

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, July 9, 2012

7:00 PM

Council Committee Rooms

Committee of the Whole

*Stephen A. Renner, Chair
Beryl D. Anderson
Karen J. Angelou
Ryan P. Jolley
Brian D. Larick
David L. Samuel
Brandon Wright*

Members Present: Stephen Renner, Brandon Wright, Beryl D. Anderson, Karen J. Angelou, Ryan P. Jolley, Brian D. Larick and David L. Samuel

Additional Attendees:

Mayor Stinchcomb, Dottie Franey, Sue Wadley, Mike Andrako, Deputy Chief Bell, Shane Ewald, Jennifer Teal, Joann Bury, Tony Collins, Anthony Jones, Isobel Sherwood, Brian Hoyt, Press.

PENDING LEGISLATION:**ORD-0136-2012****TO AMEND CHAPTER 559, NOISE CONTROL, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA**

Renner called the meeting for Monday, July 9, 2012, to order; first item is ORD-0136-2012, amend chapter 559, Noise Control Code.

Ewald said this is an Ordinance we provided 2 weeks ago; to review, we had some concerns from a resident about one of our commercial establishments; they were referred to the prosecutor to complete the process for citation; they felt that the Code in its current condition did not allow for enforcement of the citation; we took a look at it; recommended some changes and submitted it to Council.

Angelou said what were the things that were identified. Ewald said the ambient noise level; it correlates to the fact that we are taking the reading on site away from the source; that contributed to the difficulty of our officers obtaining with their equipment a consistent reading; they would have to take it over and over to determine the noise level; our Code does allow for a slight variance; it is very difficult; noise can be adjusted or altered significantly with minor sounds during the process.

Angelou said so has this been given to the same prosecutors to see if this would fit the bill. Ewald said I have spoken to them; one thing that makes this more enforceable is we are now taking the reading at the source and we are using the appropriate zoning classification for the site where we have a possible violation; we are applying commercial to commercial and residential to residential so we are not contaminating the way we take readings or the levels we hold them accountable to; I wanted to make it clear; officers can know the levels and guidelines to apply and we are consistent with our standards.

Larick said have you talked to our officials about enforcement; what that process will be; or is that still under discussion; from a simplicity standpoint, the complainant has the officer at their property so they can have a dialogue, with this new process, the officers are not with the person who is upset, now at the area accused of causing the problem; from a customer satisfaction standpoint, will there be any follow up.

Deputy Chief Bell said we can deal with either way; on the issue of getting back to the customer when they call in a complaint, they are asked if they want to meet with an officer; if so, we will go over when we are done with the readings.

Larick said so you do go back if requested; that makes sense.

Ewald said that is done on a per case basis; readings will be logged and tracked.

Wright said I support the legislation; I worked with the City Attorney and saw the methods we will use; believe this is a fair compromise; we are giving the business a little increase with what we will allow versus the time frames allowed; if we move forward with this legislation would ask that we hear from the concerned parties, the resident and the business to see what they have to say; there shouldn't be a lot; seemed to be an isolated case between one resident and one business.

Ewald said the increase that Wright is referring to is due to the change in zoning; there is a different level applied to commercial establishments at the source; not really an

increase; the actual numbers stay the same; commercial establishments have a higher number.

Renner said so do we need to address the parties coming in. Wright said I will reach out to the parties involved to see if they would like to speak before Council with regard to this legislation.

Angelou said I think it would be nice to have them see something is being changed; that we addressed the issues that were there that the prosecutor found as well; good idea to forward the information to those involved.

Ewald said that is fair; we did invite the complainants to attend meetings but they were not able to; on one of the outings, we did talk to the alleged offending business and discussed what we were thinking of doing and they seemed fine with it. Angelou said so it would be a good thing to let them know it is going forward.

Samuel said what meeting would they come to, our regular Council meeting. Angelou said they could come and hear details; we could see if they want to say anything. Larick said they could comment during the public speaking portion of the meeting. Ewald said I believe we have their contact information to forward this. Sherwood said I have none for the business. Ewald said we could drop that off. Anderson said so the next Council meeting; is that enough time. Wright said yes.

Renner said everyone is ok with moving this forward; all agreed 2nd Reading, consent agenda.

Ewald said there was a minor change; Sherwood called it to my attention; when we change our Offenses and Penalties Section of Code 559.99, we refer this to the misdemeanor classification; that way we don't have to come back and change the Code.

Recommendation; 2nd Reading; Consent Agenda.

Recommended for Adoption, Consent

ORD-0152-2012

TO AUTHORIZE THE MAYOR TO ENTER INTO AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF GAHANNA, OHIO, AND VALUE RECOVERY GROUP II, LLC, RELATING TO THE BEDFORD I CORF PROJECT; AND TO ENTER INTO OPEN END MORTGAGE.

Renner said the next item is ORD-0152-2012; a Development Agreement with VRG. Jones said 2 weeks ago we gave Council 3 agreements; a Development Agreement, a Mortgage and its associated Promissory Note; per our discussion last time, we needed some changes to the Development Agreement that Ewald was handling with the bank; the Promissory Note and Mortgage have no changes; there are 3 slight changes to the Development Agreement; Ewald got the information on Friday but had the documents with him; have it now (passed out copies) and changes are highlighted in yellow; we can go over it now; 2 of them are minor; one of them is what we previously discussed; on page 3, Section 4A, the original agreement had 3.358 acres; it is actually 3.357 so a minus .001 change in the acreage; the legal description was aligned; Section 4A Exhibit D is referenced so we made the corresponding change in the Exhibit on pages 10 - 13 which is a more extensive legal description; made it clear and the numbers add up; Ewald will discuss Exhibit F.

Ewald said on Page 22, Exhibit F, the original attachment was a letter from the bank supporting its position of approximately 20%, then 10% to the City, and 5% each to VRG and COCIC; I did not feel it was appropriate to do this through a letter; I would like an actual agreement signed by the bank so we could actually record it with our property interest; I prepared a draft and submitted it to the bank and am waiting on their response; this is the format it will be in.

Anderson said why this format. Ewald said I thought it was more appropriate for an agreement for property to be a contractual agreement; I really don't care about the format but from a legal standpoint, just need to protect the City of Gahanna; my interest is getting this in writing so I can file it and not be concerned with the COCIC or others. Renner said so this is the same content that was in the letter. Ewald said it is very similar

with a few minor adjustments.

Anderson said what are the minor adjustments.

Ewald said it is now in block format; there are a couple of substantive changes I would be happy to talk to you off line about; I am happy with this format; I don't know if the bank will be.

Angelou said why can't we talk about this now; do we need an executive session for it.

Ewald said yes; I built in protections for the City and I don't want to announce them.

Angelou said if this is not back from the bank by next Monday, do we postpone.

Ewald said yes; could go ahead but we can't execute the agreement; I would not advise the Mayor sign this until it is in place.

Anderson said so you mean back with the changes in the agreement. Ewald said here are the options; if you don't postpone, you could go ahead and pass it with the understanding the Mayor won't execute it until we get it back. Angelou said she was not comfortable with that. Anderson said I would prefer to see what they have to say; they may counter. Ewald said there was some very liberal language in here and I made some adjustments; it is now concise.

Wright said I agree with waiting; think we should treat it like we did Creekside and see the changes before we move forward. Ewald said I hope to have it back next week.

Angelou said who wrote the original. Ewald said I am sure it was the bank's attorneys; this is actually mine.

Jones said if the bank is fine with this language, does that mean it will be on Council's agenda for a vote this Monday; want to be able to communicate effectively with them. Sherwood said my recommendation would be to put it on with 2nd reading with substitute because there are other changes; put it on the regular agenda and if they say it is ok then you can go ahead and vote it; if nothing is back it can be postponed. Jones that sounds reasonable.

Anderson said even if they are ok with it, I would like to make sure we get a copy of that before we move forward. Sherwood said we would need changes no later than noon on Friday.

Recommendation: 2nd Reading with language substitution; Regular Agenda.

Recommended for Substitution and Adoption

ISSUES - From Clerk of Council:

Planning Commission Appointment

Renner said next are issues from the Clerk of Council.

Sherwood said a couple of months ago we received a letter from Dave Thom resigning from Planning Commission effective July 31 so he could take his PERS retirement; next week is our last meeting prior to the August 1 reappointment date; I am asking for a Motion Resolution on the consent agenda to reappoint Thom to the Planning Commission.

Recommendation: Motion Resolution, Consent Agenda.

Ward Boundaries

Sherwood said she would defer to Council President on this issue.

Larick said we have had several discussions about ward boundaries and the fact that wards 2 and 4 have grown significantly versus 1 and 3; what I have decided to do is establish a committee to review ward boundaries and bring back a recommendation no later than August 13; the committee will have Angelou as Chairperson as well as Samuel and Jolley.

Wright said so the 2 wards that are in play are not on the committee. Larick said no; it is

made up of at-large members of Council. Wright said why is it made up of at-large members. Larick said based on looking at potential conflicts and the most neutral opportunity to review the ward boundaries, I decided to make it the at large Council members. Wright said I have a problem with it; don't know if anyone else does or not; I would have liked for everyone to be consulted before moving forward with the formation of a committee; I don't think I was consulted. Anderson said I would like to have input; this is a ward I represent. Larick said in fact all the wards are under discussion; two happen to be larger than the others; potentially every square foot of the City is at play so it is not any one particular ward versus any other ward; I think based on the ability to maintain the most neutral possible review, it clearly made sense to use only at-large Council members.

Renner said to Angelou; since you are chairing this, do you see a process where input could be gathered. Angelou said I always take input; honestly if we can get your ideas and have you attend; I think this is something that is going to be wide open; we are transparent in everything we do here; clearly both of you and Renner can have input; we could decide we should be doing a whole lot of different things; what I used the last time I did this, which is probably the last time it was done, was the fact that elected officials whether they are Councilmen or Ward Committeemen for the various parties, I think always have to have some protection; that clearly is a mainstay and was when we were doing it the last time; indeed those people that are already in office weren't going to be losing their seat because of the fact we would decide a different boundary line; what I heard and saw when Sherwood presented was that ward 2 has become very large and 4 has not grown as much as it was expected, which is probably part of the annexation laws that have caused that; idea is to come up with something for the wards that is more equal; we may decide that it should stay the way it is; we have a little discussion to be done.

Wright said I do not have a problem there; the problem I do have is the lack of consultation with the rest of Council. Angelou said it is not me. Wright said no, to the Chair and the President, I would have liked to have seen more of a dialogue with everyone on Council instead of "I have made the decision" and we are going forward; that is something I would have liked to have seen; not to say the committee is not going to do well; what Angelou did last time has lasted for as long as it has; don't think it's the committee; I just have a problem with the lack of communication to the rest of Council members as to how this was to go about.

Anderson said I ditto all of that; I think that it is helpful that there are those who want everything to be transparent; thank you for your view; I don't think that it is clear that there is any neutrality on anybody's part and I think that it is presumptuous to suggest that; I am talking to the President; and it is presumptuous to say that; it is not clear that they are going to be the only neutral parties; those of us in the wards can be as objective as possible and I think input should be taken from everybody; so thank you for being honest and transparent about that; I too think that a collaborative approach in leadership is key in anything that we do and not a dictatorial perspective; that is my perspective; it is troublesome that these ideas come about from on high when we are supposed to be working as a group collaboratively; at least historically that is how we have done it; I would like to maintain the tone of what we have done historically of including everybody and being transparent.

Ewald said my understanding of this process, Chairman and President, is that there will be a recommendation coming back from the committee to Council which will have to be voted on by Council. Larick said absolutely.

Anderson said we have done some initial research which we will be glad to share with anyone who wants to know about it.

Angelou said I will let you know; I would like to do these meetings in the mornings rather than evening sessions; Sherwood would be here then, but she is going on vacation; I would like to get this done; don't think it will take too long.

ISSUES - From Director of Finance:**2nd Quarter 2012 Financial Report**

Teal provided a power point presentation of the 2nd Quarter Financial Review; a copy is available in the Council Office or on the Gahanna website.

Questions and Comments:

Samuel said thank you for the easy report; it is nice for citizens to be able to check our website.

Angelou said on the slide for expenses by percentages, do our numbers stand up to other communities. Teal said I would say so; there are many different services provided by other communities; some have fire departments or other safety services; so it is hard to find apples to apples; this report is a statement of our priorities; we put money to public services and capital expenses; so how it compares is dependant on the other community's priorities and the funding sources they have available; they may have other sources of funding from community and economic development or another fund to maintain the proper levels of service; that would not be unusual.

Renner said thank you; a copy of the report is online and a written copy is provided; no other comments.

Meeting Adjourned.

Della Brandenberger, Reporting