

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, June 21, 2010

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

7:30 PM

City Hall

City Council

Thomas R. Kneeland, President

Shane Ewald, Vice President

Beryl D. Anderson

Brian D. Larick

John R. McAlister

Nancy McGregor

David L. Samuel

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

Gahanna City Council met in Regular Session on Monday June 21, 2010, at Gahanna City Hall, in Council Chambers, 200 South Hamilton Road. President Thomas R. Kneeland called the meeting to order at 7:30 p.m. Invocation was given by Vice President Shane Ewald followed by the Pledge of Allegiance. Agenda for this meeting was published on June 18, 2010.

Members Absent: Nancy R. McGregor

Members Present: Thomas R. Kneeland, Shane W. Ewald, John McAlister, Beryl D. Anderson, David L. Samuel and Brian Larick

B. ADDITIONS OR CORRECTIONS TO THE AGENDA.**C. HEARING OF VISITORS.**

Malcolm Glasgow and Jack Steinhauser of American Legion Post 797 were present to present a Law Enforcement Certificate of Accommodation to Officer Ryan Utt. Glasgow said this is an annual thing that we do; Officer Utt made 949 traffic stops last year and 671 citations; he did not get one citizen complaint; he has a great work ethic and has earned the respect of his peers and supervisors; the streets of Gahanna are safer because of his work. There was applause for Officer Utt and everyone thanked him for his work.

Roy Lowenstein, 256 Cherrystone Drive North, Buckeye Community Hope Foundation, said he sent an email requesting that ORD-0110-2010 be tabled again; our project was not selected by the Ohio Housing Finance Agency (OHFA) financing; there is another round coming up in the fall; our project did not rank as high as we would like; there may be things we can do differently in the next round; cannot talk to them until the week after July 2nd; July 2nd being the date they will officially announce who receives the financing; would like it to be postponed until possibly July 19th. Anderson questioned time frame; would it be enough time to talk with OHFA; are people going to be available to you around the holiday. Ewald said without public funding coming in is it still possible to move forward with the project? Lowenstein said we are in the affordable housing business; are non-profit; not in the business of high end housing; would be looking at rents at least 3 times what we were proposing; without federal funding we cannot compete. Anderson clarified that Lowenstein is asking Council to postpone to July 19th, and Lowenstein said yes. Lowenstein said the next application will be in October, but it is a different process and awards may not be given until March; it would be convenient if the timing of the rezoning and funding coincide; possible to complete a rezoning in hopes that funding will come through.

Weber said after this request was received I had clerk check the dates and sent a memo to Council; this is dictated by Charter in Section 11.06, Action by Council; zoning recommendation was received from Planning Commission on April 14, 2010 and Council has 90 days to act on it, and that would be by July 14, 2010; it can be extended by Council for an additional 60 day period if you vote at your next regular meeting following the expiration of the 90 day period for an additional 60 days, which would be September 14, 2010; then you would have to start over, per the Charter; if it is not resolved by September 14th the process would have to start all over; we cannot vary that.

Kneeland said the ordinance is on Regular Agenda and we will consider postponing at the time.

Sharon Montgomery, 572 Bonnington Way, said June is National Safety Council's National Safety Month. This week the focus is on the dangers of driving while phoning. I can't think of a better way to mark the start of this week than to thank you publicly for your continuing efforts to solve the driving while phoning or texting problem in Gahanna.

I really appreciate the fact that I was allowed to participate in your discussion at committee meeting last Monday. I felt that was very productive; I hope you felt it was worthwhile.

As optional approaches are being drafted, I'd like to remind you of the primary benefits of naming the specific behavior of phoning and/or texting in the law. This will make it more clear to drivers that this particular behavior is too dangerous to be allowed. It will give our police a tool for preventing some of the inevitable crashes rather than just punishing the offenders after the fact. And, it will allow us to collect valuable data. Data collection has been a key element in getting as much control as we have over drunk driving. We can see whether the laws, penalties, enforcement, and education are sufficient. And, statistics can back up applications for grants to do focused enforcement or education. These grants are available for drunk driving now; I foresee them eventually being available for phoning or texting. I respect Mr. McAlister's concern over grants and his consistency in applying that concern to his decisions. However, when the majority of Council decides to support a grant application, the information required to apply needs to be available.

Last week there was interest in Mr. Weber's suggestion that texting and/or phoning become a subsection of our full attention law, 331/34(c). If we continue to rely on 331.34 as it is now, then traffic tickets will cite 331.34, and phoning or texting will only show up in the narrative. If I'm correct that only the code section number and name, not the narrative, gets extracted and compiled into statistical reports, then we won't be counting these violations. This will become even more of a problem when the uniform crash reports start having these specific behaviors as check-off items because then we'll be collecting data on crashes but not on non-crash violations. The data will be incomplete. Incomplete data will falsely show a lower incidence; this will be misleading.

Mr. Weber's suggestion can allow the necessary data to be collected. Adding Mr. Ewald's earlier suggestion to increase the penalties when the inattention is due to phoning or texting can give us an increased deterrent effect. Penalties for phoning or texting could be greater than for other less dangerous distractions. They could be greater for repeated offenses. They could be greater for causing serious injury or death. Any or all of these ways to increase penalties are justified and can be effective if used in conjunction with a law that specifies these behaviors as prohibited.

I look forward to reading the drafts next week and hearing your discussion of them.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:

Ordinances - To Be Introduced and Assigned to Committee:

Ordinances introduced, by title, by Samuel.

ORD-0117-2010

SUPPLEMENTAL APPROPRIATION - Joint Maintenance, Operational Expenses

Introduced

ORD-0118-2010

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH CHEMCOTE, INC., FOR THE 2010 STREET PROGRAM; IMPROVEMENT NO. ST 956; TO SUPPLEMENTALLY APPROPRIATE \$592,000; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0119-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO MODIFIED AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO ADD PEDESTRIAN ENHANCEMENTS FOR THE HAMILTON /GRANVILLE INTERSECTION PROJECT; TO SET FORTH THE TERMS OF REIMBURSEMENT; IMPROVEMENT NO. 883; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0120-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT MODIFICATION WITH CRAIG B. PAYNTER, ATTORNEY WITH CHESTER, WILCOX & SAXBE, LLP, TO INCREASE THE SCOPE OF WORK FOR LEGAL SERVICES IN CONNECTION WITH THE HAMILTON/GRANVILLE INTERSECTION PROJECT; IMPROVEMENT NO. 883; TO SUPPLEMENTALLY APPROPRIATE \$30,000; AND TO DECLARE AN EMERGENCY.

Introduced

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

2010-0032

To approve the following set of Minutes:

1) June 7, 2010

This Matter was Approved and Filed on the Consent Agenda.

Ordinances on Second Reading:**ORD-0113-2010**

TO ADOPT RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION OF THE CITY OF GAHANNA, AS REVISED MAY 21, 2010.

This Matter was Adopted on the Consent Agenda.

ORD-0114-2010

TO AMEND SECTION 537.12, MISUSE OF 9-1-1 SYSTEM, OF CHAPTER 537, OFFENSES AGAINST PERSONS, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

This Matter was Adopted on the Consent Agenda.

ORD-0115-2010

TO AMEND SECTION 715.06 FALSE ALARM PROHIBITED; AND TO DELETE SECTION 715.09, EXEMPTIONS, OF CHAPTER 715, ALARM SYSTEMS, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

This Matter was Adopted on the Consent Agenda.

ORD-0116-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO LPA AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FRA-GAHANNA INFRASTRUCTURE; FOR IMPROVEMENTS IN THE VICINITY OF SEVERAL GAHANNA SCHOOLS; PID88483.

This Matter was Adopted on the Consent Agenda.

Motion Resolution:

MR-0024-2010

Motion Resolution to authorize the Director of Public Service to go out for bids for the Westside Sewer Project; Phases I and II to be bid together.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Anderson, seconded by Samuel, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Yes 6 President of Council Kneeland, Vice President of Council
Ewald, Anderson, McAlister, Samuel and Larick

Absent 1 McGregor

End of the Consent Agenda**F. PUBLIC HEARINGS: None.****G. STANDING COMMITTEES:**

Development & Parks Committee - Anderson: No report.

Public Service & Safety Committee - McAlister: No report.

Committee of the Whole - Ewald: No report.

Finance - Samuel: No report.

H. CORRESPONDENCE AND ACTIONS:**Clerk - Legal:****2010-0031**

Notice to Legislative Authority of Transfer of C1, C2 & D6 liquor permits from Maplewood Inc., Charter #716609, DBA Rosettis Drive Thru Express, to BVG Carryout Inc., 154 South Stygler Road, Gahanna, OH 43230; last day for objection is July 12, 2010.

Clerk said this will be on a June 28, 2010 committee agenda for discussion.

Received and Filed

Council**I. SECOND READING OF ORDINANCES:****ORD-0110-2010**

TO REZONE 2.368+/- ACRES OF PROPERTY AS L-AR, LIMITED OVERLAY/MULTI-FAMILY RESIDENTIAL; SAID PROPERTY LOCATED AT 4251 EAST JOHNSTOWN ROAD; BUCKEYE COMMUNITY HOPE FOUNDATION, APPLICANT.

Kneeland stated that ORD-0110-2010 will be postponed to July 19, 2010.

A motion was made by Anderson, seconded by Larick, that this matter be Postponed to Date Certain to the Regular Agenda. The motion carried by the following vote:

Yes 6 President of Council Kneeland, Vice President of Council
Ewald, Anderson, McAlister, Samuel and Larick

Absent 1 McGregor

J. FIRST READING OF ORDINANCES: None.**K. MOTIONS/RESOLUTIONS: None.****L. REPRESENTATIVES:****Community Improvement Corporation (CIC) - Ewald/Kneeland**

Kneeland said nothing at this time.

Mid-Ohio Regional Planning Commission (MORPC) - McGregor: No report.**Bd. of Education, Gahanna-Jefferson Public Schools**

Kneeland said Larick is the representative for the July 8, 2010 meeting.

Convention & Visitors Bureau (CVB) - Kneeland: No report.**M. OFFICIAL REPORTS:****Mayor**

Mayor Stinchcomb said she would like to thank everyone who worked to make the Creekside Festival a success; 12th annual; thank CVB for all of their work; they are the organization that puts it together; they work all year round on it; also thank all City employees who volunteered to help and the community volunteers who volunteered; job well done; thank you.

City Attorney: No report.**N. COUNCIL COMMENT**

Anderson thanked everyone with the CVB and City employees for their work; heard around 7,000 people attended on Friday night; also thank Service Department and Parks & Recreation Dept.; streets were clear and ready for Monday morning; people came from all over; thank Engineering for the Johnstown Road project; is very nice; thank you from Ward 4 people. I will end with a comment that my household was playing the harmonicas from the Creekside Festival; plays 20 notes; also tambourines.

Samuel said he would like to challenge citizens to get more involved with City government; also would like to thank Sharon Montgomery for coming to Council and committee meetings at this crucial time with the discussion of the texting/phoning; we need the feedback from citizens; encourage others to get involved.

Ewald thanked the City staff for their financial presentation at committees; know you worked hard on it; thank you for giving us a better idea of where we are; also thank everyone associated with Creekside Festival; amazing job; so much work, time and effort put in; Mayor of Columbus attended; great outreach outside of our community; event was packed even with expanding the boundaries.

Kneeland said ditto to all the kudos for the festival; thank Laurie Jadwin as president of the CVB; untiring job; so much work behind the scenes; also congratulations to Officer Utt for a job well done.

O. EXECUTIVE SESSION:

Kneeland announced that there will not be an Executive Session tonight.

P. ADJOURNMENT: 7:57 p.m.; Motion by McAlister.

Donna L. Jernigan, MMC
Senior Deputy Clerk of Council

APPROVED by the City Council, this
day of 2010.

Thomas R. Kneeland
President of Council