

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, March 3, 2008

Council May Meet in Caucus Beginning at 7:00 p.m.

7:30 PM

City Hall

City Council

*Nancy R. McGregor, President
Thomas C. Evers, Vice President*

Beryl D. Anderson

Shane Ewald

Thomas R. Kneeland

John R. McAlister

David L. Samuel

Isobel L. Sherwood, MMC, Clerk of Council

A. CALL TO ORDER - Invocation, Pledge of Allegiance, Roll Call

Gahanna City Council met in Regular Session on Monday, March 3, 2008, in Council Chambers of City Hall, 200 South Hamilton Road, Gahanna, Ohio. President of Council Nancy McGregor called the meeting to order at 7:30 p.m. Evers delivered an Invocation, followed by the Pledge of Allegiance led by Andy Miller from Boy Scout Troop #776.

Members Present: Nancy R. McGregor, Thomas C. Evers, Thomas R. Kneeland, Shane W. Ewald, John McAlister, Beryl D. Anderson and David L. Samuel

B. ADDITIONS OR CORRECTIONS TO THE AGENDA.

None.

C. HEARING OF VISITORS.

Andrew Bremer, 956 Neil Avenue, Columbus; thanked Council for opportunity to speak in support of Ohio Hub Freight and Passenger Rail Development Plan; Ohio's future economy will be about networks and connectivity; they are wanting to be in mobile, successful communities; Ohio Hub Plan contributes towards this development in 3 ways; creating sustainable communities centered around stations; providing tourists, business workers and other citizens the ability to move through the state on a comfortable and safe means of transportation; creation of direct and indirect jobs by construction, operation, maintenance and development around station location; Ohio's infrastructure is currently being rebuilt slowly and with limited help from government sources; Ohio's freight rail owners are also rebuilding; these improvements ensure return on investment they would not otherwise have; there will be those that say government should not participate in the transportation business; since the time of John Quincy Adams, whose first speech to Congress expressed the need for federal government to build roads, canals and other internal improvements, the U.S. has prospered because of government's help to transportation industry; Ohio's rail can regain competitive edge; allows City and businesses to benefit; your vote in support of this signifies that proper planning and due diligence on behalf of government can bring about economic development; if you fail to plan, you plan to fail; this resolution will help ensure that proper planning for the Ohio Rail Hub takes place.

Sharon Montgomery, 572 Bonnington Way; stated so pleased that you are reconsidering a resolution in support of some public funding to study the rail hub idea; as you know, am a political activist and expect legislators to be open-minded and fully informed; Councilman Kneeland has met expectations by continuing to learn and consider differing points of view; single Kneeland out because it is my understanding he initiated this reconsideration; happily praise each member continuing to learn facts and perspectives on this issue; the text of the resolution and last year's discussion point out benefits of reducing dependence on oil, reducing carbon emissions and enhancing economic development; not going to rehash that; wouldn't be much of an advocate if I didn't make a public statement connecting rail hub issue with traffic safety; increased use of rail transportation will mean decreased motor vehicle transportation; connection is obvious: fewer vehicles on the road, fewer traffic crashes; last year, more people died in traffic crashes than from breast cancer; no effort to raise awareness of traffic deaths; this is not as it should be; our government at all levels has a dangerously misguided approach to traffic safety; focus is on "safe crashing" instead of crash prevention; only attempts at crash prevention are DUI laws; government has taken action only because MADD forced their hand; urge everyone to read "It's No Accident" by Lisa Lewis; increasing use of mass transit is one of the actions that will prevent crashes; public

benefits from mass transit so public money to study it is justified; sadly, Ohio does not allow gas tax to be used for any form of transportation other than motor vehicles on public roads; puts us even further behind in mass transit approach to safety; thank you for reconsidering the rail hub study issue and thank you for the opportunity to point out this connection between mass transportation and traffic safety.

Rodney Wilson, 264 James Road; stated live next door to George Weber; want to reference an article in the Rocky Fork Enterprise; they pictured the man as a money-grubbing land owner; he is not; the land in question all surrounds my property; what are you going to do back there; Collins and Mayor have always said park land and trails; need to know what is going on in the back of my house; spoke with Ewald, did say let's only take a portion of that; Weber just wants to sell full parcel; Weber has been depicted in a negative light; do not want him portrayed in this light.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:

Ordinances introduced, by title, by Evers.

Ordinances - To Be Introduced and Assigned to Committee:

ORD-0055-2008

TO AMEND SECTION 941.15, PICKUP AND DISPOSAL FEES, OF CHAPTER 941, GARBAGE AND RUBBISH COLLECTION OF THE CODIFIED ORDINANCES OF GAHANNA; TO BE EFFECTIVE JANUARY 1, 2009.

Introduced

ORD-0056-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO EXTENDED CONTRACT WITH RUMPKE OF OHIO, INC., FOR RESIDENTIAL REFUSE, RECYCLING & YARD WASTE COLLECTION IN THE CITY OF GAHANNA.

Introduced

ORD-0057-2008

SUPPLEMENTAL APPROPRIATION - Federal Law Enforcement Trust Fund

Introduced, to Committee of the Whole

ORD-0058-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH C. SPURGEON & LUILLA J. KENIMER FOR ACQUISITION OF STORM SEWER EASEMENT; LOCATED AT 416 ARMOR HILL DRIVE; C. SPURGEON & LUILLA J. KENIMER, OWNERS; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0059-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH BUCKEYE CEMENT CONTRACTORS FOR ARMOR HILL STORM SEWER PROJECT, IMPROVEMENT NO. 992; AND FOR REPLACEMENT OF EXISTING DRIVEWAY WITH CONCRETE; TO SUPPLEMENTALLY APPROPRIATE \$24,400; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0060-2008

SUPPLEMENTAL APPROPRIATION - Capital Projects/Improvements

Introduced

ORD-0061-2008

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH CONIE CONSTRUCTION COMPANY FOR THE JENSEN PARK MASTER METER PROJECT; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0062-2008

TO ZONE .381+- ACRES AS SO, SUBURBAN OFFICE; FOR PROPERTY LOCATED AT 4545 EAST JOHNSTOWN ROAD; CITY OF GAHANNA, OWNER.

Introduced

E. CONSENT AGENDA:**Minutes - To Approve:****2008-0001**

1) March 3, 2008 Regular Meeting Minutes

This Matter was Approved, on the Consent Agenda.

Ordinances on Second Reading:**ORD-0040-2008**

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH LAFAYETTE ELECTRIC, INC., FOR SIGNALIZATION IMPROVEMENTS AT STYGLER ROAD AT US 62 & AGLER ROAD; IMPROVEMENT NO. 918; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted as an Emergency on the Consent Agenda.

ORD-0041-2008

SUPPLEMENTAL APPROPRIATION - Parks In Lieu Fees, Capital Improvements/Projects

This Matter was Adopted on the Consent Agenda.

ORD-0042-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH HAMBURG FIREWORKS DISPLAY, INC., FOR FIREWORKS FOR THE CITY OF GAHANNA 2008 FOURTH OF JULY FIREWORKS DISPLAY

This Matter was Adopted on the Consent Agenda.

ORD-0044-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH W.E. STILSON CONSULTING FOR TRAFFIC ENGINEERING SERVICES AS PART OF OUR TRAFFIC SIGNAL DEPARTMENT OPERATIONS; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted as an Emergency on the Consent Agenda.

ORD-0045-2008

TO AMEND CODE SECTION 563.16, HOURS OF OPERATION, OF CHAPTER 563, PARK CONDUCT, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

This Matter was Adopted on the Consent Agenda.

ORD-0046-2008

TO AMEND CODE CHAPTER 761, SOLID WASTE AND WASTE RECYCLING FACILITIES, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

This Matter was Adopted on the Consent Agenda.

ORD-0047-2008

SUPPLEMENTAL APPROPRIATION - Air Compressor

This Matter was Adopted on the Consent Agenda.

ORD-0048-2008

TO APPROPRIATE A FEE SIMPLE INTEREST IN A 10.592 ACRE TRACT OF LAND, LOCATED AT 258 JAMES ROAD AND OWNED BY GEORGE W. WEBER; FOR THE PURPOSE OF PARK LAND AND RECREATIONAL TRAIL DEVELOPMENT; TO SUPPLEMENTALLY APPROPRIATE \$160,000 THEREFOR; AND TO DECLARE AN EMERGENCY

This Matter was Adopted as an Emergency on the Consent Agenda.

ORD-0051-2008

TO REZONE 36.15+/- ACRES AS RID, RESTRICTED INSTITUTIONAL DISTRICT; FOR PROPERTY LOCATED AT 425 S. HAMILTON ROAD; SHEPHERD CHURCH OF THE NAZARENE, OWNER, BY CITY OF GAHANNA, APPLICANT

This Matter was Adopted on the Consent Agenda.

ORD-0052-2008

TO REZONE 3.891+/- ACRES AS RID, RESTRICTED INSTITUTIONAL DISTRICT; FOR PROPERTY LOCATED AT 470 HAVENS CORNERS ROAD; GAHANNA COMMUNITY CONGREGATIONAL CHURCH, OWNER, BY CITY OF GAHANNA, APPLICANT

This Matter was Adopted on the Consent Agenda.

ORD-0054-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO ENGAGEMENT LETTER WITH JULIAN & GRUBE, INC., TO PERFORM THE 2007 FINANCIAL AUDIT FOR THE CITY OF GAHANNA; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted as an Emergency on the Consent Agenda.

Resolutions to Adopt on First Reading:

RES-0008-2008

TO RECOGNIZE AND HONOR THE GAHANNA COMMUNITY THEATRE.

This Matter was Adopted on the Consent Agenda.

Statutory Resolutions on Second Reading:

SR-0003-2008

RESOLUTION TO DECLARE NECESSITY AND INTENT TO APPROPRIATE REAL ESTATE FOR EASEMENT ACQUISITION FOR STORM SEWER PROJECT; 416 ARMOR HILL DRIVE; IMPROVEMENT NO. 992; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted as an Emergency on the Consent Agenda.

Motion Resolution:

MR-0012-2008

Motion Resolution to authorize the Mayor to enter into Community Reinvestment Area Agreement with R & K Investments, Inc., for real property tax abatement; for facility located at 675 Cross Pointe Road.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Kneeland, seconded by Vice President of Council Evers, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Yes 7 President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson, McAlister and Samuel

End of the Consent Agenda

Samuel presented RES-0008-2008 honoring the Gahanna Community Theatre;

accepting were Char and Scott McCasland and Ian Short; Samuel stated the Theatre started in 1984; much thanks to Dan Niedemeyer, Paige Harding, Cindy Macioce, Jeff Shellhammer and Jim Singer; we sometimes did 2 shows per year; one was the Creekside Mystery Theatre done out of the old fire house; had help from Dollenmayer Studios back in those days; much help from the schools; have one member, Megan Ward, performing with Otterbein Theater now and moving on to bigger things.

Char McCasland thanked Samuel, Mayor and Council; we are all swelled with pride; thanked the theatre group; most all of them graduated from Gahanna Lincoln High School; always tried to provide and instill Gahanna Pride; think we have matched all of our hopes; always sought to bring together people of different ages and backgrounds into one community volunteer service; to uplift our community through our talents and creative gifts; with God's help, we have succeeded and with God's help, we will continue; thank you.

F. PUBLIC HEARINGS:

President stated Public Hearing Rules that would govern all public hearings this evening. City Attorney Tom Weber administered an oath to those persons wishing to present testimony this evening.

Z-0004-2008

To consider an initial zoning for .381+/- acres annexed to the City of Gahanna; initial zoning of SO, Suburban Office; for property located at 4545 E. Johnstown Road; City of Gahanna, owner.

President opened the public hearing at 7:48 p.m.

Karl Wetherholt, City Engineer; stated my task was to sell the excess land here which legislation recently did; discovered that it had been unzoned from original purchase and annexation; needs to be rezoned prior to final sale; was decided by Development Department that Suburban Office would be appropriate zoning for that; falls into place with surrounding Suburban Office there; request that this property be rezoned to Suburban Office and then can be sold.

President asked for opponents; there were none; closed the public hearing at 7:49 p.m.

Ewald asked if the land to the northeast is in the Township. Wetherholt stated is in the process of being annexed; buyer is the person who just bought the adjoining property; will be combining it and will be developed; assume it will all be Suburban Office.

Heard in Public Hearing

G. STANDING COMMITTEES:

Development & Parks Committee - Ewald

No Report.

Public Service & Safety Committee - McAlister

McAlister stated would like ORD-0057-2008 to come back to Committee of the Whole.

Committee of the Whole - Evers

No Report.

Finance - Kneeland

No Report.

H. CORRESPONDENCE AND ACTIONS:

Clerk - Legal:

Z-0006-2008

To consider a zoning application to zone 1.895 acres located at 1245 North Hamilton Road; current zoning CS; requested zoning CC-2 (Community Commercial); 4-M Partners, Ltd. by Ben Hale, applicant.

Clerk advised a change in the acreage of parcel; Planning Commission did recommend with an amendment from .98 acres to 1.895 acres to include the entire parcel; public hearing date set for April 7, 2008.

Scheduled for Public Hearing

Council

Kneeland stated received a letter from Larry Koebel, 384 Coldwell Court, regarding the lighting of ball fields at Academy Park; will put it on record; he states that people forget, I do not forget; asked Clerk to copy to Administration.

I. SECOND READING OF ORDINANCES: None.

J. FIRST READING OF ORDINANCES: None.

K. MOTIONS/RESOLUTIONS: None.

RES-0007-2008

RESOLUTION IN SUPPORT OF THE OHIO HUB AND PASSENGER AND FREIGHT RAIL DEVELOPMENT

McAlister stated would like to discuss some of the whereas clauses and some of the resolution itself; presented slides discussing clauses and resolution; City of Gahanna does not own any land on which this station would be built; this is having people who live in Gahanna help to pay for improvements and stockholders can continue getting their dividends; they're asking the residents to pay for this; maybe they should cut their dividend a bit; why should people of Gahanna be taxed in order to pay for any study or any type of rail hub they want; stocks and profits are going up; CSX is a very viable railroad company; earnings have more than doubled; full-year revenues break \$10 billion mark; whole study is based on federal funding partnership; transcontinental railroad had to be rebuilt because of government involvement; since when was taxation an investment; tax payers do not have any stock ownership in return for capital investment; this turns capitalism upside down; it is projected that State of Ohio will have a shortfall; by this resolution we're advocating that State of Ohio spend more money when they cannot balance the money they have right now; cannot buy into this; 10 institutional investors own over \$5.9 billion in stock or 30%; my Congressman's website stated that a goal was holding the line on spending and fighting for a balanced budget; this legal plunder can be identified by checking to see if the law benefits one citizen at the expense of another; railroads are capable of expanding their business through existing capital market and internal profits; passing this resolution advocates a violation of the purpose of law.

Kneeland stated there are plenty of things you can extrapolate out of the Resolution; maybe we should be taking to task the oil companies if we're satisfied with the transportation and economy of the State of Ohio; think we should look for ways to help our communities; see this as a huge opportunity to be part of; this is not a Gahanna tax; this is saying we're in favor of the state partnering with the federal government; we

are on the line that connects to Rickenbacker that will have a lot of impact; want to look for financial success; in support because think it's right thing to do.

Evers stated voted yes back in October of 2007; as population and prices go up, there are only so many lanes you can put out there to move traffic; only so much money you can spend to repair infrastructure; number of trucks facilitates those potholes; rails have done well; rising gas prices have shifted means of transportation to freight; need to make decisions for the future; if we can conduct a study that finds safer, more economically sound ways to move people and freight, then I am in support.

Anderson asked if your major opposition is the money or the concept. McAlister answered both; last time I checked, state does not get any money; federal government didn't get any money except from people in states; they're taking it out of my pocket; not a direct Gahanna tax; direct from state and feds; railroads are doing well because of market forces; not because they need the government to show them how to do a feasibility study; people that own railroads are the ones responsible for this, not us; not true that this will never happen unless we, the government, get involved; this resolution is old government; move beyond that; start thinking about 21st century and getting back to real economics based on corporate decisions in the marketplace. Anderson asked if you have an alternative. McAlister stated this country's rail system will grow because there's a market; don't agree with government getting in bed with rail companies.

Samuel asked who makes up the Ohio Rail Commission. McAlister stated 10 members; 1 works for the rails, rest are political hacks.

A motion was made by Kneeland, seconded by Vice President of Council Evers, that this matter be Adopted. The motion carried by the following vote:

Yes 6 President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson and Samuel

No 1 McAlister

L. REPRESENTATIVES:

Community Improvement Corporation (CIC) - Ewald/Kneeland

Ewald stated have a meeting tomorrow evening in Finance Conference Room.

Mid-Ohio Regional Planning Commission (MORPC) - McGregor/Anderson

President stated there is a meeting next week.

Bd./Ed., Gahanna-Jefferson Public Schools - Evers

Evers stated next meeting is Thursday, March 13, 2008.

M. OFFICIAL REPORTS:

Mayor

No Report.

City Attorney

No Report.

N. COUNCIL COMMENT

Samuel stated when we have tax abatements, a lot of questions are asked about what happens with the money that goes to the schools; we reimburse schools 50% of funds; state laws require us to make schools whole so that economic development has no negative impact on schools.

McAlister stated the Constitution means whatever the public wants it to mean; it's whatever the popular demand says; this is the downfall of all democracies.

Anderson congratulated Gahanna Community Theatre for all their work; look forward to future productions.

Evers thanked Miller for helping with pledge; with regards to the comments about George Weber, have heard no disparaging comments from City or Council; he has worked diligently and cooperatively with City; appreciate your coming here supporting neighbor; supportive of this.

Wilson asked what kind of parks will be going there; wanted \$25,000; how that is presented in paper makes the public see him in an unfavorable light; rest of Council see him as a man who has a valuable property; if you want that section of land, it becomes more valuable.

Evers thanked the Gahanna Education Foundation for a great event; tomorrow is election day; please get out and vote.

Anderson stated also there may be a need at your polling place for an election judge; presiding judge can deputize you right there; if you have time and willingness, please serve; turnout is supposed to be record.

President stated Gahanna Jefferson Education Foundation event was very nice; turned out well; found out evacuation plans work; very comfortable; nice place to be.

O. ADJOURNMENT

Motion to adjourn by Kneeland 8:18 p.m.

Donna L. Jernigan, CMC
Senior Deputy Clerk of Council

*APPROVED by the City Council, this
day of 2008.*

Chair Signature