

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, March 14, 2011

7:00 PM

Council Committee Rooms

Committee of the Whole

Brian D. Larick, Chair

Beryl D. Anderson

Shane Ewald

John R. McAlister

Nancy McGregor

Andre Porter

David L. Samuel

Isobel L. Sherwood, MMC, Clerk of Council

Members Present: Brian Larick, Shane W. Ewald, John McAlister, Andre Porter, Nancy R. McGregor, Beryl D. Anderson and David L. Samuel

Additional Attendees:

Terry Emery, Karl Wetherholt, Mike Andrako, Angel Mumma, Kristen Treadway, Isobel Sherwood, Chief Murphy, Tony Collins, Sadicka White, Anthony Jones, Leah Evans, Brian Hoyt, General Williams, Tom Kneeland, Rob Matney, Press.

PENDING LEGISLATION:

ORD-0059-2011

TO AUTHORIZE THE MAYOR TO EXERCISE THE OPTION TO PURCHASE 110 MILL STREET FROM MILL STREET DEVELOPMENT LLC; TO SUPPLEMENTALLY APPROPRIATE \$345,000 THEREFOR; AND TO DECLARE AN EMERGENCY.

Larick called the meeting for Monday, March 14, 2011, to order; first item will be from Parks; this Ordinance authorizes the purchase of 110 Mill Street which is the Herb Education Center; it will allow us to exercise our option to purchase it and provide a supplemental appropriation of \$345,000 and declare an emergency.

Samuel said I have some questions; several of us have visited the site; I know that Larick, Anderson and I have been there (did a drawing of the location on the white board); there is a parking lot for 4 cars; I am voting yes but I wanted to ask some questions first; I do understand the importance of the Herb Education Center; I wanted to know your plans and future vision for the location; the building needs some work; in the purchase agreement we are asking they do the painting and fix the roof; what about the cracks in the floor and some possible upgrades for ADA (Americans with Disabilities Act) compliance; I know the location is listed on the Ohio Historical Society's register of historical houses and we have documentation the Patton family lived there so what are the things we have to do specific to maintaining the place to remain on the historical register; I believe the Carriage House was built before the Civil War.

Collins said the house was built in 1855; it is a great place for the tour buses to stop; when we get about 35 to 40 people however there is no place for a meeting; in the past they went to the 2nd floor of the golf course clubhouse or the Sanctuary. Samuel said yes but are there plans for this site. Collins said I can run through them; what we have is a conceptual plan; we hope to put a business plan in place by the end of the year; Luke Messinger from our Parks and Recreation Board has committed to sit down and help us put it on paper; it is used by tourists and residents of Gahanna; (using the white board drawing) we could turn the Carriage House into an educational classroom but there are no utilities in the building; the small building that was a butcher shop has the potential to be part of the project; there is a lot of garden space, the rain barrels, and a compost site as well as extra parking; when a tour bus comes in, it is right across from the valet at Creekside; small groups can go in the building; or we can split them up and get them to go throughout the downtown; we are looking at another grant for the environment on the walkway; we would like it to become more of a native plant and herb destination; that is the greater vision; as funding becomes available and grants and sponsorships come in, we will follow up on the maintenance questions; the contract does state the \$345,000 asking price and they will do roof repair and painting; we have had a secondary discussion with Rob Matney who is the owner's representative and is here tonight; verbally saying we would go with the selling price as the appraised value which would allow us the extra funds to do the painting and roof repair; this would allow us to be in a

better maintenance position and to work with the Historical Society to pick the most appropriate materials for the roof; it may not be the exact material that is there now as a new slate roof is very expensive; we could use architecturally appropriate shingles or steel roofing materials for example not the original material; we did have Ken Fultz, Gahanna's Chief Building Official, along with Mike Frey go through the building. Samuel said but there are sloping floors; we want to be prepared and know what problems we have. Collins said we know the roof has to be done and it has to be painted; then there are a number of little things; there could be rotted boards; it is like any residential home; a couple of the windows need to be replaced; we would prefer it be perfect but we know it was built in 1855; the other aspect of this is historical significance and the tourists; we know there will be costs but the electric and the heater and the air conditioning all work; you could go home and have one of these go out.

Porter said do we usually appropriate an annual amount to maintenance or should we do that for this building. Collins said we have maintenance for facilities in this year's budget so yes we could do that. Porter said but no specific amount for this location. Collins said we could purchase at the appraised value and use the supplemental for maintenance.

Larick said my question would be what is the ongoing financial picture of the property; lay that out for a span of time. Collins said the challenge is you can budget this out with a 20 year projection considering the unique condition of this building as historical; but it is still no different than a home; we will take them as far as we can; since this is Parks, we do intend for it to generate revenue to go into the operating costs. Larick said it is critical since this is an 1855 structure, we need a good understanding of what it takes to be a good historical property owner. Collins said I would hate to give you a number and then in 2 years something comes up; to us, we have other sites and ways to run programs that also matter; what the Herb Center does for our downtown as a tourist destination is the best way to accomplish the mission; the vision can change due to building costs and trying to project that out; then the building costs cause us to project maintenance costs out. Larick said we do not want to belabor the point, but we are saying we need an understanding of what it takes to own an historical property and maintain it in the long term; we need to understand that before we buy; this is what we need to know if we are keeping it alive and would ask you to bring that back to us.

Anderson said we are looking at how to keep it alive; what is the capacity of the Carriage House. Collins said we have alternate locations where we send larger groups; we only program here if it is a small group; someday it may be an outdoor center; I don't know right now what it is going to become; it could be a 3 season or all season area. Anderson said I hear you; but because that is where the revenue is, we need to understand what is the cost to keep it up; the number of people can influence that investment. Collins stated the estimated capacity is difficult; the classroom is 20, the open space is 40, the cooking area is 15; the long term vision plan is not done; right now, I would say it has the potential for 10 to 40 people with a lot of opportunity to develop; there are no utilities and a dirt floor as well as older beams that need replaced; but it is good space.

Samuel said along with maintenance we are concerned about ADA accessibility. Collins said we added ramp to the rear of the building; at this time we meet the requirement for reasonable accommodations; if we do any construction we would apply new ADA considerations. Larick said what renovations require new ADA facilities. Collins said structural renovations; the historical society is amenable to working with Gahanna on usage and structural updates. Larick said the structure grandfathered as is. Collins said it is reasonably compliant. Larick said even the rest rooms. Collins said yes as the building is.

Samuel said do residents know where it is it located; it used to be at Old James Road and Johnstown Road and I don't know if people know it is now at Creekside; we seem to market it to tourists, but local businesses don't know when those tour buses are coming in; this was brought out last Thursday in the Olde Gahanna meeting; this could be the best of the best if we do it right. Anderson said the folks there say people coming in are from out of town but the local people don't know it exists. Collins said what we are doing now makes this our most marketed item; it is in the CVB packages; they attend meetings and reach out to businesses with information; our largest marketing is the Gateway magazine; this is featured in there and it has its own Facebook and Twitter page; the attendance has doubled the last 2 years; our drop-in rate was 2,600 which is more than a couple of years of participation at the James Road location; Gahanna has a strong sports tradition, but this is not there yet.

McGregor said how are we paying for it. Collins said we are asking for a supplemental from the General Fund. Mumma said it is within the TIF (Tax Increment Financing) area; right now the funds are committed but we could incorporate it someday; could perhaps also use some funds from the Capital Improvement Fund. Porter said those funds can be used for maintenance. Mumma said that she would not recommend using for maintenance but for long term investment; if you replace a roof with a useful life of 20 or 30 years that could be considered; we did appropriate funds to pay the lease for this year; those could be used to offset a supplemental or enhance improvements.

Ewald said we have 2 options to purchase this; market value, or market value minus improvements. Collins said the market value minus improvements is the appraised value; I would still have to go back to the owner and get a new contract and then have that amended by substitution.

McGregor said it is a great location next to Honey Grove; but there are other maintenance things like lighting that need to be done; I struggle with what about other things we might find. Collins said some are identified; we are just now starting to tackle other items; I am sure you will see items in upcoming budgets.

Ewald said how long has this been open in some aspect. Collins said since 1986; the City entered into agreement with the Herb Center in 2006 and moved it to Mill Street in 2009. Ewald said this has been around for 30 years; does the City want to continue with this where it is located and with how much it costs; have we compared it to other operations; if we continue the program, what would be the amount of rent over a 10 to 20 year lease; what does the rent go to. Collins said it goes to \$2,500 over a decade which would pay for the property. Collins said we have gone from 2 or 3 tour buses to 24 buses that visited the center; we are working with the CVB and this is the center point of attraction; so it is as you said, what does the City want to do.

Porter said it is a valuable site connected to Gahanna history and we are the Herb Capital, so it is reasonable to move forward with this; but we can use some level of caution and have our issues addressed; we need to understand the planning, marketing and maintenance issues. Larick said I think the work needs to be done to understand the issues before we move forward. Porter said future Councils need the facts; if they come back for supplementals it will be with eyes open; we have to understand today if we are to put money into that building. Larick said we could make a list of things for a document; like the ADA opinion meets requirements; so it won't appear that we believe it is ok and then not have it meet standards; the ongoing marketing plan and how that will be developed and used; the projections on the Carriage House; I have a major concern with the purchase without a property plan; when we talk about the roof replacement, it could be a \$5,000 to \$8,000 roof or \$30,000. Anderson said this is an

1855 building; given its age, are there any similarly situated houses that we could look at commonalities; it would be helpful for us to analyze how to move forward; I am not comfortable moving forward without more background; marketing is key; maybe we need to look at doing it other ways; before we move on I would like more data. Samuel asked who owns the property to the north. White said Mr. Applebaum. Samuel said he has good back yard for future development.

McAlister said is the Herb Center run like a business with fees. Collins said absolutely; we charge visitor fees and have package deals; we have product souvenir items in the shop; classes run at cost plus 25% sustainability; everything in Parks and Recreation is designed to generate 100%; non-residents pay as well.

White said for a building of this age, alternative building codes can be used and apply for certain code specification according to the State; we are in compliance because it meets this code now; Fultz would not let non-compliance happen; it is based on use, capacities and other factors; so what Collins is saying it is compliance but all of that may change with a renovation and new usage plans; that is what would cause an issue; from an economic development standpoint, it is the star and our draw; since it moved it has created a synergy downtown that the other stores rely on; it is critical that this stay downtown and that it is maintained for historical purposes; we don't have any other buildings of historical note in the City; the Pattons were entrepreneurs that established the Mill; because of them we have the Mill Run at Creekside; there is a lot more potential here and more at stake than just return on investment.

Collins said I will have to pull this request together as it does not exist today; I am concerned because of our window of time; this is dated to close in June; in addition to preparing this I need to prepare the seller for other options.

Larick said so we will bring it back to committee with the information you prepare. White said your department doesn't have the money for that. Larick said we are not talking about specifications and blueprints; just a presentation of what is happening in the future. Porter said just information along the 3 points; just because the questions are being asked does not mean it is not going forward. Collins said I will shoot for 2 weeks. Porter said does the 2 weeks still mean you have time to close on the deal. Collins said with the original contract puts us back at 28th. Sherwood said this has emergency on it. Collins said it is up to the seller; the early close was his incentive. Larick said that always is. McGregor said it is still in May. Matney said we approved this contract in October at that appraised value; see if that offer is still on the table.

Recommendation: Postpone to Finance Committee, March 28, 2011.

Recommended for Postponement to a Date Certain

ISSUES - From Director of Emergency Management:

Code Change - Section 121.01, Place of Meetings

Williams said my issue costs no money; currently as specified in Code Section 121.01, all meetings of City Council have to be held in Council Chambers; if they wanted to meet and City Hall was not available due to a disaster, they could not go anywhere else and enact needed legislation; we need to amend the Code to provide the capability to conduct the affairs of Council at previously determined sites or places that are in the ORC (Ohio Revised Code); there are locations to meet provided in there, primarily in Athens; I have talked to Weber and Sherwood and the Mayor briefed the Charter Review Commission that this needs to be changed and amended.

Sherwood said I sent out the change that Weber approved on Friday; the revision to Code 121.01 adds "unless the President of Council, with notice to the public in writing,

elects to change the location of said meeting". Anderson asked for Sherwood to read it again. McGregor said so we could even post a sign. Anderson said so in a worse case scenario, how would we notify in writing. Williams said if an emergency exists, you can't put it in the newspaper. Anderson said I am having a hard time with the concept of "in writing"; I can't wrap my head around it. Sherwood said Weber put it in there as necessary. Larick said does email count as "in writing". Sherwood said yes. Larick said I would say we go ahead with first reading and consent agenda. Anderson said I am concerned about the requirement to notify "in writing". Larick said if email is acceptable we can use that. Porter said can we add to the phrase and have it say "in writing if possible". Anderson said I do not think Weber was considering the worst of the worse case scenarios. McGregor said we could still post a sign in the rubble.

Recommendation: 1st Reading, back to Finance Committee in 2 weeks.

ISSUES - From Director of IT:

AT&T Maintenance Contract Renewal

Kneeland said this request is for a renewal agreement for our ISDN PRI lines; this is how we get incoming voice calls; we were able to save over \$6,000 with this new contract over a period of 3 years; I do have to ask for emergency on this; we just got the information from Spyglass, our research consultant, and we are coming into crunch time as our contract ends in April; if we go beyond that we pay a higher month to month rate which we may get back; there is not a 30 day waiting period as it is for just voice, both incoming and outbound. Larick said have we looked at voice over IP. Kneeland said yes; we are considering replacing the phone system and looking at different scenarios such as partnering with other municipalities and voice over IP; this gives us a chance to evaluate the infrastructure and get a plan in place. Larick said so is this a 1 year agreement. Kneeland said no it is 3 years.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent Agenda.

ISSUES - From City Engineer:

2011 Street Program

Andrako said the bids are in for the 2011 street program; McMillen Paving was the low bidder so we are asking you to authorize the Mayor to enter into agreement with them for \$192,416.10 plus an 8% contingency; we are asking for emergency so we can start as soon as the paving season begins. Samuel said how long does a street last. Andrako said a typical overlay lasts 25 years; we are covering parts of Dark Star, Lincolnshire, Town Street, and doing repairs to Helmbright. Larick asked was this all appropriated. Andrako said yes.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent Agenda.

ISSUES - From Director of Human Resources:

OPBA Contract

Treadway said I gave you a copy of the report of binding arbitration with the OPBA (Ohio Patrolman's Benevolent Association); the conciliator awarded the City the wage package we wanted; they got 0% for 2010, 1.5% for 2011 and 2% for next year with a \$500 bonus. Larick said they get the \$500 each year. Treadway said yes; the City will

continue to provide and pay for benefits with an employee contribution of 7% for 2010, 8% for 2011, and 9% for 2012; they said the overall factor in determining this was they could not find comparables in the market; that is why they could not find for us; our internal non union employees don't count for the fact finding; at this point there is not much that can be done; if we reject this we would have to go to court which would require substantial legal expenses.

Recommendation: 1st Reading, waiver of 2nd Reading, Consent Agenda, Emergency Language.

ISSUES - From Director of Parks & Recreation:

Authorization to Bid - Big Walnut Trail, Section 1 & 2

Collins said we are requesting authorization for a Motion Resolution to bid the Big Walnut Trail Sections 1 & 2; construction would be this summer with completion by fall; Sections 1 & 2 go from Academy Park north to Morse Road; it is funded by grants and a budget match. Larick said are the matches in the appropriations. Collins said yes. McGregor said how much is the match. Collins said I can do the math; it would be \$107,163.00.

Recommendation: Motion Resolution, Consent Agenda.

ISSUES - From Director of Development:

Office & Industrial Incentive Program - Modify Guidelines

Evans said our first of 2 issues is the modification to the Office & Industrial Incentive Program; we have updated the guidelines; the first major change is we expanded the target area; vision was to incent those locations coming off abatement; the OSU project was not abated; it was a retail site; so we want to be able to look at a business all different ways; we are dropping the 1 million dollar payroll requirement; having a lower number will allow a greater number of businesses to benefit which will ultimately benefit the City; increase the flexibility of the program which will allow us to be more aggressive by allowing Council to approve terms longer than 5 years and amounts greater than 50% per project; we plan to rephrase the value benefit by including the net municipal income taxes paid by the company; we want to be clear with that language; we will state the length in the City, we felt what we have is punitive if they have to move or change operation so we are asking for a 1 year term and if they have to leave in the term we can recoup the loss; the last thing is 2 Council appointments are made by the President of Council on an annual basis.

Porter said so the clawback portion is deleted. Evans said no; if they leave in term, yes it is still valid.

Samuel said the minimum payroll was 1 million dollars; these guidelines make it less; how do you do the math to determine the impact of that. Evans said we do it on a case by case basis; we do the models; run them and get projections from them; we use that as a screening process. McGregor said why do they have to do this prior to signing a lease. Evans said by the time they sign a lease they are already committed; this is an attraction tool; the incentive can be a major factor.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent Agenda.

Nations Health - Modify Incentive Agreement

Evans said NationsHealth is a new company to Ohio and they have created another entity; the jobs created here actually belong to Cypress Care Solutions and that is who

we will have the agreement with; their location has also changed to 775 Taylor Road; the rest of the terms of the O & I remain the same.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent Agenda.

ISSUES - From Council:

Amendment to Fence Code

Larick said this is my Council request due to a property in my area; would like to have it vetted; the way our Code is written a privacy fence must end at the back corner of a house; if the house has a side door into a garage it does not accommodate the door today as written; would like to request we make an adjustment so if a side door exists, it could be enclosed in the fenced area; I thought it was appropriate so I am asking for a Motion Resolution for Planning Commission to look at this.

Anderson said so the door is on the same side as the fence and on the side of house.

Porter drew an illustration on the white board; said if there is no door, there would be no change; if there is a side garage door it would change.

White said I can explain in more detail to you; Planning Commission has said this has to do with the type of fence you have; you can currently have one that does this but it has to have opacity; most subdivisions, when platted, wanted the residents to keep an open view; the issue clearly had to do with the subdivision not because of compliance with deed restrictions; in the suit we had to look at the lady was out of compliance; she was advised what to do to be in compliance which was apply for a variance to allow her privacy fence down this far; currently cannot see in and this is close to the front yard; there are some safety issues with that; it becomes an obstacle so that is the reason for the opacity; the process is involved; I thought it was important for Council to know these circumstances since they want it to go to Planning; we have had negotiations and they did not want to comply.

McGregor said this is a lot of work to avoid a variance; not sure it is a valid reason for a Code change. Sherwood reviewed the number of variances requested. Larick said I believe it is a unique situation for this property to have the door on the side of the garage and they shouldn't have to get a variance because of that. McGregor said it is a lot of work for one house; it is not a repeat process. White said they just have to put up a compliant fence. Porter said is the request to change the opacity. Larick said yes as it is a privacy fence; I feel like we are doing the evaluating prior to sending it to Planning.

Ewald said I have been through the variance process; why put this on Planning; currently it is done through an independent committee; do you think it is good idea to take it from BZA (Board of Zoning Appeals) and give it to Planning with the sole purpose to give this resident his fence; does it make sense to go that far; BZA serves a valuable function; they are not part of Planning and they give another set of eyes to the issue. White said the Code says if zoning denies the application, it can be appealed to BZA; she was denied the fence. Porter said so we should not change the standard; would this be vetted for public comment. McGregor said one person should not cause us to go through the process. McAlister said there might be others. Larick said I did not look for another similar property; this is a unique circumstance not addressed in current standards. Ewald said I would point out this is a good example of when to issue a variance; a unique property is not a reason; every property has something unique. Larick said unique is not a good word; I am sure there are a fair number of homes who have this kind of door. Ewald said it can go to Planning; but not to change the process. Larick said that was not my intention; just have the current standard reviewed.

Anderson said it might be reviewed and be different; but it may come back no change.

Larick said I just would like them to use the rationale of please review based on this situation. Anderson said then test the standard. Ewald said as long as it is coming back here for approval.

Recommendation: Motion Resolution, Consent Agenda.

Senior Center Advisory Board

Samuel said the Senior Center Advisory Board has a need for a reappointment of Ron Barrick for a 2 year term; he has previously been on the advisory board and is recommended by Hall. McGregor said isn't he currently serving a term. Sherwood said he is allowed to serve 2 terms.

Recommendation: Motion Resolution, Consent Agenda.

Larick said Council will meet with the Charter Review Commission on Thursday, March 17, 2011 at 6:00 P.M. Anderson said would there be another opportunity to sit in. Sherwood said yes.

Meeting Adjourned.

MONITOR:

2011-0001

Monitor Items:

- 1) Capital Improvement Fund

Della Brandenberger, Reporting