

Canal Winchester

*City Hall
Council Chambers
45 East Waterloo Street
Canal Winchester, OH 43110*



Meeting Minutes - FINAL

August 7, 2023

6:00 PM

Council Work Session

Bob Clark - Chair

Laurie Amick

Jill Amos

Steve Buskirk

Chuck Milliken

Patrick Shea

Mike Walker

City YouTube Channel – [CityofCW YouTube Page](#)

City Council will also continue to accept written public comments prior to a council meeting. To be included on the Council agenda, comments must be received by noon the Friday before the meeting. Comments received after the deadline will be included on the next agenda. To submit a comment to City Council, click on the link below.

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- A. **Call To Order** *Clark called the meeting to order at 7:00 p.m.*
- B. **Roll Call** *Present 7 – Amick, Amos, Buskirk, Clark, Milliken, Shea, Walker*
- C. **Also In Attendance**
Mayor Ebert, Matt Peoples, Lucas Haire, Amanda Jackson

D. **Request for Council Action**

RES-23-027

Development

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING FOR COOPERATION ON REGIONAL INFRASTRUCTURE AT BASIL-WESTERN ROAD, AND DECLARING AN EMERGENCY

- Request to move to full Council

A motion was made by Amos, seconded by Amick to move RES-23-027 to full Council. The motion carried with the following vote:

Yes 7 – Amos, Amick, Buskirk, Clark, Milliken, Shea, Walker

Discussion started at 1:33:18 on YouTube Channel

Haire – What this resolution would allow us to do is allow the Mayor to enter into a Memorandum of Understanding between the City of Canal Winchester, Violet Township, Fairfield County, the Fairfield County Transportation Improvement District, and the Fairfield County Port Authority, all cooperating to address the infrastructure needs of Basil-Western Road, Hill Road, and Kings Crossing. There have been a number of developments that have been approved in Violet Township along the Basil-Western Corridor that are industrial developments, one of which is currently under construction. There's about a \$10 million need for infrastructure improvements in those corridors that would include widening Basil-Western Road to three lanes with the center turn lane, so two travel lanes and a center turn lane, as well as realigning the intersection of Basil-Western Road and Hill Road to take out that acute angle around Kingy's and take it basically to the roadway north of Kingy's and align it with the intersection of Kings Crossing at a roundabout. This is the contemplated improvement right now that is being pursued by the Fairfield County Transportation Improvement District. Transportation improvement districts are essentially set up as county entities. The county engineer is on the board of the Fairfield County Transportation Improvement District, and then they have five members that serve on that transportation improvement district. They would be heading up that project. They have already put out a request for proposals for a design professional and awarded a design contract for those improvements. They're just starting to work on the preliminary design of what those improvements would look like. What this Memorandum of Understanding does is set forth the terms of how all those entities are going to work together with common standards and common goals towards improving that infrastructure out there. This would basically set up that if any of those entities create community reinvestment areas, or CRAs, to allow for real estate tax exemptions, they also have other requirements for those developers to contribute towards the cost of those improvements. What this would do is create a payment in lieu of taxes, so if you're exempting taxes, you would create another source of revenue to pay for infrastructure improvements out there, so that would be \$1.50 per square foot assessment on those properties. If they are proposing to build a 300,000-square-foot building, then they would be charged \$1.50 per square foot towards their development. The initial development out there with DHL was offset, and that's contemplated in this agreement, where it could be reduced down to a dollar a square foot if they bring in other grant dollars as part of their application. DHL, which is under construction in Violet Township, was awarded a state 629 grant for the jobs that they're creating there, and that was in the amount of \$1.2 million. They contributed a dollar per square foot for the 755,000 square feet that they're building, so an additional \$755,000. On top of that, this requires that if you receive a real estate tax exemption, you enter into a capital lease

agreement with the Fairfield County Port Authority. I'm kind of throwing a soup of economic development terms at you currently, so if you need to ask questions, feel free, but basically, the capital lease structure allows the port authority to temporarily take ownership of the building and lease that back to the developer. They then save money on the sales tax associated with the building materials, and they dedicate half of those savings back to the infrastructure to cover the needs that development is generating. The sales tax rate, you know, is 7%. If you're saving that 7%, then 3 ½ % of the cost of the building materials, which are generally about half the cost of your total project, are dedicated back to the port authority, and the port authority puts those savings into the infrastructure cost. All of this is a way to kind of get the capital stack put together to pay for that \$10 million of infrastructure that's needed to be improved here. It also contemplates that the city would create a TIF on any parcels in the city, and then that TIF revenue in both the county and the city would be dedicated to pay for any debt service associated with this. Right now, they're contemplating that the Fairfield County Transportation Improvement District would issue debt and pay for the \$10 million in improvements up front. They'll receive those funds as they come in, whether that's the PILOT payments from the development, the TIF revenue that's coming in, or the capital lease payments on the sales tax savings; all those would be dedicated. If there's any debt left that's not accounted for, you know, paid for by those sources, then there'll be a separate development agreement developed in the future that we'll enter into with the county that will determine what percentage of that debt each entity would be responsible for covering if there are any shortfalls. Those details aren't laid out here.

Amos – This all falls within the CEDA, correct?

Haire – It does not. The majority of this property falls within the CEDA area, but there are some areas that are outside of it. The property that's currently being developed by DHL is not within our CEDA area, but we do have the existing JEDD that we've recently approved that parcel is included in.

Amick – In the MOU, it states in the text that this is a non-binding agreement, so is this simply to say that we will be a willing party to the discussions to create further agreements regarding this corridor?

Haire – That is my understanding. I'd defer to Mr. Boggs, who drafted this agreement.

Boggs – That is correct. Basically, just getting on paper all of the parties respective plans to move forward and ultimately will result in a web of binding agreements among the parties and any developers that come into this area.

Amick – At this point in time, we're not committing any dollars or any specific agreements to any development other than discussion.

Boggs – That is correct.

Haire – As part of DHL's development agreement, they will not dedicate their first payments until this understanding is put in place. They wanted to ensure that they weren't going to be charged a dollar per square foot impact fee, and then no one else in this corridor was going to be doing that. They also want to ensure that those transportation improvements are going to be completed. So, that's kind of what led to this MOU being developed, where we've kind of pre-negotiated what we think are going to be the terms. It will be in a development agreement that will later be developed. I believe the township approved this last week at their meeting. If all things fall into place a week from Tuesday, it'll be on the county

commissioner's agenda, and they'll be the last entity to approve it. That is why we are requesting the emergency language on it because they would like to get started. They don't have any money to pay for the preliminary engineering right now because DHL hasn't granted them the first tranche of funds that they're due, so they need to get that engineering underway.

Clark – I appreciate your work on this. I know this is tedious. It's vitally important if we're ever going to move on some of that other area out there and get the trucks moving properly up and down that corridor. It's critically important for our community.

Haire – It's been a great partnership working with all these entities, and everyone has the same goal of making sure that we're addressing the infrastructure issues before they really become an issue. We all know that development is going to take place; some of it's already been approved. This is the first major project the Fairfield County Transportation Improvement District has done. There are a lot of moving parts to getting them on board, but the county engineer has been great to work with in getting this project moving forward.

Clark – This will move all the way from Pickerington Road and all the way down Basil-Western?

Haire – Right now, it'll basically go to Amanda Northern Road. It won't go east of Amanda Northern.

Amick – What is the correlation, then, between the proposed work that would fall within this agreement and the Pickerington Road interchange?

Haire – They're connected by a line, which is Basil-Western Road; that is the correlation, but they're not connected from a financing perspective.

ORD-23-025

Finance

AN ORDINANCE TO AMEND THE 2023 APPROPRIATION ORDINANCE #22-041, AMENDMENT #5

- Request to move to full Council

A motion was made by Shea, seconded by Walker to move ORD-23-025 to full Council. The motion carried with the following vote:

Yes 7 – Shea, Walker, Amick, Amos, Buskirk, Clark, Milliken

Discussion started at 1:45:35 on YouTube Channel

Jackson – As mentioned in the memo attached to this piece of legislation in your packet this evening, this appropriation amendment asks for \$745,000 in the general fund, of which \$25,000 is to replenish our Lands and Buildings – Operating Expenses. We've run into a lot of unexpected building issues over the last several months that have depleted this account a lot quicker than we had originally intended. We're just asking to put some money back in there to get us through the rest of the year. I don't believe we'll spend all \$25,000 of that, but it's better to be safe than sorry at this point. The remaining \$720,000 will go to Construction Services—Capital Outlay. This was the direct result of a discussion we had at your July 19th Work Session and Council meeting regarding the construction of pickleball courts at McGill Park. We are asking this evening for just a single read. We will ask you for a waiver of third reading at your next meeting.

ORD-23-026

Public Service

AN ORDINANCE AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO SEEK FINANCIAL ASSISTANCE FROM THE OHIO PUBLIC WORKS COMMISSION FOR FUNDING OF THE WINCHESTER BOULEVARD

RECONSTRUCTION PROJECT, AND DECLARING AN EMERGENCY

- Request to move to full Council

A motion was made by Buskirk, seconded by Amos to move ORD-23-026 to full Council. The motion carried with the following vote:

Yes 7 – Buskirk, Amos, Clark, Milliken, Shea, Walker, Amick

Discussion started at 1:47:25 on YouTube Channel

Peoples – As stated in my report, EMH&T is progressing through the application process for Ohio Public Works Commission funding for the Winchester Boulevard reconstruction project. The project includes the removal of the traffic signal at Prentiss School Drive and replace with the installation of a roundabout at the west Kroger entrance. This is part of the process through OPWC to get permission from council to authorize us to go forward with the application. It is similar to the previous ordinance. This is written as an emergency, but I am just requesting a first reading this evening. We can pass by emergency at the next meeting to meet the OPWC time frame.

ORD-23-027
Development

AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK OF COUNCIL TO ACCEPT AND EXECUTE THE PLAT OF CANAL POINTE

- Request to move to full Council

A motion was made by Walker, seconded by Buskirk to move ORD-23-027 to full Council. The motion carried with the following vote:

Yes 6 – Walker, Buskirk, Clark, Milliken, Amick, Amos

Abstain 1 – Shea

Discussion started at 1:48:58 on YouTube Channel

Haire – They’re nearing completion of the extension of Robinette Way into the expanded phase of Canal Pointe to serve the two industrial buildings that are under construction. This plat essentially would dedicate those improvements as public improvements, so they’ve been developed to our standards, have been inspected, and this would be the road right-of-way as well as the water line easements and the sanitary sewer easements associated with that, which are shown on the plat. There’s a 25-foot sanitary easement and a 10-foot water line easement. Those extend from the Robinette Way public right-of-way to the south, basically from the front building to the rear building. Those utilities are in those public easements. It also included a drainage easement over a relocated detention pond at the end of Robinette Way when it was originally constructed. There was a detention basin that served as the storm water drainage for the street. It has been relocated because it was in the path of the roadway extension, which is now located on the north side of the extended Robinette Way. It would include that storm water drainage easement as part of this plat. As I mentioned, these are nearing completion. They’ll enter into a public acceptance once we accept the plat, and then they’ll enter into a one-year maintenance bond agreement with Mr. Sims. It would require them to be inspected after that one-year period to ensure that they still meet all our standards.

ORD-23-028
Development

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF CANAL WINCHESTER, REZONING APPROXIMATELY 16.36 ACRES OF FAIRFIELD COUNTY PARCEL 042-0388810, OWNED BY SHRIMANGESHI, LLC, LOCATED AT SOUTHEAST CORNER OF DILEY ROAD AND BUSEY ROAD FROM PCD – PLANNED COMMERCIAL DISTRICT TO PUD - PLANNED UNIT DISTRICT

- Request to move to full Council

A motion was made by Shea, seconded by Milliken to table ORD-23-028. The motion carried with the following vote:

Yes 7 – Shea, Milliken, Walker, Amick, Amos, Buskirk, Clark

Discussion started at 1:51:50 on YouTube Channel

Haire – This is the agenda item we discussed extensively at the Public Hearing which was earlier this evening. It would rezone 16.36 acres from PCD to PUD. The reason is that PCD doesn't permit residential development. This would leave about a little over 5 acres for commercial development along the frontage of Diley Road and 11 acres that would permit a multi-family development to be proposed. It sets forth a specific development text, which you have in your packet, that controls the overall zoning standards for the development as well as a preliminary development plan that lays out the arrangement of the buildings, landscaping, and all of those standards. I would be happy to answer any additional questions you have in regards to that development.

Clark – This is a difficult issue for me. I recognize the need for this type of housing in our community, and I'm not against that. I have an issue with taking commercial property that is so valued for a community that basically their sole existence is on income tax. I don't like the idea of taking commercial property that can generate income for the city and placing half of the land in residential use. You have the Hill Road and Diley Road interchange, which the county and state spent \$40 million to create, and we have a business corridor that comes all the way up through there. We've done a pretty good job of preserving that so far and developing it. It's created a lot of good revenue for our city. This is what I'm struggling with, and I'm seeing the growth that our city is going to have. I get concerned when you start taking commercial property away. We're basically out of it. Waterloo is basically done. We're out of lots. Maybe we have one little one left. This is the last piece of commercial real estate we have in our community right now that's zoned commercial. I'm not totally unrealistic. I get the market shift, and I get that it's difficult for restaurants and big boxes, but we've done a couple of these developments before, and we've set aside commercial land, and to this date none of the commercial land has ever been developed. I'm struggling with you saying, build it, and then you'll go out and help us recruit some restaurants or do this and that. I'd rather you come to us with a couple restaurants or maybe something else that would generate income on the other parcel. I think I could buy into the concept of housing at that point. I don't think I am there at this point to be able to support this.

Amos – There's still a lot of conversation to be had. I think all of us left with some answers to some of our questions. I think we'll come up with some more that are probably going to need to be addressed or looked at before this.

Clark – I realize mine is probably more long-term than three weeks. I mean, they're probably not going to be able to find what I'm looking for in three weeks, but maybe in six months, maybe a year. We could table it and ask him to come back with some more oomph on this project.

Amick – I understood them to say, and I'm paraphrasing, but this project was essential to—these are my words, not yours—creating seed dollars essentially for future commercial development. I guess maybe with a nod of your head, you can say I heard you correctly or I did not hear you correctly.

Feathers – To answer your question a little bit, we do reach out to retail users, and the first thing they ask is, "What are you doing behind it?" When you talk to apartment developers, they say, "What are you doing with the rest of the project to the south?" There are a lot of moving pieces to this. Our thought is that we put 244 apartment units on the 10 acres. If there are already retail users who are interested, we ourselves would like to put up a strip center, whether that's an insurance agent, an accountant, haircuts, or just basic daily services. We would commit to that. Lucas, correct me if I'm wrong, but I believe the city

has to put in the road by 2025.

Haire – The TIF says that we'll start the project by 2025.

Feathers – Starting this project, you'll know you'll have the money coming in to build the road. From our standpoint, we want to develop something there. We still have PCD there. We can look at something else, but we're not going to keep going back. I mean, we literally spent \$100,000 with architects, engineers, and land planners. For me to be able to come with a restaurant in hand, I can tell you that we plan on doing a strip center. We think the apartments will drive everything in that area.

Shea – You know what I'm looking for. I'm looking for that zoning to apply to the entire parcel. Find out if you and your partners are willing to do that.

Feathers – I have to talk with them.

Milliken – I'll just throw in my two cents here really quick. One of my concerns that we hadn't talked about was the fact that we still have this comprehensive plan out there. Mr. Haire has assured me that everything in this project meets the standards of that plan, but I haven't seen it. I recognize we had the public hearing this evening with minimal attendance. My hope is that if there are any additional concerns from residents over the next three readings, they will come to us with those suggestions.

Amos – Was this part of the original CEDA plan to have these multi-use land plans? The original plan around the hospital was that there was going to be a planned development here, so it was all walkability between the doctor's facilities and the apartments. Correct?

Haire – In terms of connectivity, yes. In the CEDA Land Use Plan, this area is designated as commercial because that's the zoning.

Amos – I understand the zoning. I'm just saying the original plan was that there'd be this walkability community, and this is part of where all that was to go in.

Haire – Correct.

E. Old/New Business

OTH-23-009

Downtown Speaker System

Discussion started at 2:08:20 on YouTube Channel

Peoples – Mr. Walker and I had a discussion about this. We are still looking into it. We are trying to figure out if it can fit into a budget, what the scope is, and that type of thing. This could probably be removed from Old or New Business. Is that correct?

Walker – Correct.

OTH-23-010

Hometown Hero Banner Program

Discussion started at 2:08:58 on YouTube Channel

Amos – I think we're just looking for an update.

Peoples – Yes. We sent out the packet of information to the vendor today. They're going to do some proofs and get back with us. We're hoping Labor Day is the target. I think we have 46 applicants.

Walker – Again, if there are no other comments, we can also remove this from Old or New Business.

Buskirk – Are you accepting additional applicants?

Peoples – Not at this time. We have to figure out what our next application cycle will be like for next year. We intended on having banners up for Memorial Day and Veterans Day. The original intent was that the veterans would buy their banners and be given their banners back after Veterans Day, but now that the city has purchased those, I don't know how that's going to work. Mrs. Woodruff was part of that process, so when she gets back, we'll try to figure out how we're going forward.

OTH-23-011

2023 Five Year Capital Improvements Plan

Discussion started at 2:10:27 on YouTube Channel

Peoples – I included the most current draft of the five-year CIP. We will have it as a resolution at the next council meeting. It's going to be pretty close to the final, but if there are any other projects that you all would like to see, just let me know and send me an email. Just as a reminder, this is a very fluid document, and it will be 100% correct when we pass it that evening. It may change the next day. We do feel that we have everything on there for next year that we intend to do at this point.

OTHER OLD/NEW BUSINESS

Discussion started at 2:11:20 on YouTube Channel

Shea – Sergeant Walker, since I don't know when you're going to dip on us, I want to throw these out at you. If you could pass it along, we'd be super appreciative. I'm getting complaints from residents on Columbus Street as you go out towards Fairfield County regarding speed problems. If you guys could maybe post up there on occasion, that would be appreciated by the residents. My other one is, since they're going to be building Ohio Health right next to Walmart, can we keep an eye on truck parking so that we're not looking like a truck stop?

Sgt. Walker – Yes. I will let them know right now.

F. Adjournment @ 7:41 p.m.

A motion was made by Amos, seconded by Buskirk to adjourn. The motion carried with the following vote:

Yes 7 – Amos, Buskirk, Clark, Milliken, Shea, Walker, Amick