events, we can set parameters, we can set certain days of the week for it to happen, we can design this any way we want, we can set the boundaries wherever we want it, etc. Clark asked what kind of liability, did you talk to any of the towns and did their liability insurance go up and what kind of liability did the city have if somebody gets out of hand and they are drunk; Lynch said he did asked that but it has been a few months and he doesn't recall the exact answer he got from Lancaster, but they didn't seem to think it was a problem, I think it was covered under similar insurance of whatever the festivals would have, Mr. Coolman can probably speak on that. Coolman said it would be covered under liquor liability and be covered by the server, so wherever you get it from, like Shade, it would be Shades liquor liability, but if something serious were to happen to that individual, say he was walking down the street from the last place he was served, and he falls down and has a concussion and his family is looking to sue somebody for his medical bill, the law will uphold and the court will look at the last place he was served and the beer in his hand where did he get that from; if you are downtown and come from a restaurant and trip on a curb and fall down, and you want to sue the city cause the curb was too big, but you are downtown at your own free will; but when it comes to liquor involvement and incidents it is liquor liability; Clark said he want to know because the city is authorizing this and it would be a city thing; Coolman said our law director can tell us that it depends upon how bad the lawsuit is and if the numbers are big enough; in my insurance history I have seen attorneys sue everybody whether they are related or not because they are there, doesn't hold up in court, but you know never say never. Coolman said the whole concept here is where do they get the cups at…at the bar…you go up and down the street in an out of places and chug them and refill them, but no, you were given that when you leave that establishment. Milliken said it comes down to as a bartender or server you should know not to over serve and have that liability; Coolman said there are state certified training courses that servers and bartenders have to pass. Lynch said I don't think this changes anyone's drinking habits, per se, or allowing them to drink more it's just that it allows people to more around in the downtown area, and it's good for the shops, maybe we'll find some of the shops staying open a little later during the week if this is the case, and looking at the Weiser Building and putting shops in there it can only benefit them. Coolman said I will tell you from a stand point again, I will take my council hat off and put my president of Destination hat on, there are some events that we have been looking at and wanting to do and bring to the downtown area and we have one in mind that we, well I will just let it out, called Dining Under the Stars; we would put a row of tables out on High Street and we invite all the restaurants to participate by providing their menus, it is gated and you pay a fee to enter and again without this being in place how are they supposed to drink, have it a couple of times in the summer on a nice night and have the whole street set up and bring activity downtown, that is one of the events we are planning, sorry

Karen if I let it out, but this will only enhance those kinds of things. You have the downtown merchants that have their shop hop and this will only enhance…I agree with that. Lynch said one of the thing is in talking with a council person in Hilliard he said with their downtown festivals he said instead of doing it on a Friday they changed to do it on a Thursday night cause everybody has stuff going on Friday but Thursday not so much, they found by having the DORA and doing it on Thursday night they more than doubled their participation for outdoor concerts and such in the downtown area; and in talking about tables outside there are a lot of communities that are closing streets and allowing restaurants to move tables into streets and serve people; it is a little hard to do in our community in the fact that we can't close down a road, it would be challenging to do, not impossible but anyway, we can always put a parking spot…maybe close of parking spots along High Street in downtown area and Shade and Barrel and Boar can bring their tables out into the parking spots; now if we have the DORA they can basically serve alcohol within that area where before they could not, like an outdoor event this would allow to serve drinks out there. Amos asked if the dining night would be on the same night as the shop hop as that would be great to dine and shop. Coolman said these are all great topics. Ebert commented on what Pat said about closing down the parking areas and that goes totally against what you have been asking for in fifteen-minute parking areas for the downtown businesses so we can't have both when you are doing that; Lynch said that is true, but I am talking about an unprecedented time and not something that would be done year round, we are eventually going to get beyond the COVID and get back to normal, so this would be temporary. Ebert said it's temporary, ok; Lynch said for a temporary period of time; if it helps our local restaurants be able to serve more people I think it is a win-win for them. Coolman said these are great topics, let's not forget about this.

G. Old/New Business

H. Adjournment

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

Yes 7 – Lynch, Clark, Amos, Bennett, Coolman, Milliken, Walker
Adjourned at 6:55 pm

Canal Winchester

Town Hall
10 North High Street
Canal Winchester, OH 43110

Meeting Minutes - DRAFT

May 18, 2020

7:00 PM

City Council

Mike Walker - President
Mike Coolman - Vice President
Jill Amos
Will Bennett
Bob Clark
Patrick Lynch
Chuck Milliken

DRAFT

A. Call To Order at 7:02 p.m.

B. Pledge of Allegiance - Bennett

C. Roll Call

Present 7 – Amos, Bennett, Clark, Coolman, Lynch, Milliken, Walker

D. Approval of Minutes

20-161 MINS 5-4-20 Work Session (**Minutes**)

20-162 MINS 5-4-20 Full Council (**Minutes**)

Motion to approve minutes from 5-4-20 work session and council meetings made by Amos; seconded by Coolman
Motion carried by the following vote:

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

E. Communications & Petitions

20-163 Mayor's Email to Ohio Secretary of State (**Email**)

20-164 Mayor's Email to Franklin County Board of Elections (**Email**)

20-165 Madison Township Fire Department April 2020 Stats (**Report**)

Jackson said we have one more; we received an appeal today for a Planning and Zoning Commission denial of a variance request I believe it was for an emotional support animal, so we need to set a public hearing for that, we would like to set that public hearing for the second meeting in June which I believe is the 15th at 6:30 pm if everyone is okay with that; I would also caution you a little bit that I will be doing my 2021 tax budget presentation that night, too, so we might have to move up the start of work session so we are not here too terribly late that evening, but if you are okay with that we'll go ahead and do all of the required newspaper notices for that public hearing. Coolman said that was under "old/new business" on the agenda; Jackson replied that it should be under "communications and petitions." Coolman said so Mr. Walker move that up. Walker said so June 15th, 6:30 pm public hearing; Jackson replied yes; Coolman replied yes.

F. Public Comments - Five Minute Limit Per Person

20-166 Dickerson Public Comment (**Comment**)

20-172 Hanrahan Public Comments (**Comment**)

20-173 Moore, K. Public Comment (**Comment**)

20-174	Radford Public Comment (Comments)
20-175	Moore, K. Public Comment (Comments)
20-176	Ferguson Public Comment (Comment)

Clerk read the public comments by title only. Amos said she had a resident ask why, it wasn't anybody that submitted one, but they asked why we were not reading them so they are in the minutes, because we would normally have someone standing in front of us saying it and we could actually hear it, the question was why do we not read it and I am trying to get an answer; Walker replied typically we don't read the communications and petitions and this being a pandemic and it's something new to us. Walker talked to Hollins about it, Mr. Hollins are you with us right now? Walker asked are there any other cities doing this and can you bring some light on this? Hollins said if it's submitted in writing like this I don't know if anybody is trying to repeat them since all the council members have access to those if that answers your question; there are certain questions about the platforms that are being use and some of them have been experiencing problems and issuing in people to speak and then somehow releasing them back to non-speaking participants; we just hope and maybe we can discuss this a little under old business, we would love for the ten person limitation to be lifted and at that point we can get back to the normal and I don't know if it is going to happen at the end of this month or next month to get back to the normal process and have full opportunity for everybody to participate and bring forward all these issues and we'll discuss them in live meetings, it's just the logistics right now of trying to coordinate live public comments into our meeting; some of these are fairly lengthy and it could take up a significant amount of time if we were reading all of the written comments, I guess that is the feedback I am getting from other communities. Lynch said it seems to me that if a lot of people want to write something and make their statement and I can understand if we read all of these it would be kind of laborious and I understand we don't read communications and petitions, but a public comment is a public comment and I think a lot of people at least want to be heard; I hear what Mrs. Amos is saying that why don't we have the town council…especially with what is going on right now, things are different, things have changed, people want to know what's going on, and how can we facilitate that, we came up with coffee and the town hall, how can we do that, how can we implement it; I gave suggestions on how we can have people actually speak at this group through a web cam, and help me out here and maybe Ms. Jackson, is it true that when people actually sign in to register for this web cam to view us, are they actually able to talk back and forth or do you shut their speaker on and off; Jackson replied everybody comes on muted; Lynch said muted ok, are you able to unmute them; Jackson replied yes; Lynch said selectively, for five minutes only; Jackson replied yes; Lynch said so we actually can do some kind of public forum, so my question is why don't we do that next time, and in the email I sent you was why don't we attach a phone number or maybe when people sign on then Ms. Jackson or Audra can actually ask the people do you want to speak and when we get to this portion of public comment you can say Miss Blah Blah you are up to speak, you have five minutes, then they can join us on the web cam, I don't think that would be that hard to do. Coolman said I agree, I don't think it would be either, and remember during the public comment section it is my observation there are some of the communications that require…they are asking us for a response back and we don't respond back on public comment because we don't want seven different items or responses back to them, we want one unified one so the purpose of it is we are supposed to gather what they say and collect our thoughts on it and unify our response and send out a unified response back to them, I don't have a problem with that. Amos said I am very excited that there has been a greater number of people who have had commented to us lately than we have had in a long time so

thank you to everybody out there. Walker said there is more detail right now when they are writing in than when they come to speak, and they sign their name in and you (Clerk) are taking notes on that correct, so this is a public record of how they have written it in so there is a positive side to that as well it is a public record for everybody to read them, I am just thinking they are there to read so to be read out loud I am not sure I see; I did find something cause every time something comes up I like to find…this is from the Attorney General and what they say about it is Section 6 what about the writing for public speech or some other kind of public input in relation to a virtual meeting and it says nothing in Ohio law, which we know this, affords the public the right to make comments…although to speak at a meeting of a public body but generally most public bodies do give those attending in person the opportunity to speak, usually under reasonable and defined uniform limitations, a public body may arrange for such input at a virtual meeting using electronic technology being used by the body but it is not required to do so. Clearly taking steps to allow input is commendable and it gives a service to maintain additional normalcy at meetings of a public body; so, it's basically what I believe council…and how long the meeting versus you have a record that is exactly what they send in by writing, you have that public record and the thing we get back to, you mentioned the DORA, our normal state very soon. Amos said here is a reasonable suggestion, what if we ask Amanda Lemke about these comments coming in, can we do a simple instead of my written comments I want my five minutes then we can figure out how we can fit them in or do you just want us to include your comments in our…75% of people may never choose to actually speak, they may want their comment just like this but at least can we give them the opportunity and then we cut it off a little earlier and figure out how to get it connected so it can happen and give them their five minutes.

Coolman said and you also have to look at the other side though, what if all twenty people do want to speak and we have a time limit of council up to 11:00 p.m. so if we have twenty people that is an extra hour and a half; if we have a full agenda we may be past eleven and we would not be able to finish our meeting and you got to look at both sides, because once you start it then you have to be consistent. Lynch said that is no different than any other meeting we have had for the years I have been on council, we could have unlimited people however it is up to the president to say this is our time limit and keep people in the five minutes and typically what I have heard in the past is please let's not be repetitive in our comments, like when one person says it let's not repeat and beat a dead horse, so there is a lot of discretion but it is no different than what we have been doing; I think what we have here is an opportunity to improve on our agenda in general, the comments that people are writing in I think it's great, people may feel freer to write something and send it in than to speak and may have a tough time public speaking, I know I do, maybe only 25% of those people would actually want to say something but let's give them a chance, to have someone write something versus getting up to actually speak are two way different things, we all agree and in sales that pitch gets delivered differently than when you deal with it personally than if you just write something. Clark said Ms. Jackson it sounded like somebody was squawk boxing on there what is that; Jackson replied that is a member of the public that is muting and unmuting themselves; Coolman said so that is happening right now; Clark said they have the power to do that; Jackson said from my standpoint that is what is most difficult about this is as much as I would like to say that I can multi-task I cannot sit here and monitor this for the public and follow your conversation, so if you were asking me a question I may not be paying attention cause I am over here trying to deal with what is going on with the computer on the technology side. Walker said we may get back to some normalcy shortly and back in town hall where the public can come in and go right to the podium and speak and give public comment, we hope that will be soon instead of worrying about that person and it's possible someone could say they are someone they are not and something that someone brought up

could be a concern, and then if I were saying for instance somebody say they are somebody and then they are not and they make a comment, just another concern about letting someone else come into the conversation. Clark said I am fine the way it is, I think this is a short-term thing, I have not had anyone personally come up to me and ask. Walker said I have not either. Lynch said based on transparency we want to be able to hear from the general public, if they have something to say…that's why we are all here. Clark said I agree and I read every one of their comments in here down the line every one. Lynch said I don't know the proper thing to do here, do we take a vote as to whether we create something to allow for, how do we do this, how do we solve this; Coolman said personally I think that would be changing the format of the meeting and how it is held and that would have to go through a work session so we set the agenda and the rules right and to allow for virtual public speaking so that would take a session of the whole and then bring it back to work session and then to council and make it part of our resolution in my opinion because we are changing the format of how we conduct the business and the simple fact that we are in the pandemic is a once in a lifetime situation I don't know if I am in favor of changing the way we do business just because of a setback. Walker said I have a concern right now for Ms. Jackson to be able to make that work, you have a job of that to make that happen. Coolman said we all want to hear what our public has to say, we all want to hear what our public has to throw at us, the comments are in our packets, we know who they are, I am not worrying about someone getting on the computer and somebody identifying themselves, I am more concerned with the timeframe, I am more concerned with what Pat was saying and Jill that people have a problem with coming into council and speaking in person, that public speaking is a challenge to them, and I want to give them a fair avenue as well and I think the only thing that I see is different versus reading their statements versus hearing them is the emotion they will put into their voice when delivering, so I think their message is still delivered, I think we still have the message and the end result when we are discussing here is how did we hear them, that's really what we are talking about it cause we are not going to respond to them, cause we don't respond to them during public session, we listen to what they have to say and we make notes.
Lynch said what is can figure out a way we can do a virtual town hall meeting and that way we are not taking up council time, we are not convoluting questions and answers and such here at council and we can move on with this whole agenda here and we just figure out how we can conduct the online town hall meeting. Coolman said again before I was interrupted; Lynch said sorry about that; Coolman said I agree with that and that is what I thought about when I read this along with some other emails that took place today is that we have a lot going on, we have a lot of development and a lot of new people moving in and a lot of questions and if you watch social media at all you can hear about it and read about it and people moving in here are asking where is the best place to get dry cleaning in this town we just moved here so we know we have a new population moving in, I do think we have a lot to share and I agree I don't have a problem with having a town hall meeting; I think a virtual town hall meeting is great because we can get it all vented if we want, we don't limit them to five minutes, if somebody has something they want to get off of their chest I think we should let them and let them speak without a five minute limit. Clark said it allows for the give and take discussion, I have no problem; Coolman said we can make that happen, we should probably get together and think about what the date would be. Lynch said as things are right now it would have to be virtual, they limit ten people in a room; Clark said these things don't work (picked up his laptop) for virtual communication, you can hardly identify who you are on this camera, so that is the type of thing you have to work through. Walker said Mr. Hollins we need to hear from you on this, is there anything we need to be concerned about that we are not thinking about; Hollins said the virtual town hall sounds like a great idea to me, it's dedicated for that purpose and we have got somebody whose attention is not divided trying to keep minutes and what-not so if later on the

agenda we can figure out a date and a time and give staff time to set up a platform but it should not be difficult, I frankly think that would go a long way towards meeting everybody's preferences here. Coolman asked Mr. Bennett do you have anything you want to add, we have not heard from you; Ebert said I agree with what Gene said that would probably be the best scenario; Bennett said a few thoughts, public comments while unprecedented I think it is nice for us to gather that comment electronically, it makes us more accessible to public comment and I like the virtual public comment option; I understand that people are disappointed they are not being read aloud however to that point we generally don't respond in standard format so I think while they may be disappointed, what are they disappointed in, that they are not getting a response and if they are looking for a response then I would say that a public comment really isn't the place to garner a response from council. For the town hall, don't we have a conversation with council coming up already on the calendar or is that too far out, Audra when is that; the Clerk responded it is scheduled for July 14th. We missed the second quarter meeting. Bennett said so that might be too far out for folks if we want to try to do something in the intermediate stage to replace the Q2 one, I guess those are my brief thoughts on that. Amos said the resident I talked to was not disgruntled or anything it was more that she said I have never really attended a meeting but since it is virtual I can put it on and listen to it and felt like I was better informed than I have been in a long time, but I can't hear what is being said like a normal public message and that was pretty much it. Coolman that is an aspect of this whole thing today is that people are more apt to attend and participate or at least listen because they are not identified and they don't have to interact with you; if you come into Town Hall people are intimidated when they walk in there, and some people don't have a problem with it, some people don't like public speaking period and I think that is where, I don't want to drag social media into it too badly but we can get better involvement and it could answer a lot of questions, I think there would be dialing in just to listen and gather information, and coming into these meetings what I really don't like to hear is we are being told there are people out there but we are being told who those people are; I would like to get a phone number, we have open door access to anybody all the directors and the mayor and we can get their questions answered, that is my whole frustration with the communication so I am okay if we don't wait until a quarterly Town Hall meeting, I am okay with having one every other month, it seems we have more questions being asked of us as long as they are being asked in the proper, polite channels. We have all seen communications where they are accusatory, they are negative, they are down-trodding on us and I don't appreciate that communication any more than they would appreciate communicating back to them that way, so, I would think it is an even give and take of our public and we owe it to them to educate the new ones that are here and even the existing residents we have, we should communicate, but there has to be an even format for everybody to get involved. Walker said will this be a temporary thing until we get back to council or doing public comments in council; Coolman said we'll play it by ear; Lynch said when we get back to public comments as part of our agenda; Walker said right but having it there is that the wish of council this is temporary I think; Lynch said I like the addition of the written in I think that is great and we get more people participating that way, I still think we need to have the Town Hall more sooner than later, whether we do it once a month I am game for that and I think in some capacity we should still have a vocal comment section for the online thing, but if we do have the once a month thing, the Town Hall once a month, or once every other month or so that helps, we need to hear from people. Milliken asked would you still do conversation with council and community coffee and all that; Coolman said it depends on council members who want to attend that; Lynch said community coffee is kind of separate from the council cabinet. Walker said a date; Lynch said we can talk about a date; Coolman said we can talk about it under "old/new business". Ebert said I would like to stress a little bit of what Mr. Coolman said a little bit ago that we have an open-door policy in the office, anybody can

call any director or myself at any time and any day, we don't turn down phone calls so they can call anytime they want to get the quick answer. Coolman said to expound on that and the point I am making is this is the third meeting in a row that you have to listen to me say that and it is a pride thing and I am very proud that we have such great talent in our directors and the other thing is that if someone wants information and they need it now then we want to get it to them but if they don't even attempt to call and they want to ask their neighbors and nobody has called in and nobody has emailed in and the only kind of emails we get are these public comments and some are not polite to us, then that is not a tit-for-tat, it's not an argumentative platform, it's a platform that I don't want, no more than Jill wants, or Pat, or Bob, or Chuck or Mr. Walker, we don't want to give out bad information and it could be a new topic that we are not even advised on, I would rather have that consumer go directly to the source so the directors can give consumers accurate information and up to date information and that is why I push that so hard because that is what I do; if I see something and I am not sure of it then I get on the phone and I call instead of asking someone who may know something about it, I would rather hear it from the horse's mouth and that is the important part, we want to make sure that accurate information is being given by the directors, directly to the consumers, that is why I would like to see people reach out to the city and be directly communicated with and they don't have to wait and that is why I keep saying that.

G. RESOLUTIONS

H. ORDINANCES

Tabled

Third Reading

Second Reading

ORD 20-022 *Finance* *Sponsor: Amos*	An Ordinance Authorizing the Issuance of Not to Exceed Nine Hundred Fifty Thousand Dollars ($950,000) of Notes in Anticipation of the Issuance of Bonds for the Purpose of Acquiring Approximately 110.244 Acres of Land and Interests in Land at the Corner of Bixby and Rager Roads and All Necessary Appurtenances and Improvements Thereto; and Reimbursing the City for Any Moneys Advanced for Such Purposes; and Declaring an Emergency (**Ordinance**) *- Second Reading Only* ***Amos stated second reading only.***
ORD 20-025 *Finance* *Sponsor: Coolman*	An Ordinance to Amend the 2020 Appropriation Ordinance #19-069, Amendment #2 (**Ordinance, Exhibit A**) *- Second Reading Only* ***Coolman stated second reading only.***

First Reading

ORD 20-026
Public Service
Sponsor: Bennett

An Ordinance to Waive Competitive Bidding for Municipal Recycling, Waste Hauling and Disposal Services and Declaring an Emergency (**Ordinance**)

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

Motion to suspend rules and waive the second and third readings for ORD 20-026 made by Bennett; seconded by Lynch

Amos said we need to state the reason for the emergency; Peoples stated it is due to the timeframe associated with the expiration of our current waste hauling contract with Waste Management

Motion carried by the following vote:

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

Motion to adopt ORD 20-026 made by Bennett; seconded by Coolman
Motion carried by the following vote:

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

ORD 20-027
Public Service
Sponsor: Clark

An Ordinance to Make Technical Corrections to Ordinance Number 23-10 (**Ordinance**)

- First Reading Only

Clark stated the reason for the emergency to bring the amount of tungsten up to the proper code.

Motion to add an emergency clause to ORD 20-027 made by Clark; seconded by Amos
Motion carried by the following vote:

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

Motion to suspend rules and waive the second and third readings for ORD 20-027 made by Clark; seconded by Amos
Motion carried by the following vote:

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

Motion to adopt ORD 20-027 made by Clark; seconded by Lynch
Motion carried by the following vote:

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

I. Reports

Mayor's Report

20-167 **Report**

Ebert said he has nothing to add to his written report, but he would be happy to take your phone calls or your questions at any time.

Fairfield County Sheriff

20-168 **Report**

Lynch said in reading over the statistics sent by the Sheriff's Office of Fairfield County, it seems to me that last month the average was about 70% busy time and here I see a 77% busy time, a 64% and a 63% with an average of 68%. If I remember our conversations correctly with Sgt. Cassell that we were told that sweet spot was somewhere in that 60% busy time that is where they are most effective and anything beyond that and they are stretching their guys a bit, it seems like we are tipping over that line a bit and stretching them a bit and we want our police to be as effective as possible, so, that leads me to my questions of where are we with the police force evaluation consulting and is that something we can move forward with, because we talked about increasing our police force, but do we need to increase our police force to help Mr. Hendershot out here; we talked about having some kind of evaluation and a consultant so where are we at with that. Mr. Walker asked for Mayor Ebert; Ebert said I don't think we have heard back from the Ohio Retired Police Chiefs Association, go ahead Gene; Hollins said the Ohio Association of Chiefs of Police; Ebert said yes that is it, I don't think we have heard anything back from them yet, we are still trying to do something along that line, we don't know of another association out there, at least that I am aware of, maybe Amanda has run across something, but I don't think there is another association out there like that that does that type of analysis and recommendations that we are aware of at this time, Amanda do you know of any. Jackson replied no I do not Mayor, if you recall the last time we talked about this the individual we had communicated with had retired in the midst of our conversation and he passed off our information to someone who was taking over his business, and I have not heard from that individual but we were told they were working on a new process and they did not think they would be done with that process until the end of March and now given everything that has happened since March I do not really know what they are up to at this point, if they are still going out and doing these types of things at the moment; the last time I tried to look for this individual's contact information I did not have it, I was merely given a name and so I had no way of getting a hold of them. We can definitely explore and see if that has changed since the last time but I was under the impression they were contacting us and they have not done so. Ebert said it is probably not fair to talk about this without Sgt. Hendershot being present; I thought he mentioned a meeting or two ago about those percentage numbers that they are deceiving depending on what they are actually doing, it can make those numbers deceiving, and I don't recall exactly what that was but if we can corner him the next time and we can get a better idea. Walker said that would be great, Mayor Ebert, if we can try to have him at the next meeting; Mr. Lynch had mentioned about what Sgt. Cassell had said so that we can find out and in the meantime I know a few years ago we had put back money aside to bring in a deputy just if we need to, but we should probably talk to him first and have, can we have him at the next meeting, Sgt. Hendershot; Ebert replied yes, I will see if he can make it, I am surprised he is not at this one to tell you the truth, he probably had something come up; Jackson said I will get ahold of him. Clark asked Gene where is the resolution from the Franklin County Prosecutor about the Madison Township agreement that our police were going to talk to them and vice-versa and do more patrolling, we passed our resolution and I have not heard after the Franklin County Prosecutor was going to get the document from Madison Township, where is that; Hollins replied as you may recall the reason the county prosecutor's office had not started on something was because we both had to pass formal resolutions saying we had an intention to enter into a MOU like that, so we did it and sent it on to them and you are right Mr. Clark I don't think we have heard a thing from them since; but it is really the agreement that is necessary, we have the home rule authority to enter into that but the township doesn't without statutory authority and so we need them to do that first

draft because we can't draft something that gives the township the right authority that is what their attorney has to do to make sure they have got the right invocations and the right statutes to make sure they can do this, so, I can get on them and see what is going on. Coolman asked how do we get that in motion, how do we do that; Hollins said that is what I am saying, I can call down there to their civil division and see if anybody working on it after we went through all the extra steps to get them a written resolution, etc. to get the process moving specifically. Clark said they have had that, when did we pass our resolution, this has been like six months or more; Hollins said I would say that is about right six months; Clark said it is really up to Madison Township to contact the Franklin County Prosecutor because it is their attorney in this situation if they really want to do this, they need to contact the Franklin County Prosecutor to get this written so they can pass something in their township meeting, right; Hollins said yes and their attorney can probably tell me but when a client calls it usually gets a better response; Clark said so it's in their court. Amos said great bringing this back up Mr. Clark and I just want to make sure that somebody, Mr. Hollins, is following up with Madison Township, let's just make sure it doesn't get dropped; Hollins said he can't call the township directly he would have to call the prosecutor's office, clients can talk to clients for sure.

Law Director

Hollins said the only additional note I want to make is that I told Mr. Peoples that he should write that ordinance about tungsten as an emergency and he said no, council will never want to do that (laughter) but Mr. Clark I tried to save you all of those motions. All kidding aside, we did have the end of the road on the municipal income tax case that was brought on behalf of Canal and about 150 other municipalities last week before the Ohio Supreme Court, it went well, we can't read the justices' body of language but we are optimistic we don't think they would have taken the case unless they thought the court of appeals didn't come to the right ultimate decision and that ultimate decision from the court of appeals being the state had the authority to dictate to us how we write our income tax codes and how we collect income taxes and so we obviously didn't agree with the Court of Appeals then we are glad the Supreme Court took the case and now we wait for their decision but we are cautiously optimistic looking around the seven justices, there was one pretty vociferous in support of the state and nobody else seemed to be taking his lead; I will let you know as soon as we hear but we sure would like a strong opinion saying that home rule is still in existence and allows all of the municipalities to work together to collect and write income tax codes and collect income taxes without interference by the state much less collection of our taxes by the state and it has been a disaster so far with the centralized collection of net profits tax. Coolman asked do we need an executive session tonight; Hollins replied no, if anybody needs it we can call in on a joint number but we have been trying to avoid executive session due to the logistics, but no reason it is needed.

Finance Director

20-169 **Report**

20-170 **Financial Statements April 2020**

Jackson said the 2021 tax budget on her report and we will have a public hearing about this in June; my plan is to have a draft to you by the first meeting in June so you will have the opportunity to review that before I go over it and give you the chance to come up with some questions for my presentation, and a reminder about that it concentrates on revenues, there is expenditure work done, but it is not the final appropriation for 2021 that will be brought to you in the fall; and we will take into consideration the

effects that COVID has had on our revenue when we do that budget for next year. Because it is a public hearing and public hearings are defined differently in the revised code than a public meeting, it will have to be open to the public in some way shape or form for them to be at that public hearing, so, Matt, Rick and I are working out the logistics of how we are going to do that and that is not until the second meeting in June, we have a little bit of time, but just so you know that things might be a little bit different for that particular meeting. Right along with that on our income tax collections I know we talked about this at the last meeting, and RITA sent out notification to communities that across all of their 170ish clients that income tax collections are down 38%, that is pretty significant obviously; Canal Winchester has seen a 3% increase over where we were last year, but I still think we will see somewhere between a 5 and 10% shortfall of what we expected to receive this year; obviously keeping a close eye on it now that things are starting to open up a little bit and hopefully we'll see some positive numbers coming our way. The other thing that was announced was that Franklin County has pushed back the due date for their property taxes officially to the beginning of August so we will not be getting those funds when we typically do. We don't have a cash flow issue, I am not worried about that but just a heads up that another revenue source that has been impacted by all of this. Coolman said it doesn't mean we won't get the property taxes, it is just delayed; Jackson replied correct. Bennett said we are projecting a potential downturn of 5-7% over last year, is that the projections off of this year or every year; Jackson replied that would be based off of this year's projections; Bennett said ok, so if we have a 5% decrease what does that mean every year is that still trending about even then; Jackson replied typically when we do the budget we are very conservative so we always end of collecting more than we originally anticipated, so what you are going to see is probably still an increase over 2019 but it won't be what we anticipated cause my budget number is higher than what I had budgeted for in 2019 if that makes sense; Bennett said yes, it makes sense; Jackson said we are not in any financial dire-straits by any means, and 5-10% sounds like a lot and it is a lot but we have, as we have preached to you, been very, very conscientious of our spending over the last several years and we are set to weather a storm like this; we are still able to move forward with our project plans; Bennett said and that is why I was curious that even if you are projecting a loss year after year you are still projecting to run about even or a little bit ahead, so I was just curious and that answered my question and job well done.

Public Service Director

20-171 **Report**

Peoples said we hosted the Red Cross blood drive at the community center in honor of Brock Johnson and with the virus shut down they were not able to do it at the middle school this year, we were able to accommodate them at the community center and they had a great turn out with 84 units of blood collected so they were very happy with that and helping the blood supply and they appreciated that we could accommodate them. We had informed you of our decision to not open the pool on May 8th that we sent that out, and as a background there have been a lot of comments both for and against our decision, we had all intentions to open the pool this year and with all of the restrictions we had anticipated a reduction in the capacity due to required social distancing and due to these capacities we had discussed restricting it to city residents only, our community is much larger than the Canal Winchester corporation limits and the city is roughly one-third of the school district population, we know those folks are part of our community and to put restrictions on it to upset two-thirds of the community would have been very difficult to have to do so that played into our decision with some capacity and distancing issues, and the enforcement of these rules would have been very challenging to our mostly high school aged employees, the employees of Columbus Pool Management, and to put enforcement on

top of their duties as lifeguards, gate attendants and concession stand would have added to the challenges along with it; from a financial standpoint the reduction in the capacity would have greatly reduced the membership and admission revenues, I know Ms. Jackson said we are in good financial shape, but to have more reduced revenue, the Columbus Pool Management contract we like to break even there and anything additional we put in there we are not able to recover from. Last Thursday the Governor announced at his press conference that city and club pools were able to open, we already knew we would be able to open but we didn't know when; today the Mayor and I were on a conference call today with the Central Ohio Mayors and Managers Group, and Franklin County Public Health is encouraging communities to keep their pools closed, they have a large concern from a public health standpoint about the spread of the virus and the exposure it will cause even with the restrictions and they will be writing a statement on it this week; some communities are looking at July 1st as a potential date to open their pools but still with concerns from a public health standpoint. After today's discussion and reviewing the restrictions from the Ohio Department of Health has not changed our mind, we still feel that closing the pool is the right decision, it is a very difficult decision, but it is in an abundance of caution and I am okay with that I would rather error on the safer side than open it up. The larger part of disappointment to me is that we have a lot of community members out there who need something to do, this would have been a great outlet for them. Regarding the comments of people saying we are wasting water because we filled the pool, but we had all intentions of going forward with the season starting this Friday; it takes about a month and half to get things moving, we had plumbing issues we had to take care of from last season and we need to have water in the pool to test the repairs that we made, repairs to a restrainer basket and a main line, and we don't want the pool pumps sitting there from the end of the 2019 season to the beginning of the 2021 season, about 20 months' worth, it is not good for stuff to just sit there. So, you will see water in the pool we are circulating it and we discovered one of our newer motors needs new bearings, so there are things that we have to do to maintain the pool and keep the equipment moving. It is not a thumb our nose at anybody, every once in a while we will turn the mushroom pump on and we'll do it at off times so we don't give anybody a false sense of hope that we would be opening. I don't have a time frame on when we would drain the pool, we drain the recreation pool all the way down, but the competition pool it never drains down, leave about six feet of water in the deep are, and if we did that in the middle of the summer it would be nothing but a mosquito breeding ground; that is some of the consideration. For Columbus Pool Management I do not know what their schedule is and they have a lot of other clients and they offered us guidance and provided us with some ideas on how to make this work with the distancing but ultimately it is and for an abundance of caution to keep the pool closed was the best decision. Amos asked what is our financial obligation to Columbus Pool Management; Peoples said I don't have a final, we pay them ten times through the year per the contract and June, July and August is the highest due to personnel they have, and it will depend what else we have them do as we proceed; our water plant guys are capable on the equipment over there and they can't work on the pool while it is in active recreation so we can buy some time and pick up some of that work to do to keep the pools running. Amos said so there is not a carrier fee we have to pay on this agreement; Peoples said we talked to Columbus Pool Management and discussed that if the pool is closed then the contract would be adjusted, it's roughly $135,000 a year for the contract and we have probably paid about one-third of that. Ebert said the conversation today was with about 27 other communities and it was a mixed bag, some wanted to open, some did not and some are still on the fence; but the Franklin County Public Health director and the Columbus Public Health director both said we are taking a high risk if we open and they did not recommend opening and as Matt said they are sending out a letter that they recommend we no open; and another thing that hit home with me is they said if there is

an incident at the pool and a person has the virus you now have to contact everybody who was at the pool that day and that is what they call contact tracing of all the attendance for that day and that would be an awful lot of work. Union County, Marysville said they are going to open and they were proud of that and they said they got their county public health director involved and they said it was okay, and Dr. Roberts of Columbus health pointed out that Union County has 300 cases total and Franklin County has 4560 cases and that is the difference; Union County and Marysville is a lot less risk than it would be for any pool in Franklin County; we learned a lot today.

Lynch asked Peoples about a conversation with ODOT regarding traffic on 33, Brice Road and Gender Road, what is ODOT saying about Brice Road; Peoples said we reached out to them about Gender Road phase six which included the interchange and Shane Spencer was in to talk about that; last year around the same time we did Gender Road phase five application; we reached out to ODOT to let them know what we were doing to try to gage their interest and they are starting studies on 33 and I don't know how far they are with that and it is something that they are looking at; Mayor and Luke were on that call as well if they want to chime in, but it seemed like they were a little bit further along than I would have anticipated, talking about smart lanes and ramp configurations and that type of thing. Haire said ODOT has engaged a consultant to do a safety study of the corridor and they will evaluate a number of alternatives and what that does to traffic, some of those alternatives are the Bixby Road interchange, ramp metering with a signal as you get on 33 to control the flow of traffic, Matt mentioned the smart lanes which allows you to drive on the shoulder, also increasing the number of lanes and closing off certain intersections; there will be a number of alternatives that will be evaluated through this safety study, we'll keep in touch with the consultant throughout the process and do that hand-in-hand with our thoroughfare plan that we are undergoing now. Clark asked is there a timeframe to start and end this by; Haire said he doesn't know if there is a timeframe associated with this, and he will have to get back to you, I know they awarded the contract and so they do have a consultant; Clark said that is good news; Lynch said that is good and people want to know that something is actually being done with 33 and the warehouses going up and it will be nice to see that Bixby Road interchange come to fruition, it would be wonderful.

Development Director

Haire said as Mrs. Jackson mentioned there are a lot of people in Canal Winchester getting back work which is good news; our largest three private sector employers are all operational again now in some capacity and they are all connected to the automotive supply chain and a lot of the equipment manufacturers are manufacturing automobiles again so that has been helpful to get them up and operating. We are looking forward to restaurants opening later this week and having dine in customers; I know some of the restaurants here in town had a good weekend with the nice weather and got folks out on the patios and figured out how they are going to operate safely in the environment we are in now, good to see those things happening. We do have some new businesses opening up as well, if you have not been down West Walnut Street, GC Pallet purchased 880 West Walnut and they are just about complete with their renovations to that building and if you have not been by I suggest you take a look across the street from Brew Dog the second building back and it's amazing what a coat of paint and some landscaping improvements can do and new fencing it looks very nice and look forward to get them open and operational there. In Planning and Zoning this month we do have two plats at Villages of Westchester section nine one and nine two will make 24 more lots available, the extension of Conner Court that is under construction currently. Residential construction still remains strong we have not seen any slowdown here we are still seeing an uptick of where we were last year, still going strong there.

J. Council Reports

Work Session and Council Meetings on Monday, June 1, 2020 starting at 6:00 p.m.

Work Session and Council Meetings on Monday, June 15, 2020 starting at 6:00 p.m.

Committee of the Whole Meeting on Monday, June 29, 2020 starting at 6:00 p.m.

CW Human Services - Milliken

Milliken said the final figures raised for Community Week was just over $97,000 so great job to everyone in the community for their contributions there. They have canceled their group trips and in June they are going to resume transportation to personal appointments for clients. In June hoping to have people back inside the building with the necessary sanitary precautions. The garden boxes are up as well.

CWICC - Clark and Coolman

Clark said next meeting is July 29th at 11:30 at the Interurban Building. I am also wanted to report on the McDorman Municipal Complex meeting as the council representative and I attended the May 11, 2020 meeting as the preliminary kick-off and Bill reported on that so I won't go over the same things he went over but I did try to bring up some things I thought council as a whole would be interested in; I said the community center would be a high priority for the makeup for the size of that and what is included, the size will be a discussion item, I heard the possibility of adding a new reading room to that and the possibility of moving the conference room that is connected to the community center and maybe making that more towards the middle and freeing up additional space from that point, but nothing is set in stone; so those are some things being discussed. Milliken said I am assuming at the new building we will have a much larger room where we hold our executive session, and maybe this is too far ahead, but I would like to see that room be able to be rented out at some point, I don't know where that room will be set in the building, but I think it is a good idea for it to not be wasted space when it is not being used; Clark said I think what they are looking at, and Matt you can chime in if I say something wrong, but our executive room would be near our new tenant and could be shared space with that new tenant, I can't say who that tenant is at this point, but they would share that space and maybe have some cost share in that and use it and maybe rent that space out at times to be used through the new tenant or the city, you are talking about right next to our council chambers; Milliken said yes, whatever room we would use for our executive sessions. Jackson said one of the challenges with that is the technology piece and the computers and things that we need to have in the space, your executive session room at town hall right now is also used for Mayor's court, so there is a computer, printer and phone that is in there now and we have to take that into consideration if we do rent the room out so that it is not easily accessible to those renting it so those are the types of things we are still talking about. Lynch commented about utilizing the spaces that are not used by us, the council chambers, too, and you see a lot of council chambers that have fixed seats and that kind of limits that facility to just council meetings or whatever; if the seats were not fixed in that room then it could be used for other functions so that might be a consideration. People said the council chamber will be shared space, as well, is what we are envisioning, without fixed chairs; the council desk would be fixed; Lynch said the audience would not be theater type seating; Peoples said correct, moveable; Lynch said I think that would make the space a lot more functional; Peoples said there is also a discussion about the size of the council chamber and being able to divide that so there would be a large room that we could divide into two smaller rooms, as well; Lynch said another consideration for council chambers, too, is that if we keep up with the technology of web cams and at least filming the

meetings and broadcasting out there then you will have a lot more people watching from home; there are some hot topics coming up where people want to attend, I think we are getting to the point where we won't have as many people at the meetings like we may have before because you can watch from home, so that might be something that comes out as far as size of those facilities; Amos said who would want to watch us on a regular basis; Bennet said who wouldn't want to watch us on a regular basis.

CWJRD - Amos and Bennett

Bennett has executive board meeting Thursday, May 21st at 7:00 pm, virtual meeting, look for a Google Meet link on our website. Working on opening some registration for some fall sports to just garner the interest level with the restrictions and how that works; as we all know the Governor's office issued some guidance for baseball and softball and we are working through that to see if there is anything or how we would apply those locally and I am sure that will be a heavy topic of conversation on Thursday night; but for fall sports we opened some registrations with no cost associated with those at the moment just to gauge numbers and see how many folks are going to be interested in coming back in the fall at this point.

Destination: Canal Winchester - Walker

Walker said no meetings planned that we know of; Coolman said Art Stroll is canceled and officially announced and canceled Blues and Rib Fest; we are working on a few ideas for later this summer we can come out of the pandemic and start gathering with caution, there are some events we would like to coordinate but at this stage of the game we have nothing planned.

K. Old/New Business

Amos said we need to set a date for the Town Hall meeting and decide if we are moving it or keeping it in June; Lynch said we have our first council meeting on the first is that correct so let's do the following week; Amos said Mr. Bennett does that work for you Tuesday, June 9th? Bennett replied sure. Clark asked if there was anything that day like Planning and Zoning; Jackson said, no, they meeting on Monday. Clark asked how are we technology wise, can we be up and running or do we have to do all of this ourselves, if we do I nominate Pat to put it all together; Jackson replied as I think you all know since this whole thing started we have explored a lot of technological solutions and this one is by far the best one we have come up with so I don't think we have anything else to offer so if you have suggestions we would love to hear them; Coolman said well, before we get to that stage, the Town Hall meetings that we have had have been very effective and the public has been very appreciative of the one attended by our directors; the questions that are asked of us, we are either not competent enough to respond or we don't recall the information or we are not up to date with the latest information and the directors have stepped up and filled that gap. The first question we need to find out is that June 9th is okay with the directors and do we want the directors there and I think personally speaking I would want them there; and going back the reason we are doing this because of the letters that were sent in and the questions that were sent in were questions they want to know about the financial stability and they want a breakdown of the expense report, they want to know what the budgets are, they want to know how we are effected by tax collections so they want to know the process or progress of businesses closing in Canal, are projects continuing, so I think there are a lot of questions that pertain to that.
Amos asked Audra, if you can send a message out to the directors and confirming who can be present and hopefully get a good majority of them, and then the second thing we would need to establish, cause at the meeting we have them sign-in to speak and go down the list, so I think we would need to get with

Ms. Lemke to make sure there is a way for them to sign-in so that we can effectively unmute them during it so we can still control the muting and so we would go down the list and say Mr. Coolman you are up, unmute Mr. Coolman and ask your question and we can have that conversation and then we can mute afterwards to start the next person, that way we can effectively control that chaos and volume control, so those are the things of Audra I would ask to try to set this up effectively online. Lynch said we can use the same format we have here since it seems to be working quite well. Amos asked Mrs. Jackson about the software, I heard you say that some of the residents are managing to unmute themselves, and I am not familiar, I know with Zoom I can shut them down and they cannot unmute themselves so is that a flaw in the software or is that; Jackson replied if I do that then it prevents Mr. Bennet and the Mayor, and Lucas and Gene from being able to control themselves; I can't pick and choose who does that so when you have the mixed virtual and in person setup it presents a challenge; Amos said so what I am used to with Zoom they have a, and it may not be the option we want for Town Hall, but for our Zoom meeting we receive an administrative login and we have access to our normal conversations and then we have the public login and we are able to control what goes on for the public but they don't have any control, if we don't unmute them then they are muted; maybe that is something we can look at, but I don't want to add more and ask more of Mrs. Jackson if we want her to talk during town hall and be able to answer questions I don't want her to have to be monitoring the software at the same time, that seems like a lot; I will be happy to help you work on a solution, I think there is a way and we'll figure it out.
Clark asked how are we going to promote this and June 9th seems pretty quick to me to put all of this together, but who is going to promote it and how are we going to get this out; Lynch said if you think the 9th is too soon if we waited to maybe the 23rd or the 30th and if more changes could be lifted and we wouldn't have to do it virtual; Clerk stated we would post the notice like we have in the past to the city website and a paper posting and a posting on the city Facebook page; Clark said like a public service announcement, a PSA, out to the media; Jackson said that is Amanda Lemke, I don't believe she did a press release the last time, but it would be the same process that Audra goes through when she pushes out the agenda so if you get a text message about that; Clark said so the media gets notified, right; Clerk replied yes. Amos asked do we want to look at the 23rd; Coolman said I think we need to give a fair amount of preparation, I like the idea of having it I just don't want to come off as unprepared; Clark said I think waiting gives two things, one we are more prepared if it is virtual and two, it might buy us some time; Walker said that gives us two dates, the 23rd and the 30th, to work with the directors and see where they fall, too; Jackson said you have Committee of the Whole scheduled for June 29th as well; Clerk said I won't be here the 18th through the 23rd, so that will be up to Amanda if she will be available to clerk; so are we shooting for June 9th or are we waiting; Clark said I think we wait; Coolman said I agree, my opinion is I want to be prepared, and I don't want to go into it blind or unprepared, so I think June 23rd is the better date; Clark said I think it buys us time to deal with this and make it live; Coolman said June 23rd is roughly a week away from our regular meeting schedule; Clerk said your regularly scheduled town hall is July 14th, the one that has been scheduled; Coolman said June 23rd or July 14th; Lynch asked if we do June 9th or the 23rd then it is two weeks from now or four weeks from now, what more information are we going to get in those two weeks; Coolman said the technology and making sure we are holding the meeting properly the right way and also if restrictions loosen up; Lynch said the technology is what it is; Coolman said I am listening to those over there that put this together and they are not sure, and I don't want to push them to the point where we are operating on the twelfth hour and we fail to deliver the right product in the right avenue for people to access; Clerk said I am going to pass to Amanda and Matt, they set up the technology so whatever they feel is possible for June 9th. Amos said I do agree with what Mr. Milliken is saying that by that date we might be able to, I mean we still have to practice our

distancing, but there is plenty of room that we could separate it out and space people out; Walker said so we are looking at June 23rd; Clark said yes, Tuesday, June 23rd; Clerk said okay not the 9th it is the 23rd. Milliken said I am free until July 4th ; Coolman said I don't know I don't have my calendar in front of me Chuck; Walker said we'll do it at 7:00 o'clock; Coolman said seven until; Amos said until it ends; Clark said so we can take the 14th off, we wouldn't have another one three weeks later, right; Clark said so you are in agreement you are canceling your meeting on July 14th ; Clark said yes, maybe reconvene in August or something and decide if we want to do every other month or something; Walker said June 23rd at 7:00 p.m.

L. Adjourn to Executive Session (if necessary)

M. Adjournment

Motion to adjourn made by Milliken; seconded by Clark
Motion carried by the following vote:

Yes 7 –Milliken, Clark, Amos, Bennett, Coolman, Lynch, Walker
Adjourned at 8:35 pm

MAY 20, 2020 - RECEIVED VIA EMAIL TO CITY OF CANAL WINCHESTER

Letter of Appeal for Planning and Zoning approval of VA-20-002

To whom it may concern,

As residents of Cherry Landing we recently learned that the X Church located at the corner of Gender Rd. and Bigerton Bend has applied for a variance to allow backlit signage on three sides of their new building (VA-20-002). Upon learning of said application myself and other residents of Cherry Landing wrote to the Planning and Zoning board asking that they please consider voting no on this variance. On May 11, 2020, the Planning and Zoning board voted 5-1 in favor of the variance with the Staff Recommendation to approve. The church has also filed for two other variances, which would allow an "off premise sign" (VA-20-003) and one to "allow for a freestanding sign to be taller and larger than setback requirements" (VA-20-004).
While we have no problem with the requests for offsite signs and larger than allowed signs, we do have a problem with the request for backlit signs on the building.

Per the *Variance Request* criteria for approval it states that: "Granting this variance would be due to the site conditions and context of the surrounding areas. The property is adjacent to neighboring shopping centers and industrial sites where externally illuminated signage is permitted. The screening this site will provide along with the distance to the nearest residential home makes this request compatible." and "Granting of this variance will not adversely affect the public health, safety, convenience, comfort, prosperity, and general welfare." Furthermore the *Variance Text* states that: "The use of internally illuminated face lit signage will increase visibility from the main intersection, while still being considerate to the residential neighboring homes that are situated more than 550' from the East elevation of the church. In addition the mature tree line lining the East side of the parcel will diminish any harsh glare or light pollution from any signage located on the East elevation of the building."
While we understand that the church has chosen to build in an area which also has multiple shopping centers and industrial sites that allow for internally lit signs, we have a concern with the false statement that the screening this site provides will not affect the nearest residential home. As the last house at what once was the dead end of Bigerton Bend, we have been possibly the most affected by the construction of this church. Before the construction began on the church Bigerton Bend terminated at a mature tree line with little traffic and almost zero traffic past John Drive other than residents and cars turning around because they were lost. Now with the extension of Bigerton Bend, as a result of the church being built, we have lost a large portion of tree "screening" to the building. As one of the last three houses on Bigerton Bend we have a direct view of the North and East side of the building. There are no trees screening or filtering the lighting coming from the building or parking lot. The statement does hold true for houses on John Drive which back up to the church property as those trees were left intact, but that makes the statement only partially true and deceiving.

As also stated in the *Variance Text* and by current city code 1189.06 GENERAL REQUIREMENTS part (c) <u>Illumination.</u> Signs in residential districts shall only be externally illuminated by reflected light and shall

not be internally illuminated. Externally illuminated signs shall have a source of light that is not directly visible, be arranged as to reflect away from the adjoining properties, and shall not be placed as to cause a hazard to traffic or conflict with traffic control signals or signs. Any external electric supply lines shall be brought to the sign by underground supply. We believe the intent of this requirement was to cause as little disruption as possible to residential areas due to light pollution that may not have previously existed. Also we have done a survey of several churches in the city and have found none to have such backlit signage as the X Church is requesting, nor do many of the stores in the local shopping centers or industrial buildings require the amount of signs the the church is requesting.

We would like to appeal the decision of approval by the Planning and Zoning board of VA-20-002.

I have included the original emails that we sent to Mr. Moore of Planning and Zoning, highlighted excerpts from the Planning and Zoning Agenda for the meeting on May 11, 2020, pictures of the view from our house before and after construction began on the X Church, pictures of the view from 6684 and 6694 Bigerton Bend, which show there is clearly no screening from the building itself less the location on two of three requested backlit signs and pictures of several other local churches signs.

Sincerely,

Jeremy Ebert
Chasity Ebert
6680 Bigerton Bend

On May 11, 2020, at 11:48 AM, Jeremy Ebert <indiansx6@gmail.com> wrote:

Mr Moore,

We recently received a letter regarding proposed signage for the X Church. With some research we discovered the church wants to put internally lit signs on three sides of their building. It is our understanding that this would require a variance from the city as it is not currently allowed by city code. We don't necessarily have a problem with the request for a larger than allowed sign nearer Gender Rd., but as homeowners of Cherry Landing who's lives have already been disrupted by the construction on this church ie: increased traffic(church hasn't even opened yet) as we were one of only 4 houses in the development without "through traffic", our driveway has now become a turn around for cars coming from Gender Rd., increased foot traffic, speed of traffic on Bigerton Bend as it is now a through road, with the church development there will also now be a bike path running through our common area, and not to mention that for 8 years the view out our front door in the evenings was a beautiful sunset across a cornfield with the Gender Rd. water tower in the background and now it is giant building and parking lot. As it currently stands we are not aware of any other churches in Canal Winchester or even the surrounding area that have or require internally lit signs as a store front would have. As probably the most affected home/family in Cherry Landing we are asking the the Planning and Zoning board please reconsider allowing backlit signage at the very least on the north and east sides of the building. We are asking that this letter and concerns be brought up at tonight's meeting as we would have attended in person given different circumstances.

Thank you,
Jeremy & Chasity Ebert

----Original Message-----
From: Jeremy Ebert <indiansx6@gmail.com>
Sent: Monday, May 11, 2020 9:50 PM
To: Andrew Moore <amoore@canalwinchesterohio.gov>
Subject: [EXTERNAL] Re: X Church

Mr. Moore,

Upon learning that the variance for backlit signage on the X Church has passed we would like to express our disappointment with the entire planning and zoning board in not taking into consideration the input of residents that have lived in the Cherry Landing development for 8 years or longer. As previously stated the construction of this church has already disrupted the every day lives of most residents and I feel it is a disservice of a city entity to not look at the entire picture from multiple viewpoints and try to find a happy medium for all parties. Again as a church we are unaware of the necessity for such "advertisement" when no other church in the immediate area require such a display nor do many of the retail stores in the city even have that many signs. Are there any other churches that have such? We feel like the concerns of the Cherry Landing residents have fallen on def ears from the first phase of planning for the church itself. We hope that in the future the board consider these votes as if they were the ones who would be affected by their vote. Would any of them vote yes to have increased traffic in front of their house? Would any of them vote yes to have a parking lot and monstrosity of a building take the place of a cornfield in their front yard? Would any of them want retail store style signs in their front yard? When we built this house in 2012 and several others that built in this phase we were told that there "may" be a possibility for further residential development by home builders and never were we ever aware that a church would be considered a residential building. We understand that the vote has been made and there may be no undoing it, but I am asking for future residents of the city of Canal Winchester that the board take a more careful approach to how their votes will affect those residents. We would like to request the vote count and the "for's" and "against's" and what were the staffs recommendations to the committee? We ask that you share this with the entire board and would like to know if there is an appeal process that we can initiate.

Thank you,
Jeremy & Chasity Ebert

Jeremy,

Thanks for your email. I appreciate you following up on the P&Z hearing results.
First, I wanted to make you aware I did share your email from yesterday to the P&Z Commission, along with another resident's concerns about the variance request. They did consider your information in the hearing and both concerns were discussed amongst the board and the applicant.

As far as the vote for last nights meeting, the application for the VA-20-002, to approve the internally illuminated signs for 6600 Bigerton Bend was approved 5-1.
Voting Yes: Bill Christensen, Mike Vasko, Brad Richey, Joe Wildenthaler & Kevin Serna.
Voting No: Joe Donahue.

To view the complete application including staff recommendation please see the link below for the entire P&Z packet for the 5/11/2020 P&Z Agenda.
http://canalwinchesterohio.gov/AgendaCenter/ViewFile/Agenda/_05112020-221

I will send your email to the P&Z Commission today. As far as next steps you can take as a resident, you do have the ability to appeal the decision of the P&Z Commission to City Council. Please see the details below.

1105.08 APPEALS.
(b) Appeal of Planning and Zoning Commission Decision. Whoever is aggrieved or affected by the decision of the Planning and Zoning Commission shall have the right to file an appeal with the Council. A written appeal shall be filed with the Clerk of Council within ten (10) calendar days of the decision of the Planning and Zoning Commission. Upon the filing of an appeal, the Planning and Zoning Commission will memorialize its decision in Findings of Fact and Conclusions of Law when a Notice of Appeal is filed. At the time of filing the appeal, the Planning and Zoning Administrator shall turn over to Council the application and any relevant background information. A public hearing shall be scheduled within thirty (30) days of Council's receipt of the appeal. Council shall have a maximum of sixty (60) calendar days from receipt of an appeal to hold a public hearing, consider the appeal and make a decision on the appeal. To reverse or modify the Planning and Zoning Commission's decision, a simple majority vote of the full membership of Council shall be required.

Thanks,
Andrew Moore

8:05 LTE
Not Secure — canalwinchesterohio.gov

Chapter 1189.06(c) of the Zoning Code, which regulates General Requirements for wall signage, states: "Illumination. Signs in residential districts shall only be externally illuminated by reflected light and shall not be internally illuminated. Externally illuminated signs shall have a source of light that is not directly visible, be arranged as to reflect away from the adjoining properties, and shall not be placed as to cause a hazard to traffic or conflict with traffic control signals or signs. Any external electric supply lines shall be brought to the sign by underground supply."

Criteria For Approval

(a) That special circumstances or conditions exist which are not applicable to other lands or structures in the same zoning district.
- The subject property is a large 23 acre tract of ground that is being developed for a large church facility. The site also features a 4.7 acre commercial outparcel along Gender Road for future development. With the positioning of the facility the building is in excess of 590 feet to the nearest single family residence. With the scale of the site the difference between internally and externally illuminated signage from a visibility standpoint is non-existent as neither signage types would reflect directly into adjoining residential properties.

(b) That a literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Zoning Code.
- Literal interpretation of the code would not deprive the applicant of rights commonly enjoyed by similar properties. Other religious facilities within Canal Winchester do not have wall mounted internally illuminated signage.

(c) That the special conditions and circumstances do not result from the actions of the applicant.
- Special conditions do not result from the action of the applicant. A church or similar religious facility must be located on a residentially zoned property per CW zoning regulations.

(d) That the granting of the variance will not confer on the applicant any undue privilege that is denied by this Zoning Code to other lands or structures in the same zoning district.
- Granting this variance would be due to the site conditions and context of the surrounding areas. The property is adjacent to neighboring shopping centers and industrial sites where externally illuminated signage is permitted. The screening this site will provide along with the distance to the nearest residential home makes this request compatible.

(e) That the granting of the variance will in no other manner adversely affect the public health, safety, convenience, comfort, prosperity, and general welfare.
- Granting of this variance will not adversely affect the public health, safety, convenience, comfort, prosperity, and general welfare.

(f) That the granting of the variance is not solely based upon the showing that the property could be put to better economic use than presently permitted by zoning regulations.
- The economics of the site are the same whether this variance is granted or not.

(g) That the granting of the variance will not permit a use that is otherwise not permitted within the respective zoning district.
- The religious use on the site was granted with Conditional Use Approval #CU-17-004.

Staff Recommendation

Staff recommends variance application #VA-20-002 be approved as presented.

8:08 LTE

Not Secure — canalwinchesterohio.gov

1640 Harmon Ave
Columbus OH 43223
614.444.3333 (O)

Date of Text: 2.1.20

(2)
Legal Description: See Exhibits A & B

(3)
Nature of Variance: This variance is being requested, as the current code

1189.06 GENERAL REQUIREMENTS.

(c) Illumination. Signs in residential districts shall only be externally illuminated by reflected light and shall not be internally illuminated. Externally illuminated signs shall have a source of light that is not directly visible, be arranged as to reflect away from the adjoining properties, and shall not be placed as to cause a hazard to traffic or conflict with traffic control signals or signs. Any external electric supply lines shall be brought to the sign by underground supply.

Client is seeking variance to allow internally illuminated, face lit wall signs. (See Exhibit G)

(4)
1147.03 Criteria:

a. The special circumstances or conditions which are not applicable to other lands or structures in the same zoning districts is that the structure on PID 184-000865 is currently zoned AR-1 Multi family residential, but the land is being used as a not-for-profit commercial property as a church.

b. The literal interpretation of the provisions of the Zoning Code would deprive the church of promoting their business commonly enjoyed by other properties in the same zoning district under provisions of this Zoning Code. The structure is built on the parcel over 800' from the nearest main intersection of Gender Rd and Canal Street. Visibility of the church from the street is limited without illuminated signage, especially at night and during winter months when the days are shorter. The use of internally illuminated face lit signage will increase visibility from the main intersection, while still being considerate to the residential neighboring homes that are situated more than 550' from the East elevation of the church. In addition, the mature tree line lining the East side of the parcel will diminish any harsh glare or light pollution from any signage located on the East elevation of the building. There is limited direct access to arrive at the building from the main road, unlike other neighboring properties. The access routes to the church are from Gender Rd onto Canal St and a designated entrance South of the Gender Rd and Canal St intersection, though direct visibility still remains a challenge due to mature tree lines and the setback of the building itself on the parcel. (See Exhibits C & D)

c. The special conditions and circumstances do result from the actions of the applicant, though one might challenge the oddly shaped parcel and that the structure was built where it would best benefit the use of land. The church could not have built the structure in another location on the parcel without sacrificing the ability to utilize the land most efficiently.

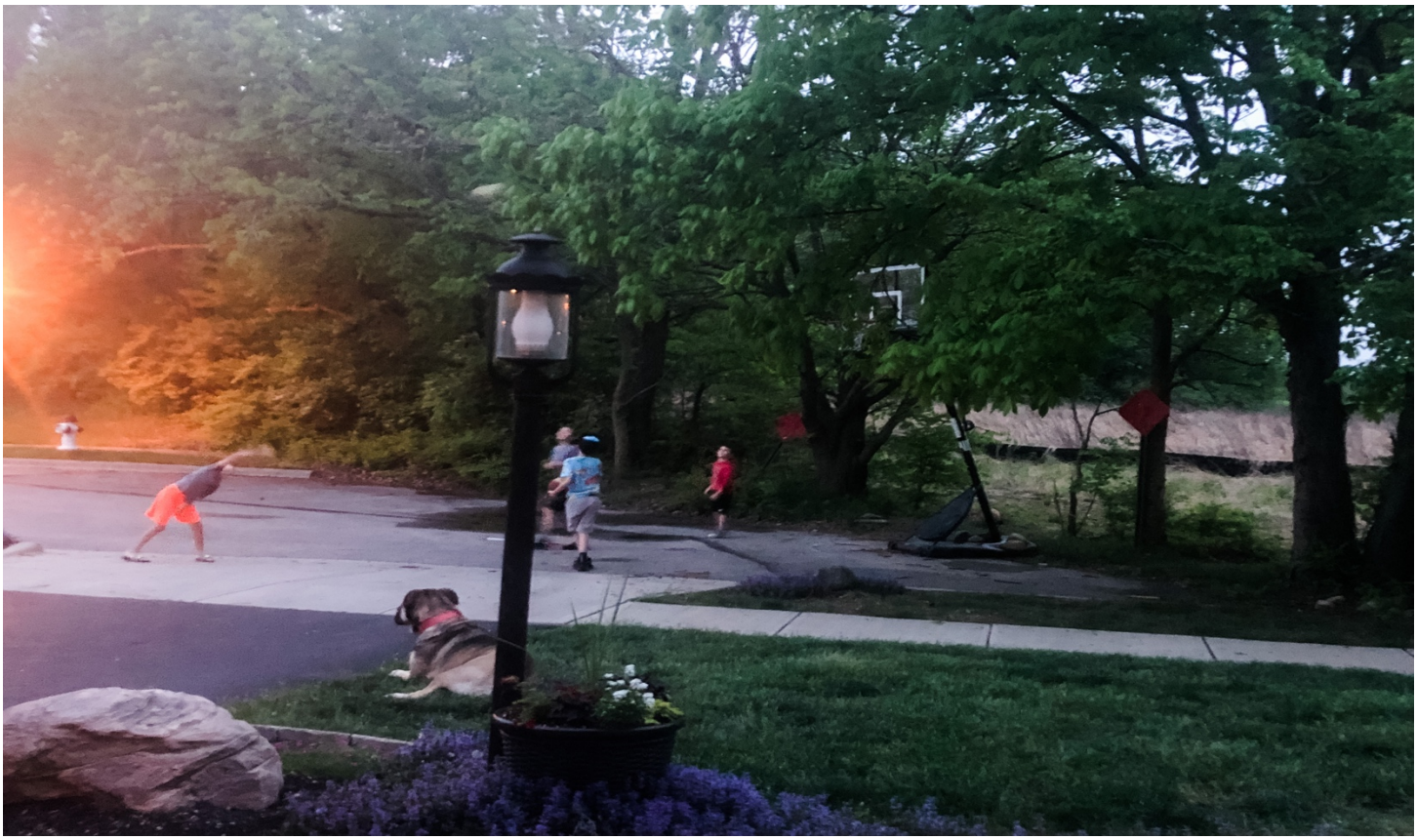
d. The granting of the variance will confer the church any undue privilege that is denied by this Zoning Code, as the church would benefit from being able to promote their business the same as neighboring land or structures in different zoning districts. However, the location of the church from the main road versus its GC zoned neighbors, presents a hardship. The church's location in relation to the nearest main intersection causes visibility concerns for passers-by. While the church is zoned AR-1 Multifamily Residential, they are operating and providing a commercial business service.

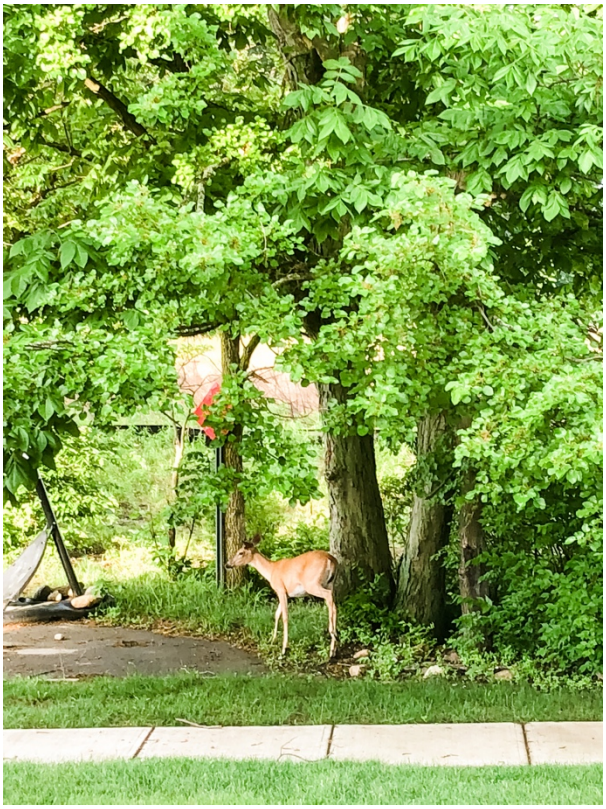
e. The granting of the variance will not adversely affect the public health, safety, convenience, comfort, prosperity and general welfare.

f. The granting of this variance is not solely based upon the showing that the property could be put to better use. The church has purchased and erected a structure for non-for-profit commercial use that will benefit the general public; as well as benefit surrounding businesses, as many patrons of the church will likely conduct shopping and/or dine at local eateries before or after church services.

g. The granting of this variance will not permit the use that is otherwise not permitted as the church will still be able to conduct services to the general public.

(5)
List of Property Owners: See Exhibits E & F





SPEED
LIMIT
25

VIEW FROM 6680 BIGERTON BEND
25

VIEW FROM 6684 BIGERTON BEND

VIEW FROM 6694 BIGERTON BEND

To: Mike Ebright/City of CW

CC: City Council Members of CW

From: Tim Roehrenbeck

RECEIVED
MAY 29 2020
By

5/20/2020

Re: Lock down

Mr. Ebright,

I must question some of your recent decisions based on facts and the constitution (state and federal).

Your "order" to close the pool and cancel the Labor Day events months in advance frankly makes me question your common sense and motivations! I find it strange you would cancel an event 90+ days out. Based on actual results in GA for example, this virus is declining after reopening. Those who are high risk should simply stay home!

I find it very strange that we are quarantining healthy people....check your history!

The same concept applies to the pool...The bulk of the people will be of the age group that are statically virtually immune to the virus or have no serious effects from the virus!

I urge you to do your own research and have an open mind. Not what ABC, CBS, NBC, CNN put out as propaganda and fear mongering.

In conclusion consider the following:

"We have nothing to fear, but fear itself" Winston Churchill

"Those who would trade their freedom for a little security...deserve neither." Benjamin Franklin

"Freedom can be gone in a generation." Ronald Regan

Tim Roehrenbeck

285 E Hocking ST

CW OH

May 22, 2020

Mayor
Village of Canal Winchester
36 S High St
Canal Winchester, OH 43110-1213

Attn: Mayor,

At WOW!, we work hard to ensure that our customers receive reliable, easy and pleasantly surprising Internet, cable and phone services at a fair and competitive price.

Every year, broadcasters' demands get more extreme. In fact, the rates to carry cable and broadcast TV channels are expected to rise approximately 35% in the next five years. Increases like this can negatively affect our customer's service and put additional upward pressure on the rates that providers charge for cable services.

To meet broadcast and cable network's extreme price hikes, the rates for cable service will be adjusted with the July 1, 2020 billing cycle.

Residential Customers

- The majority of our residential customers with cable services, bundles and a la carte, will receive a monthly increase listed below based on the level of service they subscribe to:

Medium/Basic Cable:	$10.00
Digital Basic Cable:	$10.00
Large/Digital Signature Cable:	$10.00

Business Customers

- Customers with cable services will receive a monthly increase listed below based on the level of service they subscribe to:

Basic Cable:	$10.00

In addition, the rates for the Broadcast TV Fee and the Sports Surcharge will be adjusted with the July 1, 2020 billing cycle.

- The Broadcast TV Fee, which is not a government tax or fee, will increase $2.12 per month. This fee recovers costs associated with retransmitting television broadcast signals and is in addition to other charges associated with WOW! Cable services.

- The Sports Surcharge, which is not a government tax or fee, will increase $2.00 per month (Small Cable and Limited Cable are excluded from this surcharge). The Sports Surcharge offsets some of the costs WOW! must pay to sports programming networks even during this unprecedented time when live sporting events have been impacted.

All customers will receive a notice based on their current level of service. Samples of the letters are enclosed. Thank you for your continued support and cooperation. If you have any questions, please contact me at 614-948-4655.

Sincerely,

Tyler Zvolanek
Director, Operations of WOW! Columbus, Ohio
WOW! Internet, Cable and Phone

Important Information
About Your WOW! Bill

WOW!
internet + tv + phone

At WOW!, we work hard to ensure our customers receive reliable, easy and pleasantly surprising Internet, cable and phone services at a fair and competitive price. Each year, cable TV programming is our single largest expense as licensing fees charged by broadcast and cable networks continue to dramatically increase in price year after year.

Every year, broadcasters' demands get more extreme. In fact, the rates to carry cable and broadcast TV channels are expected to rise approximately 35% in the next five years. Increases like this can negatively affect our customer's service and put additional upward pressure on the rates that providers charge for cable services.

To meet broadcast and cable network's extreme price hikes, the price for your WOW! service will increase **$10.00** per month, which will be reflected in next month's bill.

In addition, the rates for the Broadcast TV Fee and the Sports Surcharge will increase.

- The Broadcast TV Fee, which is not a government tax or fee, will increase $2.12 per month. This fee recovers costs associated with retransmitting television broadcast signals and is in addition to other charges associated with WOW! Cable services.
- The Sports Surcharge, which is not a government tax or fee, will increase $2.00 per month. The Sports Surcharge offsets some of the costs WOW! must pay to sports programming networks even during this unprecedented time when live sporting events have been impacted.

We will continue to negotiate with broadcast and cable networks on behalf of our customers for reasonable network rates, and we will do everything in our power to minimize our price adjustments despite these cost increases. As a smaller cable provider, we fight to keep our services competitive and fair in order to provide our customers with reliable, easy and pleasantly surprising service. If you would like to better understand the cost of cable programming, visit **wowway.com/aboutprogramming**.

Although we do our best to keep prices low, cable services can be expensive and may not make financial sense for everyone. If you are looking at ways to lower your monthly Cable TV expense you may want to consider one of our video streaming partners. Please call us at 1-866-496-9669 to discuss these options.

We are grateful to be your Internet, cable and phone provider and we'll keep working to earn the privilege of serving you.

Thank you for choosing WOW!.

Pricing for WOW! Services excludes taxes, fees (such as applicable franchise, PEG and right-of-way access fees, the Subscriber Line Charge/Network Line Fee/ End User Common Line Charge), the Broadcast TV Fee, Sports Surcharge, Carrier Service Fee, ARC Fee, government program related fees (such as applicable 911 fees, and USF and TRS charges), additional equipment, installation and service call charges, and usage-based charges. ©2020 WideOpenWest Finance, LLC.

Important Information
About Your WOW! Bill

WOW! Business
Internet • Phone • Enterprise

At WOW!, we work hard to ensure our customers receive reliable, easy and pleasantly surprising Internet, cable and phone services at a fair and competitive price. Each year, cable TV programming is our single largest expense as licensing fees charged by broadcast and cable networks continue to dramatically increase in price year after year.

Every year, broadcasters' demands get more extreme. In fact, the rates to carry cable and broadcast TV channels are expected to rise approximately 35% in the next five years. Increases like this can negatively affect our customer's service and put additional upward pressure on the rates that providers charge for cable services.

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We will continue to negotiate with broadcast and cable networks on behalf of our customers for reasonable network rates, and we will do everything in our power to minimize our price adjustments despite these cost increases. As a smaller cable provider, we fight to keep our services competitive and fair in order to provide our customers with reliable, easy and pleasantly surprising service. If you would like to better understand the cost of cable programming, visit **wowway.com/aboutprogramming**.

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Thank you for choosing WOW!.

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Public Comment Submission
- Received via email from city website 5-19-20

Public Comment
Comments regarding legislation or other topics will be accepted until 3:00 p.m. on the day of the meeting.

First Name	Arnetta
Last Name	Davis
Street Address	6474 Winchester Highlands Dr
City	Canal Winchester
State	OH
Zip	43110
Email Address	godslovekiki@yahoo.com
Meeting Date	6/1/2020
Subject/Topic	pool closing
Comment	I believe that it is very important to maintain the pool closure for the season. There is no way to maintain social distancing. Also will surrounding pools being closed the minute people get word that the canal pool is open they will come. For the health and safety of the community please keep the pool closed.

CITY OF CANAL WINCHESTER, OHIO

ORDINANCE NO. 20-022

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED NINE HUNDRED FIFTY THOUSAND DOLLARS ($950,000) OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF ACQUIRING APPROXIMATELY 110.244 ACRES OF LAND AND INTERESTS IN LAND AT THE CORNER OF BIXBY AND RAGER ROADS AND ALL NECESSARY APPURTENANCES AND IMPROVEMENTS THERETO; AND REIMBURSING THE CITY FOR ANY MONEYS ADVANCED FOR SUCH PURPOSES; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council (the "Council") of the City of Canal Winchester, Ohio (the "City") has determined that under Article VIII, Section 2q of the Ohio Constitution, it is a proper public purpose for the City to (i) create and preserve jobs and enhance employment opportunities; (ii) conserve and preserve natural areas, open spaces, including by acquiring land or interests therein; (iii) provide for and enable environmentally safe and productive development and use or reuse of publicly and privately owned lands, including those within urban areas, by the remediation or clean up, or planning and assessment for remediation or clean up, of contamination, or addressing, by clearance, land acquisition or assembly, infrastructure, or otherwise, that or other property conditions or circumstances that may be deleterious to the environmentally sound or economic use or reuse of the property.

WHEREAS, the City Council (the "Council") of the City of Canal Winchester, Ohio (the "City") issued notes dated June 19, 2019 in the amount of $950,000 (the "Outstanding Notes") in anticipation of the issuance of the bonds described herein, which Outstanding Notes will mature on June 18, 2020; and

WHEREAS, it is advisable in lieu of issuing bonds at this time to issue new notes in anticipation of the issuance of said bonds and to retire the Outstanding Notes; and

WHEREAS, the Fiscal Officer (the "Fiscal Officer") of the City has certified to this Council that the estimated life of the Project to be financed with the proceeds of bonds and notes hereinafter referred to exceeds 5 years, the maximum maturity of bonds being thirty (30) years and notes being nineteen (19) years;

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

Section 1. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the maximum principal sum of not to exceed Nine Hundred Fifty Thousand Dollars ($950,000), for the purpose described in the title of this Ordinance.

Section 2. The Bonds shall be dated prior to the maturity date of the Notes (as defined in Section 4 hereof), shall bear interest at the maximum average annual interest rate presently estimated to be five (5.50%) per annum, payable semiannually until the principal sum is paid or provision for payment has been duly made therefor. The Bonds shall mature in thirty (30) annual installments. Debt service payments on the Bonds in years in which principal of the Bonds is payable shall be substantially equal.

Section 3. It is necessary to issue, and this Council hereby determines that there shall be issued, notes in anticipation of the issuance of the Bonds pursuant to Chapter 133 of the Ohio Revised Code (the "Revised Code"), the Charter of the City, this Ordinance and the certificate of fiscal officer relating to the terms of notes (the "Certificate of Fiscal Officer") and for the purposes set forth in the title of this Ordinance.

Section 4. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed Nine Hundred Fifty Thousand Dollars ($950,000), or such lesser amount as shall be determined by the Finance Director and certified to this Council, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Finance Director and shall mature on such date as shall be determined by the Finance Director and certified to this Council, provided that such date shall not be later than one (1) year after the date of issuance of the Notes and subject to redemption as shall be determined by the Finance Director and certified to this Council. The Notes shall be issued as fully registered notes in book-entry form in denominations of $100,000 or any integral multiple of $5,000 in excess thereof. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.

The Finance Director is hereby authorized and directed to execute a Certificate of Fiscal Officer Relating to Terms of the Notes setting forth and determining such final terms and other matters pertaining to the Notes, as required by and is consistent with the terms of this Ordinance.

Section 5. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity and are hereby pledged for such purpose.

Section 6. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount not less than that which would have been levied if the Bonds had been issued without the prior issuance of the Notes, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The

Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 7. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same fall due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 8. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Finance Director and certified to this Council, provided that such rate shall not exceed five per centum (5.00%) per annum. The Notes shall be sold at private sale to Fifth Third Securities, Inc. or such purchaser or purchasers (collectively, the "Original Purchaser") as the Finance Director shall designate in the Certificate of Fiscal Officer at the purchase price set forth in the Certificate of Fiscal Officer, plus interest accrued to the date of delivery of the Bonds to the Original Purchaser.

The Finance Director is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price set forth in the Certificate of Fiscal Officer and interest, if any, accrued to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose. Any accrued interest received from the sale of the Notes, if any, shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal of and interest on the Notes, or other obligations of the City, as permitted by law. Any premium received from the sale of the Notes shall be deposited into such funds and used for the purpose of said funds as shall be specified in the Certificate of Fiscal Officer.

The Finance Director is hereby authorized to execute on behalf of the City a note purchase agreement (the "Note Purchase Agreement"), if required, with the Original Purchaser, setting forth the conditions under which the Notes are to be sold and delivered. The terms of such Note Purchase Agreement, if any, shall be consistent with the terms of this Ordinance.

Section 9. The Notes shall be executed by the Finance Director and the Mayor, provided that either or both of such signatures may be a facsimile, and shall be designated "City of Canal Winchester, Ohio Taxable General Obligation Land Acquisition Notes, Series 2020," or as otherwise determined by the Finance Director. The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar (as defined in Section 10 hereof). The principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such

other person acting as an agent of the Note Registrar as shall be approved by the Finance Director on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 10. The Finance Director is hereby authorized and directed to serve as authenticating agent, note registrar, transfer agent, and paying agent (collectively, the "Note Registrar") or to execute on behalf of the City a note registrar agreement (the "Note Registrar Agreement") with such bank or other appropriate financial institution as shall be acceptable to the Finance Director and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as Note Registrar for the Notes. The terms of such Note Registrar Agreement, if any, shall be consistent with the terms of this Ordinance. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Finance Director in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Finance Director may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this Ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Note Registrar shall not be required to transfer or exchange (i) any Note during a period beginning at the opening of business fifteen (15) days before the day of mailing of a notice of redemption of Notes, and ending at the close of business on the day of such mailing, or (ii) any Notes selected for redemption, in whole or in part, following the date of such mailing.

Section 11. In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed, and the Note Registrar shall authenticate and deliver, the Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Council and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Council or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing

the same debt, and entitled to the same benefits under this Ordinance, as the Notes surrendered upon that transfer or exchange.

Section 12. For purposes of this Ordinance, the following terms shall have the following meanings:

"Book-entry form" or "book-entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry and (ii) physical Notes in fully registered form are issued only to the Depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Notes.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book-entry system to record beneficial ownership of Notes, and to effect transfers of Notes, in book-entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

All or any portion of the Notes may be initially issued to a Depository for use in a book-entry system, and the provisions of this section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity; (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book-entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book-entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by this Council. Payment of principal of and interest on Notes in book-entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each interest payment date, and (ii) in all other cases, upon presentation and surrender of Notes as provided in this Ordinance.

The Note Registrar may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal of and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and this Council. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar shall furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The Mayor, Finance Director, Clerk of Council, and any other officer of this Council, are each authorized to execute, acknowledge and deliver, if necessary, in the name of and on behalf of the City, the letter agreement among the City, the Note Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Notes to the Depository for use in a book-entry system.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book-entry system, the City and the Note Registrar may attempt to establish a securities depository/book-entry relationship with another qualified Depository under this Ordinance. If the City and the Note Registrar do

not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then-acting Depository, shall permit withdrawal of the Notes from the then-acting Depository, and authenticate and deliver note certificates in fully registered form to the successor, assign or nominee of the then-acting Depository, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 13. The law firm of Frost Brown Todd LLC is hereby appointed to serve as bond counsel to the City in connection with the issuance of the Notes. The fees to be paid to such firm shall be subject to review and approval of the Finance Director and shall not exceed the fees customarily charged for such services.

Section 14. The Clerk of Council and any other officers of the Council are each hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including without limitation a general certificate of the Clerk of Council and a no-litigation certificate of the Mayor and the Finance Director, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

Section 15. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the County Auditors of Franklin and Fairfield Counties, Ohio.

Section 16. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal thereof and interest thereon at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 17. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Revised Code Section 121.22.

Section 18. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that the City may wish to enter into and consummate a purchase contract for the purchase of the land, and it may be in the best interests of the City to make immediate provision therefor; wherefore, in accordance with Sections 4.07 and 5.05 of the Charter of the City, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten (10) days after passage if the Mayor neither approves or vetoes this Ordinance.

[Signature Page to Follow]

1st Reading: _____, 2020
2nd Reading: _____, 2020
3rd Reading: _____, 2020

Adopted: _____ , 2020

Effective: _____, 2020

Approved:

_____
Mayor

Approved as to Form:

_____
Law Director

Signed:

_____
President of Council

Signed:

_____
Clerk of Council

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. _____ duly adopted by the Council of the City of Canal Winchester, Ohio on _____ ___, 2020 and that a true copy thereof was certified to the County Auditors of Franklin and Fairfield Counties, Ohio.

_____
Clerk of Council
City of Canal Winchester, Ohio

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION NOTES

I, Michael Stinziano, the duly elected, qualified, and acting County Auditor in and for Franklin County, Ohio hereby certify that a certified copy of Ordinance No. 20-____ duly adopted by the Council of the City of Canal Winchester, Ohio on _____ __, 2020 providing for the issuance of general obligation notes designated City of Canal Winchester, Ohio Taxable General Obligation Land Acquisition Notes, Series 2020, in the amount of not to exceed $950,000 was filed in this office on _____ __, 2020.

WITNESS my hand and official seal at Columbus, Ohio this ___ day of _____, 2020.

_____
County Auditor
Franklin County, Ohio

[SEAL]

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION PROVIDING
FOR THE ISSUANCE OF
GENERAL OBLIGATION NOTES

I, Jon A. Slater, Jr., the duly elected, qualified, and acting County Auditor in and for Fairfield County, Ohio hereby certify that a certified copy of Ordinance No. 20-____ duly adopted by the Council of the City of Canal Winchester, Ohio on _____, 2020 providing for the issuance of general obligation notes designated City of Canal Winchester, Ohio Taxable General Obligation Land Acquisition Notes, Series 2020, in the amount of not to exceed $950,000 was filed in this office on _____ ___, 2020.

WITNESS my hand and official seal at Lancaster, Ohio this ___ day of_____, 2020.

_____
County Auditor
Fairfield County, Ohio

[SEAL]

ORDINANCE NO. 20-025

AN ORDINANCE TO AMEND THE 2020 APPROPRIATION ORDINANCE #19-069, AMENDMENT #2

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, STATE OF OHIO:

Section 1. That the 2020 Annual Appropriations Ordinance be amended by appropriating from the unappropriated monies of the General Fund $984,342.00 to following line items.

Department	Function	Amount
Administration	Operating Expenses	$ 984,342.00

Section 2. That this ordinance 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

To: Members of City Council

From: Amanda Jackson, Finance Director

Date: April 30, 2020

RE: Appropriation Amendment #2

MEMORANDUM

Appropriation Amendment #2 for the 2020 Appropriations serves to accomplish the following:

General Fund – Appropriate $984,342.00 from the unappropriated fund balance of $6,668,641.00 as follows:

- $984,342.00 to Administration – Operating Expenses. These funds will pay off the Bond Anticipation Notes issued in June 2019 for the purchase of approximately 110 acres of property on Bixby Road. We will not close on the sale of the property prior to the maturity date of the 2019 BANs and therefore, are presenting additional legislation to reissue the notes until which time the proceeds of the sale are received. If that legislation is approved by Council, we will issue $950,000 of new BANs, receive this amount in cash, and use that cash to pay the 2019 BANs. In our accounting system, I will post a receipt and expenditure both in the amount of $950,000 as well as an expenditure of $34,342 for interest on the 2019 BANs. The total cash outflow expenditure by the City at this time will only be the $34,342.

ORDINANCE NO. 20-028

AN ORDINANCE AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO A LAND & WATER CONSERVATION FUND PROGRAM STATE/LOCAL GRANT AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE PROPOSED MCGILL PARK PHASE ONE IMPROVEMENTS AND TO DECLARE AN EMERGENCY

WHEREAS, the City of Canal Winchester desires to improve public parks and complete improvements contemplated in the approved Canal Winchester Parks Master Plan; and

WHEREAS, the City of Canal Winchester was authorized to apply for a Land & Water Conservation Fund Grant by Resolution 18-018 administered by the Ohio Department of Natural Resources;

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

Section 1. That the Mayor and Finance Director are hereby authorized to accept grant funds in the amount of $500,000 from the Ohio Department of Natural Resources through the Land & Water Conservation Fund Program Grant and to enter into a Land & Water Conservation Fund Program State/Local Grant Agreement, in a form substantially similar to the agreement attached hereto as Exhibit A, to complete improvements to McGill Park.

Section 2. That this ordinance hereby is declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare and specifically for the reasons set forth in the preamble hereto; wherefore, this ordinance shall take effect and be in force from and after its passage.

DATE PASSED: _____

_____
PRESIDENT OF COUNCIL

ATTEST: _____

_____
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 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

Exhibit A

LAND & WATER CONSERVATION FUND PROGRAM
STATE/LOCAL GRANT AGREEMENT 39-01465

Through this Land & Water Conservation Fund Program State/Local Project Agreement (the "Agreement"), entered under the authority of Ohio Revised Code Section 1504.02 (A) (2), the State of Ohio, represented by the Ohio Department of Natural Resources ("ODNR"), and the City of Canal Winchester (hereinafter referred to as the Subrecipient) agree to the planning, development, acquisition and/or construction of an outdoor recreation improvement project (the "Project") described as follows:

Project Title: McGill Park Phase One

FAIN No. P19AP00337

Amount of Federal Funds for Project: $500,000

Federal Award Date: 9/23/2019

Total Amount of Award: $1,000,000

Location of Project: McGill Park

Description of Project: Develop recreational amenities.

WHEREAS, ODNR receives federal pass through funds under the terms and conditions of the Land & Water Conservation Fund ("LWCF"), a US Department of the Interior, National Park Service ("NPS") federal assistance program (Catalog of Federal Domestic Assistance #15.916), to assist state and local governments in the planning, development, acquisition and/or construction of public outdoor recreation areas and facilities; and

WHEREAS, ODNR and Subrecipient both have an inherent interest in the planning, development, acquisition and/or construction of the Project;

NOW THEREFORE, the parties, intending to be legally bound, covenant and agree as follows:

DEFINITIONS:
"Amount of Federal Funds for Project" means the amount ODNR reserves for the Subrecipient's Project as described in paragraph 6, PROJECT FUNDING.

"Total Amount of Award" means the approved cost estimate for the eligible work being completed by the Subrecipient, usually equal to 200 % of the Amount of Federal Funds for Project.

"Federal Award Date" means the federally authorized date on which the Project can begin.

1. NOTICES: All notices, demands, requests, consents, approvals and other communications required or permitted to be given pursuant to the terms of this Agreement shall be in writing, and shall be deemed to have been properly given when: 1) hand delivered with delivery acknowledged in writing; 2) sent by U.S. Certified mail, return receipt requested, postage prepaid; 3) sent by overnight delivery service (Fed Ex, UPS, etc.) with receipt; or 4) successfully sent by fax or email, and shall be respectively addressed as follows:

(a) with respect to ODNR:

Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Road, E2
Columbus, Ohio 43229
Attn: Recreation Services Administrator

(b) with respect to Subrecipient:

City of Canal Winchester
36 S. High Street
Canal Winchester, OH 43110
Attn: Development Director
DUNS No.: 099727190

Notices shall be deemed given upon receipt thereof and shall be sent to the addresses appearing above. The parties designated above shall each have the right to specify as their respective address for purposes of this Agreement any other address upon fifteen (15) days prior written notice thereof, as provided herein, to the other parties listed above. If delivery cannot be made at any address designated for notices, a notice shall be deemed given on the date on which delivery at such address is attempted.

2. PERIOD OF PERFORMANCE. For purposes of this Agreement the Project is deemed to have commenced on September 23, 2019 (federal award date). Subrecipient agrees to close out the Project on or before November 30, 2021 (the "Closeout Date"). The Project shall terminate on the Closeout Date unless the Project is closed out or terminated sooner as provided herein, in which event the Project shall terminate on the date of closeout or termination.

3. PROPERTY; SUBSTITUTION. Subrecipient agrees to operate, maintain and keep for public outdoor recreation purposes the property or facilities acquired or developed pursuant to this Agreement, as identified in Exhibit A, 'Boundary Map', attached hereto (the "Property"). The Property shall not be converted to other than public outdoor recreation use or transferred through deed or easement without the approval of ODNR and the Secretary of the U.S. Department of Interior. Such a conversion must be in accord with the then existing Ohio Statewide Comprehensive Outdoor Recreation Plan, and Subrecipient's provision of outdoor recreation property(ies) of at least equal fair market value and reasonably equivalent usefulness and location. Such properties must be approved by ODNR and NPS.

4. TITLE TO PROPERTY. Subrecipient hereby represents and warrants that there are not now, and there will not be, any restrictions of record with respect to the Property, including without limitation, any encumbrances, liens or other matters, which would interfere with or otherwise impair the use of the Property as a public parks and recreation facility. Subrecipient represents that it is the fee simple owner of the Property, and that the only restrictions of record with respect to the Property are (a) any state of facts which an accurate survey might show, (b) all zoning regulations, restrictions, rules and ordinances, and other laws and regulations now in effect or hereafter adopted by any governmental authorities having jurisdiction over the Property and (c) all matters of record pertaining to the Property, including dedicated public rights-of-way and the items identified on said Exhibit A.

5. SUBRECIPIENT'S OBLIGATIONS. Subrecipient further agrees to (1) perform in compliance with the terms, promises, conditions, construction plans, specifications, estimates, procedures, maps, and assurances set forth in the Project Proposal; and shall secure compliance with all applicable federal, state and local laws and regulations; (2) promptly submit to the State of Ohio, such reports and documents as ODNR may request; (3) report any and all income gained on the Property or facilities during the course of the Project; (4) establish a separate special account for the funds for the acquisition and/or development of the Property; (5) prominently display a Land & Water Conservation Fund acknowledgment sign at the Property in accordance with the Land & Water Conservation Fund Procedural Guide (the "Procedural Guide"); and (6) immediately notify ODNR of any change or shift in the location(s) of services performed by Subrecipient or its Subrecipients under this Agreement. ODNR reserves the right to audit this special account created by Subrecipient, pursuant to this paragraph, either during or after completion of the Project

6. PROJECT FUNDING. ODNR hereby agrees to (1) reserve for the Subrecipient's Project, funding assistance not to exceed the total amount of the federal award (**$500,000**) from the Land & Water Conservation Fund Local Assistance Grant Program; (2) upon receipt of tangible proof of actual eligible costs paid by Subrecipient in performing this Agreement, reimburse Subrecipient funds equal to no more than fifty percent of such eligible costs. Funds for the Project have been encumbered by Contract Encumbrance Record Number _____ and are so

certified by the State of Ohio Director of Budget and Management on _____. The indirect rate on this federal award is 0%.

7. **COMPLIANCE WITH NPS AGREEMENT**. ODNR has entered into an agreement with NPS (the "NPS Agreement"), the result of which is the availability of federal funds for the Project. A copy of the NPS Agreement is attached hereto as Exhibit B. To the extent that they are relevant or applicable to Subrecipient's acquisition and use of NPS funds and Subrecipient's performance under this Agreement, the terms and conditions of the NPS Agreement are incorporated into this Agreement as though fully re-written herein.

8. **NON-APPROPRIATION AND OBM CERTIFICATION.** Performance by ODNR under this Agreement may be dependent upon the appropriation of funds by the Ohio General Assembly. Therefore, in accordance with Ohio Revised Code § 126.07, it is understood that ODNR's funds are contingent on the availability of such lawful appropriations by the Ohio General Assembly. If the Ohio General Assembly fails at any time to continue funding for the payments due hereunder, this Agreement is hereby terminated as of the date that the funding expires without further obligation of ODNR.

9. **COMPLIANCE WITH LWCF PRODCEDURAL GUIDE**. Subrecipient shall observe and comply with the terms, conditions, and processes set forth in the LWCF Procedural Guide referred to in Section 5 of this Agreement. A full text copy of the Procedural Guide is hereby incorporated into this Agreement by reference the same as though fully re-written herein and is available for download at: http://realestate.ohiodnr.gov/outdoor-recreation-facility-grants. Failure to comply with, or show sufficient progress in complying with, the terms and conditions of the Procedural Guide may result in the termination of this Agreement. In the event of termination all unused funds shall be retained by NPS.

10. **PROPERTY USE.** The Property will be retained and used for public recreation purposes per Section 6(f)(3) of the LWCF Act. The Property and facilities on the Property will be kept open for general public use during reasonable hours and during appropriate seasons of the year, according to the type of use occurring on the site. Use of the Property and facilities on the Property will not be changed from that approved when Land & Water Conservation Fund assistance was obtained without prior written approval from ODNR. Any proposed construction of indoor recreation facilities on the Property must have prior written approval from ODNR and NPS.

11. **MAINTENANCE OF PROPERTY**. The Property will be operated and maintained so as to be safe, attractive, and inviting to the public. Sanitation and sanitary facilities will be maintained on the Property to comply with applicable state and local health standards. Buildings, recreation and support facilities, and other improvements on the Property will be kept in reasonable repair throughout their estimated life expectancy to prevent undue deterioration.

12. **ACCESSIBILITY.** Any new facility constructed on the Property will, whenever possible, be designed to accommodate people with disabilities. The Property and facilities on the Property shall be made available to all persons regardless of race, color, religion, sex, national origin, handicap, military status, age or ancestry. Any modifications to existing structures shall also include design considerations for persons with disabilities. It is understood that this requirement is applicable to any construction occurring on the Property, regardless of the funding source for the improvement. Subrecipient will require any facility on the Property to be designed to comply with the Architectural Barriers Act of 1968 (Public Law 90-480), DOI Section 504 Regulations (43 CFR Park 17). Subrecipient will be responsible to ensure compliance with these specifications by the contractor.

13. **USER FEES.** User fees charged for use of the Property or facilities on the Property will be reasonable for all users and will not create unfair competition with private enterprises offering similar

services. Excess revenues from user fees for use of the Property or facilities on the Property will be returned to the public in the form of expanded facilities or services on the Property.

14. UTILITIES. All new or replacement utility lines on the Property will be placed underground.

15. DISCRIMINATION PROHIBITED. Discrimination on the basis of residence, including preferential fees, reservations, membership systems, is prohibited, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence. Compliance with federal, state, and local laws pertaining to non-discrimination in employment practices, facility and area use, minimum wages, conflict of interest, solicitations for contract bids, bid awards, etc., will be met at all times. No person will be discriminated against or be excluded from participating in any program or activity on the grounds of race, color, religion, sex, national origin, handicap, military status, age or ancestry.

16. COMMENCEMENT OF PROJECT. Subrecipient will cause work on the Project to be commenced within a reasonable time after receipt of notification that funds have been approved. Subrecipient shall prosecute completion of the Project with reasonable diligence.

17. RELOCATION ASSISTANCE. Subrecipient shall comply with the terms of Title II and Title III, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), 94 Stat. 1894 (1970), and Ohio Revised Code Chap. 163 for all real property acquisitions, and where applicable shall assure that these requirements have been complied with for the Property to be developed with assistance under the this Agreement.

18. COMPLIANCE WITH FEDERAL LAW. Subrecipient shall comply with all federal laws, rules, and regulations pertaining to grant management, including the pertinent provisions outlined in the subparts A through F of the 2 CFR Part 200, as adopted and supplemented by the USDA in 2 CFR Part 400.

19. RELATIONSHIP OF THE PARTIES.

A. Expenses. Subrecipient shall be responsible for all its own business expenses, including, but not limited to, computers, email and internet access, software, phone service, and office space. Subrecipient will also be responsible for all licenses, permits, employees' wages and salaries, insurance of every type and description, and all business and personal taxes, including income and Social Security taxes and contributions for Workers' Compensation and Unemployment Compensation coverage, if any.

B. No Control Over Means and Methods. While Subrecipient shall be required to perform its obligations described hereunder during the term of this Agreement, nothing herein shall be construed to imply, by reason of Subrecipient's obligations hereunder, that ODNR shall have or may exercise any right of control over Subrecipient with regard to the means or method of Subrecipient's performance of its obligations hereunder.

C. No Right to Bind. Except as expressly provided herein, neither party shall have the right to bind or obligate the other party in any manner without the other party's prior written consent.

D. Separate Entity. It is fully understood and agreed that Subrecipient is a separate entity and neither Subrecipient nor its personnel shall at any time, or for any purpose, be considered as agents, servants, or employees of ODNR or the State of Ohio.

20. LIABILITY OF SUBRECIPIENT. The parties agree that Subrecipient shall be solely responsible for any and all claims, demands, or causes of action arising from Subrecipient's obligations under this Agreement. Each party to this Agreement must seek its own legal representative and bear its own costs, attorney fees and expenses, in any litigation that may arise from the performance of this Agreement. It is specifically understood and agreed that ODNR does not indemnify Subrecipient. Nothing in this Agreement shall be construed to be a waiver of the sovereign immunity of the State of Ohio or the immunity of any of its employees or agents for any purpose. In no event shall ODNR be liable for indirect, consequential, incidental, special, liquidated, or punitive damages, or lost profits.

21. COMPLIANCE WITH LAW. Subrecipient shall comply with and shall monitor and implement any tasks or requirements relating to all existing, changes to, and new federal, state or local laws, ordinances, regulations, rules, decisions, orders or requirements that are applicable to Subrecipient's activities under this Agreement. Subrecipient agrees to comply with all applicable federal, state, and local laws in the conduct of the work hereunder, including federal and state prevailing wage laws (Ohio Revised Code Chap. 4115, as well as Ohio Administrative Code Chap. 4101:9-4). Subrecipient and its employees are not employees of the State with regard to the application of the Fair Labor Standards Act, Federal Insurance Contribution Act, Social Security Act, Federal Unemployment Tax Act, Internal Revenue Code, and state revenue and tax laws.

22. TAXES. Subrecipient accepts full responsibility for payment of any and all taxes, insurance premiums, or payroll deductions required for all employees engaged by Subrecipient in the performance of the work authorized by this Agreement, including without limitation, unemployment compensation, workers' compensation, and all health care, income tax, social security, and Medicare deductions. The State is exempt from federal, state, and local taxes and shall not be liable for any taxes under this Agreement.

23. SELF INSURANCE. The State of Ohio is self-insured for the indemnification of its officers and employees in the maximum aggregate amount of one million dollars per occurrence in accordance with Section 9.87 of the Ohio Revised Code.

24. <u>SUBRECIPIENT'S REPRESENTATIONS AND WARRANTIES</u>

A. Compliance with Laws. Subrecipient, in the execution of its duties and obligations under this Agreement, agrees to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances.

B. Drug-Free Workplace. Subrecipient agrees to comply with all applicable federal, state, and local laws regarding smoke-free and drug-free work places and shall make a good faith effort to ensure that none of its employees or permitted contractors purchase, transfer, use, or possess illegal drugs or alcohol, or abuse prescription drugs in any way while engaged in the Project.

C. Nondiscrimination of Employment. Pursuant to Ohio Revised Code § 125.111 and ODNR's policy, Subrecipient agrees that Subrecipient, any contractor, and any person acting on behalf of Subrecipient or a contractor, shall not discriminate, by reason of race, color, religion, sex, sexual orientation, age, disability, military status as defined in Ohio Revised Code § 4112.01, national origin, or ancestry against any citizen of this state in the employment of any person qualified and available to perform the work relating to the Project. Subrecipient further agrees that Subrecipient, any contractor, and any person acting on behalf of Subrecipient or a contractor shall not, in any manner, discriminate against, intimidate, or retaliate against any employee hired for the performance of work relating to the Project on

account of race, color, religion, sex, sexual orientation, age, disability, military status, national origin, or ancestry.

D. Affirmative Action Program. Subrecipient represents that it has a written affirmative action program for the employment and effective utilization of economically disadvantaged persons pursuant to Ohio Revised Code § 125.111(B) and has filed an Affirmative Action Program Verification form with the Equal Employment Opportunity and Affirmative Action Unit of the Department of Administrative Services.

E. Conflicts of Interest. No personnel of Subrecipient who exercise any functions or responsibilities in connection with the review or approval of this Agreement or carrying out of any of the work on the Project shall, prior to the completion of the Project, voluntarily acquire any personal interest, direct or indirect, that is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of the Project. Any such person who acquires an incompatible or conflicting personal interest on or after the effective date of this Agreement, or who involuntarily acquires any such incompatible or conflicting personal interest, shall immediately disclose his or her interest to ODNR in writing. Thereafter, he or she shall not participate in any action affecting the Project, unless ODNR shall determine in its sole discretion that, in light of the personal interest disclosed, his or her participation in any such action would not be contrary to the public interest.

F. Ethics Compliance. Subrecipient, by signature on this document, certifies that Subrecipient: (i) has reviewed and understands the Ohio ethics and conflict of interest laws as found in Ohio Revised Code Chapter 102 and in Ohio Revised Code Sections 2921.42 and 2921.43, and (ii) will take no action inconsistent with those laws. Subrecipient understands that failure to comply with Ohio's ethics and conflict of interest laws is, in itself, grounds for termination of this Agreement and may result in the loss of other contracts or grants with the State of Ohio.

G. Legal Status. Subrecipient affirms that it has been properly formed, and properly exists, as a political subdivision in the State of Ohio. Subrecipient further represents and warrants that it has legal authority to undertake all requirements of this Agreement.

H. Campaign Contributions. Subrecipient hereby certifies that neither Subrecipient nor any of Subrecipient's officers, nor the spouse of any such person, has made contributions to the governor or the governor's campaign committees in excess of the limitations specified in Ohio Revised Code § 3517.13.

I. Findings for Recovery. Subrecipient affirmatively represents and warrants to ODNR that it is not subject to a finding for recovery under Ohio Revised Code §9.24, or that it has taken appropriate remedial steps required under Ohio Revised Code §9.24 or otherwise qualifies under that section. Subrecipient agrees that if this representation or warranty is deemed to be false, the Agreement shall be void *ab initio* as between the parties to this Agreement, and any funds paid by ODNR hereunder immediately shall be repaid to ODNR, or an action for recovery immediately may be commenced by ODNR for recovery of said funds. Subrecipient warrants that it is not subject to an "unresolved" finding for recovery under Ohio Revised Code § 9.24.

J. Debarment. Pursuant to 2 CFR Part 180, Section 180.300 (c), Subrecipient represents and certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or involuntarily excluded from participation in this transaction by any federal department or agency. Subrecipient affirms that if at any time

during the term of this Agreement Subrecipient is the subject of any reportable event as outlined in Section 872 of Public Law 110-417 (41 USC 2313), for any reason, becomes disqualified from conducting business in the State of Ohio, or becomes debarred from doing business with the State of Ohio, Subrecipient will immediately notify ODNR, in writing, and will immediately cease performance of the work. Failure to provide such notice in a timely fashion as required by NPS shall void this agreement and may be sufficient cause for ODNR to debar Subrecipient from future state contracting opportunities as may be permitted by law. Subrecipient represents and warrants that it is not debarred from consideration for contract awards by the Director of the Department of Administrative Services, pursuant to either Ohio Revised Code §§ 153.02 or 125.25.

K. Boycotting. Pursuant to Ohio Revised Code §9.76, Subrecipient hereby declares that it is not boycotting any jurisdiction with whom the State of Ohio can participate in open trade, including the nation of Israel, and will not do so during the term of this Agreement.

L. Offshore Goods and Services. Subrecipient affirms to have read and understands the terms of Executive Order No. 2019-12D issued by Ohio Governor Mike Dewine and has signed and completed the Standard Affirmation and Disclosure Form and shall abide by those requirements in the performance of this Agreement and perform no services required under this Agreement outside of the United States. The Executive Order and Affirmation and Disclosure Form are available at the following website: https://governor.ohio.gov/wps/portal/gov/governor/media/executive-orders/2019-12d

25. BREACH; CURE; DAMAGES.

A. Notice of Breach. ODNR may, at any time after a breach, terminate this Agreement, upon written notice to Subrecipient. ODNR may recover all accounting, administrative, legal and other expenses reasonably necessary for the preparation of the termination of the Agreement.

B. Opportunity to Cure. ODNR, in its sole discretion, may permit Subrecipient to cure the breach. Such cure period shall be no longer than 21 calendar days. Notwithstanding ODNR permitting a period of time to cure the breach or Subrecipient's cure of the breach, ODNR does not waive any of its rights and remedies provided ODNR in this Agreement, including, but not limited to, recovery of funds paid for goods or services Subrecipient receives in violation of Executive Order No. 2019-12D, costs associated with corrective action, and liquidated damages.

C. Liquidated Damages. If the State determines that actual and direct damages are uncertain or difficult to ascertain, the State in its sole discretion may recover a payment of liquidated damages in the amount of Five percent (5%) of the value of the Agreement.

26. MISCELLANEOUS

A. Controlling Law. This Agreement and the rights of the parties hereunder shall be governed, construed, and interpreted in accordance with the laws of the State of Ohio. Subrecipient consents to jurisdiction in a court of proper jurisdiction in Franklin County, Ohio.

B. Waiver. A waiver by any party of any breach or default by the other party under this Agreement shall not constitute a continuing waiver by such party of any subsequent act in breach of or in default hereunder.

C. Successors and Assigns. Neither this Agreement nor any rights, duties, or obligations hereunder may be assigned or transferred in whole or in part by Subrecipient, without the prior written consent of ODNR. Any assignment or delegation not consented to may be deemed void by the State.

D. Headings. The headings in this Agreement have been inserted for convenient reference only and shall not be considered in any questions of interpretation or construction of this Agreement.

E. Severability. The provisions of this Agreement are severable and independent, and if any such provision shall be determined to be unenforceable in whole or in part, the remaining provisions and any partially enforceable provision shall, to the extent enforceable in any jurisdiction, nevertheless be binding and enforceable.

F. Entire Agreement. This Agreement, along with documents incorporated herein by reference, contains the entire agreement between the parties hereto and shall not be modified, amended, or supplemented, or any rights herein waived, unless specifically agreed upon in writing by the parties hereto. This Agreement supersedes any and all previous agreements with respect to the subject matter hereof, whether written or oral, between the parties.

G. Execution. This Agreement is not binding upon ODNR unless executed in full and is effective as of the last date of signature by ODNR.

H. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

I. Electronic Signatures. Any party hereto may deliver a copy of its counterpart signature page to this Agreement electronically pursuant to Ohio Revised Code Chap. 1306. Each party hereto shall be entitled to rely upon an electronic signature of any other party delivered in such a manner as if such signature were an original.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives.

STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES:	**SUBRECIPIENT:**
By: _____	By: _____
Mary Mertz, Director	Signed
Date: _____	Title: _____

ORDINANCE NO. 20-029

AN ORDINANCE APPROVING AND ADOPTING THE 2021 TAX BUDGET

WHEREAS, it is immediately necessary to approve and adopt the 2021 tax budget,

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

Section 1. That the 2021 Tax Budget attached hereto as Exhibit A and incorporated herein by reference be, and the same hereby is, approved and adopted.

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:

_____
LAW DIRECTOR

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

FUND NAME: GENERAL FUND **EXHIBIT 1**

FUND TYPE/CLASSIFICATION: GOVERNMENTAL-GENERAL

This Exhibit is to be used for the General Fund Only

Description (1)	For 2018 Actual (2)	For 2019 Actual (3)	Current Year Estimated for 2020 (4)	Budget Year Estimated for 2021 (5)
REVENUES				
Local Taxes				
General Property Tax - Real Estate	$ 447,517.00	$ 453,485.00	$ 475,000.00	$ 475,000.00
Tangible Personal Property Tax	$ -	$ -	$ -	
Municipal Income	$ 7,086,715.00	$ 7,435,145.00	$ 7,200,000.00	$ 7,200,000.00
Other Local Taxes	$ 204,416.00	$ 235,294.00	$ 300,000.00	$ 245,000.00
Total Local Taxes	$ 7,738,648.00	$ 8,123,924.00	$ 7,975,000.00	$ 7,920,000.00
Intergovernmental Revenues				
State Shared Taxes & Permits				
Local Governments	$ 76,364.00	$ 94,413.00	$ 75,000.00	$ 75,000.00
Estate Tax	$ -	$ -	$ -	
Cigarette Tax	$ 338.00	$ 367.00	$ 350.00	$ 350.00
License Tax	$ -	$ -	$ -	
Liquor and Beer Permits	$ 19,831.00	$ 17,648.00	$ 19,000.00	$ 19,000.00
Gasoline Tax	$ -	$ -	$ -	
Library & Local Government Support Fur	$ -	$ -	$ -	
Property Tax Allocation	$ 52,115.00	$ 52,622.00	$ 50,000.00	$ 50,000.00
Other Shared Taxes & Permits	$ -	$ -	$ -	
Total State Shared Taxes & Permits	$ 148,648.00	$ 165,050.00	$ 144,350.00	$ 144,350.00
Federal Grants or Aid	$ -	$ -	$ -	$ -
State Grants or Aid	$ -	$ -	$ -	$ -
Other Grants or Aid	$ -	$ -	$ -	$ -
Total Intergovernmental Revenues	$ 148,648.00	$ 165,050.00	$ 144,350.00	$ 144,350.00
Special Assessments	$ 196,925.00	$ 156,644.00	$ 151,500.00	$ 151,000.00
Charges for Services	$ 165,377.00	$ 185,784.00	$ 5,000.00	$ 141,000.00
Fines, Licenses & Permits	$ 1,020,279.00	$ 1,110,965.00	$ 695,700.00	$ 560,700.00
Miscellaneous	$ 988,177.00	$ 557,888.00	$ 269,500.00	$ 254,500.00
Other Financing Sources				
Proceeds from Sale of Debt	$ -	$ 950,706.00	$ 950,000.00	$ -
Transfers	$ -	$ -	$ -	$ -
Advances	$ -	$ 40,000.00	$ 540,000.00	$ -
Other Sources	$ -	$ -	$ -	$ -
Total Other Financing Sources	$ -	$ 990,706.00	$ 1,490,000.00	$ -
TOTAL REVENUE	$ 10,258,054.00	$ 11,290,961.00	$ 10,731,050.00	$ 9,171,550.00

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FUND NAME: GENERAL FUND **EXHIBIT 1**

FUND TYPE/CLASSIFICATION: GOVERNMENTAL - GENERAL

This Exhibit is to be used for the General Fund Only

Description (1)	For 2018 Actual (3)	For 2019 Actual (4)	Current Year Estimated for 2020 (5)	Budget Year Estimated for 2021 (5)
EXPENDITURES				
Security of Persons and Property				
Personal Services	$ -	$ -	$ -	$ -
Travel Transportation	$ -	$ -	$ -	$ -
Contractual Services	$ 1,160,918.00	$ 1,249,286.00	$ 1,350,000.00	$ 1,525,000.00
Supplies & Materials	$ 199.00	$ 518.00	$ 1,000.00	$ 1,000.00
Capital Outlay	$ 22,096.00	$ 33,599.00	$ 47,000.00	$ 50,000.00
Total Security of Persons and Property	$ 1,183,213.00	$ 1,283,403.00	$ 1,398,000.00	$ 1,576,000.00
Public Health Services				
Personal Services	$ -	$ -	$ -	$ -
Travel Transportation	$ -	$ -	$ -	$ -
Contractual Services	$ 151,152.00	$ 144,750.00	$ 155,100.00	$ 155,100.00
Supplies & Materials	$ -	$ -	$ -	$ -
Capital Outlay	$ -	$ -	$ -	$ -
Total Public Health Services	$ 151,152.00	$ 144,750.00	$ 155,100.00	$ 155,100.00
Leisure Time Activities				
Personal Services	$ 279,712.00	$ 256,743.00	$ 334,725.00	$ 317,950.00
Travel Transportation	$ -	$ -	$ 50.00	$ -
Contractual Services	$ 144,186.00	$ 151,085.00	$ 185,000.00	$ 185,000.00
Supplies & Materials	$ 42,604.00	$ 38,536.00	$ 48,400.00	$ 48,200.00
Capital Outlay	$ 51,051.00	$ 84,444.00	$ 95,000.00	$ 73,000.00
Total Leisure Time Activities	$ 517,553.00	$ 530,808.00	$ 663,175.00	$ 624,150.00
Community Environment				
Personal Services	$ 443,016.00	$ 469,575.00	$ 548,950.00	$ 564,750.00
Travel Transportation	$ 243.00	$ 393.00	$ 3,000.00	$ 3,000.00
Contractual Services	$ 186,083.00	$ 195,708.00	$ 248,000.00	$ 248,000.00
Supplies & Materials	$ 41,831.00	$ 36,949.00	$ 78,400.00	$ 74,200.00
Capital Outlay	$ 43,266.00	$ 41,023.00	$ 48,000.00	$ 50,000.00
Total Community Environment	$ 714,439.00	$ 743,648.00	$ 926,350.00	$ 939,950.00
Transportation				
Personal Services	$ 253,841.00	$ 260,298.00	$ 292,850.00	$ 299,275.00
Travel Transportation	$ -	$ -	$ 150.00	$ 100.00
Contractual Services	$ 544,895.00	$ 600,795.00	$ 953,000.00	$ 491,000.00
Supplies & Materials	$ 27,734.00	$ 33,947.00	$ 49,000.00	$ 48,600.00
Capital Outlay	$ 790,771.00	$ 824,749.00	$ 1,455,066.00	$ 824,000.00
Total Transportation	$ 1,617,241.00	$ 1,719,789.00	$ 2,750,066.00	$ 1,662,975.00
General Government				
Personal Services	$ 955,506.00	$ 989,382.00	$ 1,175,550.00	$ 1,235,700.00
Travel Transportation	$ 2,660.00	$ 2,557.00	$ 5,800.00	$ 6,450.00
Contractual Services	$ 1,257,455.00	$ 1,333,827.00	$ 1,676,100.00	$ 1,683,100.00
Supplies & Materials	$ 381,781.00	$ 452,941.00	$ 604,200.00	$ 628,500.00
Capital Outlay	$ 128,250.00	$ 1,005,242.00	$ 119,100.00	$ 118,700.00
Total General Government	$ 2,725,652.00	$ 3,783,949.00	$ 3,580,750.00	$ 3,672,450.00
Debt Service				
Redemption of Principal	$ -	$ -	$ -	$ -

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FUND NAME: GENERAL FUND **EXHIBIT 1**

FUND TYPE/CLASSIFICATION: GOVERNMENTAL - GENERAL

This Exhibit is to be used for the General Fund Only

Description (1)	For 2018 Actual (3)	For 2019 Actual (4)	Current Year Estimated for 2020 (5)	Budget Year Estimated for 2021 (5)
EXPENDITURES				
Interest	$ -	$ -	$ -	$ -
Other Debt Service	$ -	$ -	$ -	$ -
Total Debt Service	*$ -*	*$ -*	*$ -*	*$ -*
Other Uses of Funds				
Transfers	$ 1,240,000.00	$ 1,219,250.00	$ 1,639,172.00	$ 752,000.00
Advances	$ -	$ 100,000.00	$ 950,828.00	$ -
Contingencies	$ -	$ -	$ -	$ -
Other Uses of Funds	$ -	$ -	$ -	$ -
Total Other Uses of Funds	$ 1,240,000.00	$ 1,319,250.00	$ 2,590,000.00	$ 752,000.00
TOTAL EXPENDITURES	$ 8,149,250.00	$ 9,525,597.00	$ 12,063,441.00	$ 9,382,625.00
Revenues over/(under) Expenditures	$ 2,108,804.00	$ 1,765,364.00	$ (1,332,391.00)	$ (211,075.00)
Beginning Unencumbered Balance	$ 6,693,401.19	$ 8,802,205.19	$ 10,567,569.19	$ 9,235,178.19
Ending Cash Fund Balance	$ 8,802,205.19	$ 10,567,569.19	$ 9,235,178.19	$ 9,024,103.19
Estimated Encumbrances (outstanding at year end)				
Estimated Ending Unencumbered Fund Balance				

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EXHIBIT III

FUND List All Funds Individually Unless Reported on Exhibit I or II	Estimated Unencumbered Fund Balance 1/1/2021	Budget Year Estimated Receipt	Total Available for Expenditures	Budget Year Expenditures and Encumbrances			Estimated Unencumbered Balance 12/31/2021
				Personnel Services	Other	Total	
GOVERNMENTAL: **SPECIAL SERVICE:**							
Street Construction Maintenance	$ 486,445.00	$ 574,600.00	$ 1,061,045.00	$ 350,400.00	$ 247,000.00	$ 597,400.00	$ 463,645.00
State Highway	$ 106,534.00	$ 46,300.00	$ 152,834.00	$ -	$ 37,100.00	$ 37,100.00	$ 115,734.00
Mayor's Court Technical Fund A	$ 21,193.00	$ 2,000.00	$ 23,193.00	$ -	$ 2,000.00	$ 2,000.00	$ 21,193.00
Mayor's Court Technical Fund B	$ 21,729.00	$ 6,000.00	$ 27,729.00	$ -	$ 4,500.00	$ 4,500.00	$ 23,229.00
Permissive Tax	$ 140,373.00	$ 65,000.00	$ 205,373.00	$ -	$ 47,500.00	$ 47,500.00	$ 157,873.00
Bed Tax	$ 164,446.00	$ 100,000.00	$ 264,446.00	$ -	$ 100,000.00	$ 100,000.00	$ 164,446.00
FEMA Grant	$ -	$ -	$ -	$ -	$ -	$ -	$ -
BWC Grant	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Interurban Project Fund	$ 872.25	$ -	$ 872.25	$ -	$ -	$ -	$ 872.25
Diley Rd PITIE Fund	$ 1,732,202.00	$ 210,000.00	$ 1,942,202.00	$ -	$ 4,500.00	$ 4,500.00	$ 1,937,702.00
Gender Rd TIF Fund	$ 568,390.00	$ 320,000.00	$ 888,390.00	$ -	$ 45,500.00	$ 45,500.00	$ 842,890.00
Cemetery Fund	$ 18,222.00	$ 2,500.00	$ 20,722.00	$ -	$ -	$ -	$ 20,722.00
McGill Park Fund	$ 502,510.00	$ -	$ 502,510.00	$ -	$ 502,510.00	$ 502,510.00	$ -
Greengate TIF Fund	$ 80,915.00	$ 55,000.00	$ 135,915.00		$ 1,000.00	$ 1,000.00	$ 134,915.00
Total Special Revenue Funds	$ 3,843,831.25	$ 1,381,400.00	$ 5,225,231.25	$ 350,400.00	$ 991,610.00	$ 1,342,010.00	$ 3,883,221.25
DEBT SERVICE FUNDS							
G. O. Bond/Note	$ 29,308.50	$ 752,000.00	781,308.50	$ -	$ 752,000.00	$ 752,000.00	$ 29,308.50
	$ -						$ -
Total Debt Service Funds	$ 29,308.50	$ 752,000.00	$ 781,308.50	$ -	$ 752,000.00	$ 752,000.00	$ 29,308.50
CAPITAL PROJECT FUNDS							
Capital Improvements	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Issue II	$ 92,430.00	$ -	$ 92,430.00	$ -	$ -	$ -	$ 92,430.00
State Grant Capital Projects	$ 1,013,254.00	$ 502,510.00	$ 1,515,764.00	$ -	$ -	$ -	$ 1,515,764.00
Total Capital Project Funds	$ -	$ 502,510.00	$ 1,608,194.00	$ -	$ -	$ -	$ 1,608,194.00
PROPRIETARY: **ENTERPRISE FUNDS**							
Water	$ 1,485,130.00	$ 1,635,250.00	$ 3,120,380.00	$ 591,750.00	$ 1,166,500.00	$ 1,758,250.00	$ 1,362,130.00
Water Connection	$ 1,947,442.00	$ 300,000.00	$ 2,247,442.00	$ -	$ 405,500.00	$ 405,500.00	$ 1,841,942.00
Water Stability Fund	$ -	$ -	$ -	$ -		$ -	$ -
Sewer	$ 2,238,189.00	$ 1,951,250.00	$ 4,189,439.00	$ 604,350.00	$ 1,328,900.00	$ 1,933,250.00	$ 2,256,189.00

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EXHIBIT III

FUND List All Funds Individually Unless Reported on Exhibit I or II	Estimated Unencumbered Fund Balance 1/1/2021	Budget Year Estimated Receipt	Total Available for Expenditures	Budget Year Expenditures and Encumbrances			Estimated Unencumbered Balance 12/31/2021
				Personnel Services	Other	Total	
Sewer Connection	$ 3,359,050.00	$ 650,000.00	$ 4,009,050.00	$ -	$ 300,000.00	$ 300,000.00	$ 3,709,050.00
Sewer Rate Stability	$ 1,000,000.00	$ -	$ 1,000,000.00	$ -	$ -	$ -	$ 1,000,000.00
Storm Water Fund	$ 129,295.00	$ 262,250.00	$ 391,545.00	$ 127,000.00	$ 135,250.00	$ 262,250.00	$ 129,295.00
Total Enterprise Funds	$ 10,159,106.00	$ 4,798,750.00	$ 14,957,856.00	$ 1,323,100.00	$ 3,336,150.00	$ 4,659,250.00	$ 10,298,606.00
Agency Funds							
Meijer Agency	$ 143,065.00	$ 2,500.00	$ 145,565.00	$ -	$ -	$ -	$ 145,565.00
GreenGate Drive Agency	$ 411,710.00	$ 5,000.00	$ 416,710.00				$ 416,710.00
Total Agency Funds	$ 442,981.30	$ 7,500.00	$ 562,275.00	$ -	$ -	$ -	$ 562,275.00

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EXHIBIT IV

STATEMENT OF PERMANENT IMPROVEMENTS

(Do Not Include Expense to be Paid from Bond Issues)

(Section 5705.29. Revised Code)

DESCRIPTION	Estimated Cost of Permanent Improvement	Amount to be Budgeted During Current Year	Name of Paying Fund
Sheriff's Cruiser	$ 50,000.00	$ 50,000.00	General
Parks Projects	$ 50,000.00	$ 50,000.00	General
Street Trees	$ 40,000.00	$ 40,000.00	General
Swimming Pool Capital	$ 15,000.00	$ 15,000.00	General
Street Capital Projects	$ 750,000.00	$ 750,000.00	General
Buildings and Grounds Projects	$ 50,000.00	$ 50,000.00	General
Information Technology Capital	$ 55,000.00	$ 55,000.00	General
McGill Park Construction Phase 1	$ 1,100,000.00	$ 1,100,000.00	State Capital Projects
Valve Bolt Replacements	$ 25,000.00	$ 25,000.00	Water
AMI Upgrades	$ 300,000.00	$ 150,000.00	Water/Sewer
Tower Maintenance/Water Breaks	$ 80,000.00	$ 80,000.00	Water
Well Rehab	$ 15,000.00	$ 15,000.00	Water Connections
TOTAL	$ 2,530,000.00	$ 2,380,000.00	

For the year budgeted, list each contemplated disbursement for permanent improvements, exclusive of any expense to be paid from bond issues by the fund from which the expenditurs are to be made. Examples for describing the permanent improvements are: window replacement, vehicle purchase, furnishing offices, appliances for fire department kitchen.

DRAFT

Mayor's Report

Michael Ebert, Mayor

June 1, 2020

Meetings:
Amanda and I met with Sargent Hendershot last week to discuss future staffing and equipment needs for the Sheriff's Department, CW. We will be meeting with Chief Lape next week to discuss future needs and a timeline.

COUNCIL UPDATE

May 28, 2020

Finance Department

Amanda Jackson, Finance Director

Project Status:

2021 Tax Budget – The 2021 Tax Budget is included in your packets. As discussed at the last meeting, we will be holding a public hearing on June 15, 2020 during which I will present to you the details of the budget. I am giving it to you now to allow your ample time to review and prepare any questions you might have prior to the meeting. Just a reminder that these are not the final appropriations for fiscal year 2021 and are based solely on what we know as of today. A final budget will be presented to Council for approval this fall.

2020 Income Tax Collections – I do not have any update on income tax collections since the last meeting due to the way the calendar fell this month. However, RITA has released their administration costs for 2019 which have come in under the 3% retainer that they hold from each of our disbursements. Canal Winchester's portion of administration costs totaled 1.27% of collections which equates to a rebate of $105,635 that will be coming back to the City.

COUNCIL UPDATE

May 28, 2020

Department of Public Service
Matthew C. Peoples, Director

Project Status:

McGill Park: The State-Federal contract language has been resolved and we are presenting legislation at the June 1st Council meeting to request authorization for the Mayor and Finance Director to enter into an agreement for the Land & Water Conservation Fund grant program.

From a design standpoint, OHM has started the design on both the McGill Phase I and Trail Connector projects and are expecting to be complete near the mid-summer.

Solid Waste Contract: We are nearly complete on the RFP documents and hope to get invitations out at the first of June.

Northpointe Utilities Extension: We are working through the contract and submittal phase and the expect work to begin with a June.

Westchester Park: The contractor has completed the project with the exception of a few punch list items and the electrical installation. We are looking forward for the public to enjoy these new features once everything returns to normal.

WRF Generator Project: We have not yet received word from OEPA about the possibility of delaying the project due to the availability of grant funding but continue with the project as we wait to hear anything final.

Gender Rd. Phase V: OPWC has notified us that, due to the corona virus shutdowns, the agreements for the grant/loan are on hold until the state works out a Capital Bill. EMH&T has begun design work for the project and will reevaluate going to bid based on our OPWC agreement status.

2020 Street CIP: Contractor is proceeding with project.

Gender Road Paving: ODOT is nearing completion on the project. There have been some intermittent traffic issues but has otherwise progressed smoothly.

Gender Rd. Phase VI: We are working with EMH&T on a design concept for a Gender Rd. Phase VI project that will include pedestrian connection across the Gender Rd. overpass as well as additional lanes for Gender Rd. Our plan would be to utilize ODOT Safety Funding as well OPWC funding. We have had project discussions with ODOT and they indicated they are in support.

Additionally, the ODOT discussions were regarding their future plans for US Rt. 33. They are working on studies for the area to address capacity and congestion issues and include additional lanes on 33 and the Bixby and Gender interchanges.

Gender Rd. Signal Synchronization Project: We completed the review of the synchronization plan and submitted back to ODOT. The timeframe for implementation is in flux due to the virus shutdown.

Transportation Thoroughfare Plan: MORPC is working on their data collection and analysis portion of the process. EMH&T's portion will work off of the MORPC data and will continue through the spring. Timeline is extended due to most technical staff working remotely.

Trail Lighting: Bill Sims and I met with South Central Power to get quotes on installing pole lighting along the Groveport bike path from Hanners Park west to the end of the trail.

COUNCIL UPDATE

May 28, 2020

Division of Urban Forestry
Dick Miller, Urban Forester

Project Status:

Annual Flowers: Sidewalk planters have been planted in full by STAB members. Hanging baskets go up on poles downtown approximately June 16.

STAB: Jane Eberly has been elected as the new chair of the Street Tree Advisory Board.

Mulching: Mulching of landscape beds is approximately 75% complete.

Pool Parking Lot: The Taxus (yew) hedge and other plants will be partially removed for construction at the pool parking lot along Groveport Rd.

Gender/Canal Storm Basin: Woody stems and debris will be removed from the storm basin at Gender Rd. and Bigerton Bend late spring to early summer.

Tree Removals: Street tree removals (dead or dying trees) continue with replacements added to the fall planting. South Central Power removed or topped approximately 150 dead ash trees (in easements) at no cost to the city in two locations. Some debris remains and the firewood produced may be made available to city residents this summer as Emerald Ash Borer damaged wood utilization.

COUNCIL UPDATE

May 28, 2020

Division of Water Reclamation
Steve Smith, Superintendent

Project Status:

Groveport Lift Station: Pump #1 was rebuilt, including a new impeller and wear rings and has been installed.

Ashbrook Lift Station: Pump #2 was equipped with a new impeller and wear rings and is back in operation.

BrewDog Permit Modification: We have finalized BrewDog's industrial discharge permit with increases to flow and waste load. The increased limits were needed due to their continued growth.

Control Replacement: bids are being solicited for replacement of the aging controls at the Rt. 33 lift station. We expect this to be extended with the ongoing distancing efforts.

Sludge Press Upgrade: The order has been placed for the press upgrade material. With the ongoing distancing, and since the project is not critical, the factory has pushed this back several weeks, and it will likely be early summer before we receive any of these materials.

Air Release Valves: The air release valves serving the Rt. 33 Lift station force main are being reworked and repaired. One is now finished and parts have been received to enable repair of the second unit, which we be done as time and weather allow.

Safety:

- The Safety committee continues to study the use of headphones which also allow music listening at safe levels. They are also being asked to sign off on a new style safety glass PPE. Once determined and approved by the Mayor, this change will amend the current city safety manual.

COUNCIL UPDATE

May 28, 2020

Division of Streets, Lands and Buildings
Shawn Starcher, Manager

Project Status:

Senior Class Salutes: We have assisted the CW High School with some special senior class salutes due to the virus shutdowns cancelling or altering traditional graduation activities. Banners and CW flags were installed in the downtown area and we assisted in a senior class parade.

Mowing Season: Our biggest challenge as of lately is keeping up with mowing due to all the rain we have received. Additionally, crews continue with spraying herbicide for weeds in our roadside areas.

Facility Cleanings: Crews continue with daily cleaning and disinfection of city owned buildings that are in use.

Guardrail Painting: Crews will begin painting the wooden guardrail along the bike path on Groveport Rd.

Training: In-house training on a few pieces of our equipment has taken place for our Street Dept. staff.

Seasonal Employees: All seasonal employees have started at this point and will help us out tremendously over the summer.

COUNCIL UPDATE

May 28, 2020

Division of Information Technology
Rick Brown, Coordinator

Project Status:

Council Meetings: Configured alternate option for City Council meetings to allow public comment for the upcoming public hearing.

Network Performance: Network speed issues that arose have been resolved with firewall reconfiguration.

Phones: Fixed DHCP issue with Municipal phones and NTP entry

WTP Network Communications:

Planning: Working to finalize 2021 IT Capital Improvements Plan

COUNCIL UPDATE

May 28, 2020

Division of Water
Joe Taylor, Superintendent

Project Status:

Plant:

- We pumped 25.41 Million Gallons in April at an average of .753 million gallons per day with an average hardness of 114 mg/l
- The 2019 Consumer Confidence report is now available and is located on the Canal Winchester Website. The link to the CCR was sent out to residents via the May water bill. The CCR and the consumer notification verification has been emailed to the OEPA.
- Staff has been working on numerous air issues at the WTP. We have replaced a drier and numerous solenoids, actuators and filters.

Distribution:

- AMI Metering System switch outs have been put on hold during the Cov19 crisis. We have only installed units on new build vacant homes. We have around 2067 units installed. (Water crews installed 21 since the last meeting nearly all new builds) 1321 remaining (60 %) completed. Staff refrained from meter upgrades due to the Corona Virus
- Replaced curb boxes on Edgewater Dr. and Sarwil Dr.
- Staff assisted Seals excavating and Trucco on new construction water testing.

COUNCIL UPDATE

May 29th, 2020

Construction Services Department
Bill Sims, Administrator

Capital Improvement Projects

Westchester Park Improvements: Site work is complete. Shelter building complete except electric. Playground equipment installed. Punchlist issued.

2020 Street Program: Street resurfacing completed in Ashbrook Village. Hemingford Dr. and West Waterloo to be resurfaced the week of 6/1. Cherry Landing multi use path underway. Pool parking lot expansion not yet started.

Gender Rd. Phase 5: Design underway.

Bixby Rd. Water & Sanitary Extension: Preconstruction meeting 5/19/20. Material submittals being received and reviewed.

ODOT Gender Rd. Resurfacing: Pavement Striping to be completed by 6/1. Vehicle detection system expected to be complete in approx.. 2 weeks.

Municipal Complex: Designer preparing the criteria schematics review.

Private Development Projects

Pediatric Associates: Waterline complete. Site work Continuing.

Three Fountains Condos: Sanitary Sewer complete. Site work continuing.

Winchester Logistics: Site work continuing. Winchester Blvd. subgrade prepared. Curbs to be installed week of 6/1.

Fairfield Inn: Waterline complete. Site work continuing.

Crossroads Church: Onsite sitework nearing completion.

Winchester Veterinary Clinic: Revised site plan submitted and reviewed.

Right of Way

MCI: Four permit plans approved. Fees and bonds provided. MCI requested permit date extensions.
Columbia Gas – Permit granted for new main on W. Waterloo St. to serve 18 W. Waterloo development.
Permit issued for gas lines in VAW 9-2.
ATT: Preparing a permit request for a small cell antenna near the CWHS.
Misc.

- R/W dedications from our parcels to R/W at Gender & Groveport.
- SCP will request an easement to cross a corner of city property at Gender and Canal streets as part of their plan to service the Crossroads Church site.

City of Canal Winchester
Engineering – Status
5/28/2020

Prepared by Shane Spencer, PE

1. **Gender Road Signal Timing Update (ODOT Program)**
    a. Review of timing recommendations complete and returned to ODOT

2. **Thoroughfare Plan Update**
    a. Web-Meeting with MORPC
        i. MORPC Has data to proceed with network modeling
        ii. Additional evaluation of intersection/lane configuration is in progress
        iii. Expect MORPC's initial modeling results by July
    b. Detailed project schedule has been established that programs final report to be completed by December

3. **Gender Road Phase 5**
    a. Field topographic and Boundary Survey Complete
    b. Base Mapping is Complete
    c. Detailed project schedule developed and distributed to staff
    d. 60% Design Plans are in process – Submittal Milestone Scheduled for July
    e. Coordination for Geotechnical Investigation ongoing

4. **Gender Road Phase 6**
    a. ODOT has identified 0% local match on pedestrian safety projects
    b. Next application round in early fall
    c. ODOT is working to support this project through their US 33 study

5. **2020 Street Maintenance Program**
    a. Construction Phase support – As Needed

6. **Miscellaneous**
    a. Greengate TIS Review – 2nd Review in process

COUNCIL UPDATE

June 1, 2020

Council
Audra DiOrio, Clerk of Council

Request for Council Action:

Project Status: