

Canal Winchester

*Town Hall
10 North High Street
Canal Winchester, OH 43110*



Meeting Minutes - Final

Monday, April 7, 2014

7:00 PM

City Council

*Rick Deeds- President
Joe Abbott-Vice President
Will Bennett
Steve Donahue
Bobbie Mershon
Marilyn Rush-Ekelberry
Jim Wynkoop*

A. Call to Order

Deeds called the meeting to order at 7:00 p.m.

B. Pledge of Allegiance

Led by Rush-Ekelberry

C. Roll Call

Present: 7 - Council Member Steve Donahue, Vice Chair Joe Abbott, Council President Rick Deeds, Council Member Bobbie Mershon, Council Member Marilyn Rush-Ekelberry, Council Member Will Bennett and Council Member Jim Wynkoop

D. Approval of Minutes

[MIN-14-022](#)

March 17, 2014 Council Minutes

A motion was made by Council Member Mershon, seconded by Council Member Bennett, that this Minutes be approved. The motion carried by the following vote:

Yes: 7 - Donahue, Abbott, Deeds, Mershon, Rush-Ekelberry, Mr. Bennett and Wynkoop

E. Communications & Petitions

Sheriff Phalen introduced the recent graduating class of the Community Watch Program. Gary Bush stated we ended up with 6 applicants from Canal Winchester; 5 members graduated and will be patrolling once they complete training. Deeds stated you are a great asset to the community.

[14-107](#)

Public Hearing set for April 21, 2014 at 6:45 p.m. to discuss Panera Bread Conditional Use Appeal

Clerk noted that new notices have been sent out and this public hearing has been rescheduled to April 21.

F. Public Comments

James Sotlar; Superintendent of Canal Winchester Schools; reviewed the upcoming emergency renewal levy for the schools; no increase in school taxes; this is only a renewal.

Michelle Powers asked how the Ordinance for overnight parking was going to be enforced; not on the signs; is there something we can do to expedite this. Abbott stated he checked on labels for the signs and they should be here by the end of the week. Sgt. DeVault stated the problem is that Walmart still says it is a friendly place to park; it is still on their national GPS system; the truck drivers can use that to find a place to park. Abbott stated that is something that probably won't be changed. Powers if we can't enforce it what is protection as a resident. Deeds stated we believe every step has been taken; we have made every attempt to update the database. DeVault stated we work on it every night; you can call the Sheriff's office; we will try to chase them off if they are not in the truck. Donahue requested that a formal letter be sent to the corporate office to see if the GPS list could be amended. Hollins stated we have been knocking on the doors and telling these people to move on; the ordinance that we passed requires appropriate cooperation with the landowner; people are leaving the premises; idling is not allowed.

Bruce Kelly stated he thinks that instead of spending \$3 million on a roundabout at Gender and Lithopolis the light should be retimed to allow more vehicles to get through.

G. ORDINANCES**Third Reading**

[ORD-14-002](#)

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF CANAL WINCHESTER, REZONING AN APPROXIMATELY 3.1979 ACRE TRACT OF LAND FROM EXCEPTIONAL USE (EU) TO GENERAL COMMERCIAL (GC), OWNED BY WILLIAM EDWARDS AND, LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF GENDER ROAD AND LITHOPOLIS ROAD.

Sponsors: Mr. Bennett

Mershon asked what the reason was for tabling the ordinance. Bennett stated it is for additional discussion. Hollins stated you have to pass this within 45 days; so it is likely at the end of the meeting we will bring this back off the table and take some action.

A motion was made by Council Member Bennett, seconded by Vice Chair Abbott, that this Ordinance be tabled. The motion carried by the following vote:

Yes: 7 - Donahue, Abbott, Deeds, Mershon, Rush-Ekelberry, Mr. Bennett and Wynkoop

Bennett moved to remove 14-002 from the table; seconded by Donahue. ROLL CALL: Voting Yes: Bennett, Donahue, Abbott, Deeds, Mershon, Rush-Ekelberry, and Wyknoop

Bennett moved to amend 14-002 on the condition that any site plan development recommended for approval by Planning and Zoning be confirmed by City Council.

A motion was made by Council Member Bennett, seconded by Council Member Mershon, that this Ordinance be adopted as amended. The motion carried by the following vote:

Yes: 7 - Donahue, Abbott, Deeds, Mershon, Rush-Ekelberry, Mr. Bennett and Wynkoop

[ORD-14-009](#)

AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR C3 CHURCH.

Sponsors: Rush-Ekelberry

A motion was made by Council Member Rush-Ekelberry, seconded by Council Member Mershon, that this Ordinance be adopted. The motion carried by the following vote:

Yes: 7 - Donahue, Abbott, Deeds, Mershon, Rush-Ekelberry, Mr. Bennett and Wynkoop

[ORD-14-011](#)

AN ORDINANCE TO LEVY A MUNICIPAL MOTOR VEHICLE LICENSE FEE PURSUANT TO SECTION 4504.172 OF THE OHIO REVISED CODE

Sponsors: Abbott

A motion was made by Vice Chair Abbott, seconded by Council Member Wynkoop, that this Ordinance be adopted. The motion carried by the following vote:

Yes: 7 - Donahue, Abbott, Deeds, Mershon, Rush-Ekelberry, Mr. Bennett and Wynkoop

[ORD-14-012](#)

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$1,250,000) OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF CONSTRUCTING, RESURFACING, WIDENING, AND IMPROVING RUTHERFORD DRIVE, ROBINETT WAY, AND EICHORN STREET, INCLUDING, WITHOUT LIMITATION, CONSTRUCTING AND INSTALLING SIDEWALKS, CURBS, CUTTERS, AND WATER, STORM WATER, AND SANITARY SEWER UTILITY IMPROVEMENTS WITHIN THE RIGHT-OF-WAY- OF SUCH ROADS AND ALL NECESSARY APPURTENANCES THERETO, AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE; AND DECLARING AN EMERGENCY.

Sponsors: Deeds

A motion was made by Council President Deeds, seconded by Council Member Donahue, that this Ordinance be adopted. The motion carried by the following vote:

Yes: 7 - Donahue, Abbott, Deeds, Mershon, Rush-Ekelberry, Mr. Bennett and Wynkoop

Second Reading

[ORD-14-016](#)

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO THE FACILITY USE AGREEMENT WITH THE CANAL WINCHESTER JOINT RECREATION DISTRICT

Sponsors: Mershon

This Ordinance was read for second reading.

First Reading

[ORD-14-017](#)

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT FOR LEGAL SERVICES WITH FROST BROWN TODD LLC

Sponsors: Donahue

Jackson stated this is for our current services.

This Ordinance was read for first reading.

[ORD-14-018](#)

AN ORDINANCE TO AUTHORIZE THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO A DEPOSITORY AGREEMENT WITH CANAL BANKING CENTER, VINTON COUNTY NATIONAL BANK FOR THE DEPOSIT OF PUBLIC FUNDS

Sponsors: Mershon

This Ordinance was read for first reading.

H. REPORTS

Mayor's Report

Mayor Ebert stated that South Central Power is encouraging co-op members to voice their opinion on limiting coal plants; could be disastrous if they have to rehab their power plants; rates could increase up to 75%; EPA is wanting to do away with coal power.

[MR-14-003](#)

March 2014 Mayor's Court Report

This Mayor's Court Report was approved.

[14-114](#)

April 7, 2014 Mayor's Report

This Discussion Item was received and filed.

Fairfield County Sheriff

Sgt. DeVault thanked everyone on the Community Watch program; helps me a lot by going through parking lots and schools during the day; we do appreciate it; with the warmer weather remember to watch for people crossing streets.

Law Director

Hollins requested an executive session for purpose of discussing pending litigation; acquisition of real property and personnel issues.

Finance Director

Jackson stated she had nothing in addition to her written report.

Public Service Director

Peoples thanked the Fairfield County Sheriff for use of their mobile speed trailer; Community Watch members put it out for us.

[14-115](#)

Public Service Staff Reports

This Discussion Item was received and filed.

[14-119](#)

This Discussion Item was received and filed.

Development Director

Haire stated we have a few items for Planning Commission; assisted living on Winchester Boulevard; more development at Canal Pointe; Westchester Golf Course club house; grand openings for Simply Local and 27 and Company.

I. COUNCIL REPORTS

Service Committee Monday, April 21, 2014 at 6:00 PM
Safety Committee Monday, April 21, 2014 (immediately after Service)
Rules Committee Monday, April 21, 2014 (immediately after Safety/Service)
Public Hearing Monday, April 21, 2014 6:45 to discuss zoning code amendment and Panera Bread appeal
Economic & Comm Monday, May 5, 2014 at 6:00 PM
Finance Monday, May 5, 2014 (immediately after Economic & Comm Dev.)

CW Human Services Representative -Joe Abbott stated the next meeting has not been scheduled.

Destination: Canal Winchester Representative-Steve Donahue reported that the next meeting will be on April 22.

Canal Winchester Industry & Commerce Corporation Representative-Marilyn Rush-Ekelberry reported the next meeting will be on April 30 at 11:30 a.m.

CWJRD-Bobbie Mershon stated the next meeting will be on the third Wednesday of April.

Old/New Business

No old or new business.

14-104

Bed Tax Grant Application Requirements and Procedures

Deeds reported that a meeting with the Finance Director has been set for April 22.

14-052

Kramer St. No Parking Request

Peoples and Sgt. DeVault will be meeting with the post office tomorrow. Bring back to next Council meeting.

Overnight Parking Sign Discussion

Abbott clarified that once we get the ordinance on the signs we are not sure if the GPS website will change; will be able to start enforcing more; still need to meet with General manager; we don't want them trying to enforce this.

Adjourn to Executive Session

Time Out 7:36 p.m. Time back in 7:59

A motion was made by Council Member Wynkoop, seconded by Vice Chair Abbott, that this meeting be adjourned for Executive Session to discuss property acquisition and pending litigation. The motion carried by the following vote:

Yes: 7 - Donahue, Abbott, Deeds, Mershon, Rush-Ekelberry, Mr. Bennett and Wynkoop

Adjourn to Executive Session

Time out 7:45 p.m Time in 8:22 p.m

A motion was made by Council Member Mershon, seconded by Council Member Bennett, that this meeting be adjourned for Executive Session to discuss pending litigation. The motion carried by the following vote:

Yes: 7 - Donahue, Abbott, Deeds, Mershon, Rush-Ekelberry, Mr. Bennett and Wynkoop

Adjourn to Executive Session

Tme out 8:23 Time in 9:22 p.m.

A motion was made by Council Member Rush-Ekelberry, seconded by Council Member Wynkoop, that this meeting be adjourned for Executive Session to discuss personnel. The motion carried by the following vote:

Yes: 7 - Donahue, Abbott, Deeds, Mershon, Rush-Ekelberry, Mr. Bennett and Wynkoop

Adjournment

Time out 9:23 p.m.

A motion was made by Vice Chair Abbott, seconded by Council Member Donahue, that this be adjourned. The motion carried by the following vote:

Yes: 7 - Donahue, Abbott, Deeds, Mershon, Rush-Ekelberry, Mr. Bennett and Wynkoop