

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Monday, June 3, 2013**

**Council May Meet in Caucus Beginning at 6:45 p.m.**

**7:00 PM**

**City Hall**

## **City Council**

*Stephen A. Renner, President*

*Ryan P. Jolley, Vice President*

*Beryl D. Anderson*

*Karen J. Angelou*

*Brian D. Larick*

*David L. Samuel*

*Brandon Wright*

*Isobel L. Sherwood, MMC, Clerk of Council*

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

Gahanna City Council met in Regular Meeting on Monday, June 3, 2013, at Gahanna City Hall, in Council Chambers, 200 South Hamilton Road. President of Council Stephen A. Renner called the meeting to order at 7:00 p.m. Invocation was given by Council Member Jolley. The Pledge of Allegiance was led by Council member Angelou. Agenda for this meeting was published on May 31, 2013.

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

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**B. ADDITIONS OR CORRECTIONS TO THE AGENDA: None.****C. HEARING OF VISITORS:**

Claire Yoder, Gahanna Jefferson Board of Education, stated she was very excited for conversation held with the City, Mifflin Township, Jefferson Township and the schools; embraced learning some ideas on shared services; will be getting together next Wednesday to follow up on that; were brainstorming all over the board, Larick was good at funneling us all in; within next few months expect to see some exciting things taxpayers will like; as a School Board we have a scholarship fund for students who are in need as they are the ones that ought to be awarded; board puts money in the fund as well as individuals; 7 students qualified for \$7,000 worth of scholarship money this year; support our kids in a way that is helpful to them; graduation was Saturday; relatively uneventful; had over 550 kids in graduating class; looking upwards of 50 people who will be retiring this year; our best guess at this time; 40 have retired so far; SRTS is changing the pension formulas and how they are awarded for cost of living and so on; many wise and wonderful and exciting teachers who have decided it is time to move on; thank you for working with us on shared services.

Ryan Demro, 598 Wickham Way, stated he wished to express dismay about the cancelling of the fireworks; lived in a city that recently tried to increase its income tax and it also failed; did not have to cancel their fireworks display; concerning to me viewed as it is viewed by a lot of citizens as retribution for not voting in favor of the increase; when we come to talking about government accountability am interested to know where each of my Council people stand; do you support or not; second comment is on the redistricting; important for cities to stand firmly on home rule; when I was a Council person in Lakewood, you would see State government constantly try to encroach; latest encroachment is trying to level out income tax across the State; would say it's important to fight for the districts you originally believed in rather than drawing some lines the State is telling you must be done; important to take the proper amount of time and not rushing before next election is important to do.

Christie Nickell, 244 Ashley Ct., stated here to discuss Meadowbrooke; asking for a 70% increase; for years you've been telling them that 15 homes is too much density; you gave them 9 lots seven years ago; 9 is the correct number for this development; code section 1152.01(f) is very clear that under an ROD SF-3, 9 homes is the maximum number of homes allowed to avoid incompatible density with the neighborhood and the contiguous homes; they asked for an ROD to vary the confines of an SF-3 zoning, only to turn around and request that the ROD itself be set aside; purpose of these regulations is to achieve a variation of residential lot sizes without increasing the overall density of the development; some of you may be under the impression that their zoning request follows the rules because they've quoted an obsolete 2002 Land Use Plan; Angelou was part of the Council that worked on that; as was Thom on Planning Commission and he also voted against this; it was a plan, a vision; plans change; it was not intended to usurp

the authority of the code; introduction of this document states "this plan portrays a vision of future land use patterns within the City of Gahanna; it is not the intent of the plan to force or encourage uses other than those presently existing within the area; rather the plan provides a basis for a public policy dialogue and the framework for the orderly development of the area"; continues that "it is imperative that land use patterns, configurations and arrangements reflecting the public interest be considered"; the ROD density calculation historically takes precedence over the land use plan and the SF-3 requirements as it is the more restrictive code; the most restrictive code takes precedence; it always has; Bonnie Gard, the City's Zoning Administrator agrees that the code takes precedence over the land use plan; that's 9 homes; the numbers don't lie; here tonight to tell you that we don't want to live next to a community with 60 foot lots and only 5 foot side yards; if we wanted that we'd move to German Village; as our elected representatives, you are our last line of defense against incompatible development; this passed the Planning Commission but just barely; it was a 4-3 vote; they didn't think the density was appropriate either; on the Gahanna website it says that "Gahanna's mission is to ensure an exceptional quality of life by providing comprehensive services, financial stability, and well-planned development which preserves the natural environment, in order that city government will continue to be responsive, accessible, and accountable to our diverse and growing community of citizens"; we want that well-planned, responsible development, not the 70% increase they're requesting; we want our elected officials to be responsive and accountable to the citizens and follow the code that was written, debated, and enacted to protect us; decision before you tonight is do you set a precedent to cram as many homes as possible on every available lot throughout Gahanna, or do you support your citizens by giving them a development which preserves the natural environment, fits within the neighborhood, and follows the City code.

Elsa Niehoff Gurwin, 1165 Kames Way, New Albany, stated she owned property on Havens Corners across from this development; density is our number one problem; debated this over last several years; this group would not be here if we were not discussing density; 2 years ago this project had density concerns with Planning and Council; is still an issue for Planning Commission obviously with a 4-3 vote; at that time Planning asked us to look at Sycamore Mill and how that worked; they have 75' lot sizes; during all of this found three 60' subdivisions in Gahanna; Rose Way is within walking distance of YMCA and industry and has 2 accesses to leave the subdivision as it hooks into another development; surrounded by commercial, business, church; next is Rivers Edge which has 60' lots but around it are more standard lots comparable with the 9 approved lots; is also next to a park and within walking distance of a school; last subdivision is on Morse Road where there are acres of green space and it too can be accessed 2 ways as to be connected to another subdivision; trying to put 14 homes when you have one point of access and still having questions on front facing for the first house and repeated problems with certain lot sizes with Council and Planning in the past; this was not unanimous; you didn't have empty opposition here; looking for you to look at this and see residents side of this; what precedent it sets for the future; the land use plan is not part of the city code, it is a future vision; not only does he want 14 homes but he also wants to put in rain gardens; when they reference rain gardens it has been in developments in North Carolina or Seattle or can go to Westerville to the Brush Run rain gardens which was an existing subdivision of larger lots; 33 lots and they added 16 rain gardens but they still have sewer and stormwater along with the rain gardens; 16 out of 33; were established; now asking to not only not use conventional storm water but to do 15 homes all with rain gardens with the hope that homeowners will maintain, and that the HOA will make sure they do; if it doesn't all the water then goes across the street and empties into 2 neighbors to the north and comes out that sewer and goes hundreds of feet before it reaches the creek which will be in my front yard and my neighbors front yard; if it doesn't work is a major problem for myself; Brush Run is supposed to be

maintained; have spoken to people who say it is hard to maintain as well as being filled with leaves and trash and weeds growing up in middle; with this density this is the big issue; not only density but now implementing a new rain water system and hope it all works together as one, is just asking way too much.

Kathy Willcox, 385 Howland Drive, stated her father has property at 5582 Havens Corners; am in total disagreement with extensive density; disagree with the traffic engineer who has said no impact; we frequently see traffic accidents in front of my father's property; have tried to find the data; quite a bit but couldn't find all the data; just want to ditto all previous comments; wrong development for that kind of density.

Ben Anders, 228 Ashley Ct., asked those in opposition to stand (Clerk's note: about 25 people stood); thank you for your time; 2 years ago this same plan was proposed; see little change in the current plan; asked many good questions last week on drainage but was surprised that none was asked on density and the effects of that; how that development fits into the neighborhood; won't repeat what has been said; bottom line is that the existing home on lot, is 4 times the size of the rest of the lots; turns and fronts Havens Corners Road but the neighbor across the street is turned and will face Grand Ridge; does not fit; some of the lot sizes are .17 acres; look at all of lots in Hunters Ridge, Farm Creek, Autumn Rush, Rathburn Woods, all those single family home lots and I was unable to find one smaller than .25 acres; this does not fit into the neighborhood; in addition; one example given was Rivers Edge; these are 60' lots and homes are very close together; but in addition to that they have .7 acre green space that was part of it; also the entry has almost 3 acres of green space; this Meadowbrooke development has no green space; cramming a bunch of homes in there and where do kids go to play when families move in; in my back yard is my fear; when there's no public space; these single family home lot sizes don't fit in neighborhood; smaller than any in our area; lacks usable green space that will be needed; there is no neighborhood support for this development; ask that Council look at plan and its lack of fitting into neighborhood; listen to the residents who will be directly affected by your vote and ask that you deny the request to allow this increase in density; thank you for your time.

Rod Willcox, 5582 Havens Corners, stated he is neighbor of Elsa Niehoff who spoke about water coming across the road; rain gardens don't work; was concerned initially; been advised that it has been handled but not so sure it has been; not sure how it ended up at Planning Commission on the management of the rain gardens but it is a key factor; if left to individual property owners, know it won't work; needs to be some impetus whereby the City can step in and charge to the taxes; my principal concern today is the density and everyone says that; just don't understand; lived there since 1980; seen Havens Corners go from farm country to a thoroughfare; if I go out in the morning someone has to stop so I can get out of my driveway; why would you want 60' lots, 15 lots total, fronting on Havens Corners Road; makes no sense to me; I am a lawyer and have represented developers; know they say they can't economically make it work with 8 or 9 lots; that is not my problem but his; he doesn't have to screw up the entire neighborhood; been involved for at least 2 years; haven't seen him give on anything; did agree to building sidewalk along Havens Corners to Farm Creek; not sure what it will do but it's better than nothing; not moved on 15 lots; it won't work; will be a mess; whatever happens I can't do anything, but you can; you can do a lot about it by denying the request.

Patricia Hanna, 240 Barnhill Ct., stated she has been a stay at home mom for 20 years; we back up to this property; know how to get my kids to high school and that traffic is so heavy; if you leave at 7:16 you won't get out on to Havens Corners; if you leave at 4:00 you can't get up Havens Corners; traffic is unbelievable as it is; adding 15 more homes is

just ludicrous; lived here my entire life; my husband and I chose Gahanna because of openness; to put in that many homes just closes it up; many trees there that are hundreds of years old; totally against this project.

Pamela Francis, 1050 Harvest Ridge Ct., stated as you've heard from my neighbors only have 3 quick statements I'd like to add; how many have even seen or walked the property; if you have you know the property is sloped; how many of you have seen rain gardens work; probably not many of you; maybe we shouldn't be the first experiment on this property; lastly I would ask City officials to visit the property to see that the 14 lots are too many for less than 4 acres; need to be concessions not just from us but also from the builder; right now on the property, grass is almost 3' tall; had to contact the City to get the grass mowed all last year; don't know how rain gardens will be maintained; but it will be up to the residents to constantly acknowledge and report these issues; also here to ask you to deny based on density; thank you.

Jack Schmidt, 6337 Headley Road, stated he didn't know about this until this evening; have more questions than answers; asked those in opposition to stand and stay standing (Clerk's note: about 25 people stood). Schmidt continued that on the economic and social front what impact does this have; on the density; does Council know how many foreclosures there are in this City, how many houses are on market in the City, how many new home starts do we have in the City; can anybody answer those questions; what will this do to the values of existing homes; has anyone done a study on that; take silence as a no; what effect will this have on school system; what effect on the lot size; looking at approximately 6,700 SF; just divested myself from a development that had a lot of about 75' x 150' or approximately 11,000 SF; all they're trying to do is increase the builder's yield; with this lot size and a house footprint of about 2,300 SF where do you put a swing set; where do you put a fence; hear people talking about water runoff; have we done a study on what that does to wildlife; on Niehoff's property have seen nesting wood ducks in that stream; have seen nesting teals in that stream; have we seen what the effects are on a flooding stream on nesting ducks; are we trying to increase the developer's yield here or are we trying to design and protect our citizens and build a better life; from what I've heard tonight believe that City Council needs to study further; need to look at environmental impact, the economic impact, the impact on the schools, police, fire, wildlife and family lifestyle; that's what Council is supposed to look at not increasing developer's yield; taking it from 8 or 9 lots to 15 lots is increasing the yield for the developer; creating more of an economic hardship on rest of the city; more taxes but a greater impact; thank you for your time.

Alicia Holloway, 962 Bryn Mawr, stated she was here to talk about a few things that have happened in the last few weeks; first is discussion in Committee of the Whole regarding the I-270/Hamilton Road bridge; this discussion centered around spending \$250,000 for a branding element to be added to the bridge; seriously doubt that the discussion that included civic pride is one of the reasons to have that branding element; don't think that is truly a consideration; what you are talking about in spending \$250,000 is cutting 2 to 3 full time employees jobs; think that is important to think about; as far as income tax increase issue is concerned, Council leadership stated they believed there had been enough discussion, engagement of the public, and information distributed, that the May ballot was the appropriate place to put this issue and they wanted to hear the people speak; people did speak and they defeated it; they either were not well informed or they rejected the 1% increase; do, at this point, still believe an increase of some sort is needed; as you know, am just starting to understand the budget process and operations of the City and public policy; however, think that a 1% increase, when all information is considered, is way above what is necessary; looking at information to gain same revenue could have had a 7/10% increase; and couching a 100% credit back to other cities as

income tax reform and thereby penalizing those who live and work here does not seem to be a very public friendly decision; understand Council's frustration and question on where have you been a few weeks ago was rhetorical, but once I considered that, I thought I might represent any resident, any mom in this City; have lived here 11 years and central Ohio all my life; have 2 boys and during that time have been dealing with one with a slight learning disability and another with a chronic life threatening disease; worked at doing what all moms do shuttling kids to and from activities and sports; worked on sports committee in high school because lacrosse was brand new and no money for them; involved in my church and still am; very committed to community and have participated in summer free lunch program and mission trips; have been involved in fundraising at Children's Hospital; am a business owner and in those 11 years doing all these things, it has kept me busy; with economic situation the last few years, working very hard trying to maintain as my family income dropped by 2/3; yet I have two boys I wanted to go to college; that has been the challenge; think when people decide where they want to live the credit given for taxes paid to other locales is often an after thought; many other factors that impact why people decide to move some place; also feel that civic pride is probably not reflected or gained in spending money on a branding element for the bridge as opposed to employing people to live and work in this City.

## **D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:**

### **Ordinances - To Be Introduced and Assigned to Committee:**

Ordinances introduced, by title, by Jolley.

#### **ORD-0092-2013**

SUPPLEMENTAL APPROPRIATION - Franklin County Plumbing Fees

**Introduced**

#### **ORD-0093-2013**

SUPPLEMENTAL APPROPRIATION - Contract Plan Review Services

**Introduced**

#### **ORD-0094-2013**

SUPPLEMENTAL APPROPRIATION - Contract Electrical Inspections

**Introduced**

#### **ORD-0095-2013**

SUPPLEMENTAL APPROPRIATION - State Fee

**Introduced**

#### **ORD-0096-2013**

TO AUTHORIZE THE MAYOR TO ENTER INTO AMENDMENT TO THE COOPERATIVE AGREEMENT WITH FRANKLIN COUNTY FOR CONSTRUCTION OF A PORTION OF HAMILTON ROAD BETWEEN CLARK STATE ROAD AND JOHNSTOWN ROAD/U.S. ROUTE 62; SAID PROJECT IN THE JURISDICTION OF THE CITY OF GAHANNA

**Introduced**

## **E. CONSENT AGENDA:**

### **Minutes - To Approve:**

#### **2013-0018**

To Approve the Following Set of Minutes:

1) May 20, 2013 Regular Meeting Minutes.

**This Matter was Approved and Filed on the Consent Agenda.**

### **Ordinances on Second Reading:**

**ORD-0087-2013**

TO AUTHORIZE THE MAYOR TO EXECUTE A LEASE AGREEMENT FOR OFF PREMISE SIGNS WITH STRATHMORE DEVELOPMENT COMPANY FOR CREEKSIDE PROJECT SIGNAGE.

**This Matter was Adopted on the Consent Agenda.**

**ORD-0088-2013**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH THE GAHANNA JEFFERSON SCHOOL DISTRICT; FOR THE PROVISION OF SCHOOL RESOURCE OFFICERS TO THE GAHANNA-JEFFERSON SCHOOL DISTRICT FOR THE 2013/2014 SCHOOL YEAR.

**This Matter was Adopted on the Consent Agenda.**

**ORD-0090-2013**

TO AUTHORIZE THE MAYOR TO SIGN LETTER OF ENGAGEMENT FOR REFUSE CONSORTIUM REPRESENTATION BY EASTMAN & SMITH, LTD.

**This Matter was Adopted on the Consent Agenda.**

**Motion Resolution:****MR-0024-2013**

Motion Resolution that this Council has no objection to the trex D1 liquor permit from Chipotle Mexican Grill of Colorado, dba Chipotle, 4130 Tuscarawas St. W., Canton Oh to Chipotle Mexican Grill of Colorado LLC, DBA Chipotle Mexican Grill 1890, 95 N. Hamilton Road, Gahanna, Ohio 43230.

**This Matter was Approved on the Consent Agenda.**

**Passed The Consent Agenda**

**A motion was made by Anderson, seconded by Vice President of Council Jolley, 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 Renner, Vice President of Council Jolley, Larick, Samuel, Angelou, Anderson and Wright
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**End of the Consent Agenda****F. PUBLIC HEARINGS: None.****G. STANDING COMMITTEES:****Committee of the Whole - Jolley: No Report.****Finance, Service & Safety - Larick:**

Larick stated the Investment policy is moving to Committee of the Whole; reserve policy discussions will continue; have an outline and will be going to a more structured discussion going forward; on shared services there was a joint discussion as Yoder alluded to which was very beneficial; was a good start.

**Development & Parks - Wright:**

Wright stated the Friday After 5 events are starting in June; hosted by Parks & Recreation Foundation with legwork from Parks Department; just want you to know what is going on at Creekside; bands coming in so you will get the feel like you have at Easton to listen to jazz and so on; will be somewhat of the same; is something new for this year that the Foundation is putting on; hope that will be a large success; was an

update with the close of Mill Street with Griffin property; should be done sometime this week.

## H. CORRESPONDENCE AND ACTIONS:

### Clerk:

#### 2013-0017

Certification from Franklin County Board of Elections of the failure of Issue 4 to increase the City income tax to 2-1/2% on the May 7, 2013 ballot; votes for 1,824; votes against 1,946.

Results certified on May 22, 2013 and received May 29, 2013.

**Received and Filed**

### Council:

Anderson stated she had received correspondence from Niagara Bottling; from their Economic Development and Government Relations Manager informing us of their tools for keeping in touch with their plant communities; a plant specific communication will be sent electronically throughout the year; also reaching out to Council people if we want to have a tour and watch as things unfold; this new business is key since 60% of our income tax revenue comes from our businesses; exciting they are here.

## I. SECOND READING OF ORDINANCES:

### Ordinances Reported Out of Committee:

#### ORD-0082-2013

TO AMEND THE PRIOR FILING WITH THE FRANKLIN COUNTY BOARD OF ELECTIONS TO REESTABLISH WARDS IN THE CITY OF GAHANNA; TO REDISTRICT SAID FOUR WARDS IN A MANNER EQUITABLE TO THE POPULATION THEREIN; TO AMEND CHAPTER 105 OF THE CODIFIED ORDINANCES; AND TO DECLARE AN EMERGENCY

**A motion was made by Samuel, seconded by Wright, that this matter be Amended by Substitution. The motion carried by the following vote:**

<b>Yes</b>	<b>5</b>	President of Council Renner, Vice President of Council Jolley, Larick, Samuel and Wright
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<b>No</b>	<b>2</b>	Angelou and Anderson
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**A motion was made by Samuel, seconded by Wright, that this matter be Adopted as Amended. The motion carried by the following vote:**

<b>Yes</b>	<b>5</b>	President of Council Renner, Vice President of Council Jolley, Larick, Samuel and Wright
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<b>No</b>	<b>2</b>	Angelou and Anderson
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Clerk notes that motion to adopt passed but the emergency fails.

Clerk notes that motion to adopt passed but the emergency fails.

Wright stated as we look at ward system it is out of whack by a lot; ward that I represent has more than 1400 voters than the next ward; when you look at proportion and what Charter outlines, clearly states that the ward boundaries are to be balanced; am not in favor of state coming down and saying this is what you have to do; with all discussion since 2012 think this is very fair; in the beginning didn't think it was right; initially how it was set up when Larick was President and Angelou was chair of the special committee,



after looking at it and taking a step back thought it was fair; process we used has been fair; from the Secretary of State giving their orders that they will not accept what we did, that may be fair; we have taken the time to have a good compromise and that's what you have with this legislation; everyone's not going to win; not the map we chose but can live with it; doing a disservice in saying to all the people who live in ward 2 saying that all of these ward 2 constituents that you have 1 representative that is the equivalent of less in another ward; we need to go back to the main point that the charter says they need to be balanced; this is not me being political, this is me reading the charter; if you stand before the public, that is what we are tasked to do - to balance the wards; this is as close as we could possibly get with the time frame we have to work with; think that reconsideration is needed and need to take into consideration what we are trying to effect and what we are doing; as a side note if this doesn't pass with the emergency ward 2 will be 2 precincts higher for 4 more years; higher than any other ward in Gahanna; amendment before us may not be what everyone wants but it is fair; fair in the sense it doesn't disenfranchise people by putting them all in one area and having one representative as opposed to other areas; this is something we should move forward on.

Ewald stated if this doesn't pass as 6 -1, because of the timing effects of the Charter which says it would have to be in effect by June 7, would suggest you repeal everything so ward structure goes back to original status as we do have election in the fall. Angelou stated that is what is in existence right now as the prior legislation was not accepted; wards went back to the 2003 boundaries. Ewald stated that was incorrect; still have outstanding legislation that corrected your original filing; until that is repealed we are in limbo. Angelou stated Board of Elections made the statement that it went back to original boundaries. Ewald stated he understood that but you still have legislation in effect.

Jolley stated he will vote for the reconsideration and will make further comments later.

Angelou stated that is what is in existence now because our changes were not accepted; it does change the ward boundaries but not in time for this election; will go into effect as soon as the 60 days is up after the election. Ewald stated by Charter you can't change the ward boundaries during the term of an elected official so therefore once the election is over and you are in to the 4 year term of the elected officials for this fall, you can't make any adjustments for that 4 year period, so this legislation would lay in limbo for 4 years. Angelou stated it would also not affect any election except those for committee men for various parties; so if it stays this way for 4 years so be it; would give us time to fight this with the state; that they shouldn't be dealing with a Charter city and telling us we can't put our wards where they need to be; wards are only for political reasons within the City, only thing it affects; so we need to potentially do that.

Jolley called the question.

**A motion was made by Wright, seconded by Vice President of Council Jolley, that this matter be Reconsidered. The motion carried by the following vote:**

<b>Yes</b>	<b>4</b>	President of Council Renner, Vice President of Council Jolley, Larick and Wright
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<b>No</b>	<b>3</b>	Samuel, Angelou and Anderson
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Renner asked for discussion on ORD-0082-2013 as amended. Jolley stated there have been a lot of comments in various meetings about rushing this process; think the City Attorney could give us a quick rundown, but we have been working on this since the beginning of 2012; one of the first tasks we took on when new Council was convened; can't say it has been rushed; had a speaker earlier discussing home rule; nothing in this situation prevents Gahanna from exercising its home rule; Charter indicates that we are

to balance the wards; Charter does not include all of the necessary restrictions and stipulations on how that is to be done; part of those restrictions state that we are to adhere to federal census blocks; fact that none of us knew that and it was not written in Charter is irrelevant; we are already required by law to adhere to those stipulations; we passed a map that did not meet those boundaries; was off by a small marginal amount; Board of Elections had granted us waivers in the past, and did so this time; the State did not this time; State is just enforcing a law that is in effect; is not anything new; not infringing on our rights of home rule; Charter states that wards are to be balanced; they are anything but right now; difference in size between the largest and smallest wards is 1,390 voters; that is larger than an entire precinct; standard deviation, if we care about being internally consistent, is 586 voters; that is astronomical; plan before us tonight brings that down to 110 voters; difference in size goes down to 233 voters; eliminated 80% of the disparity; when we all took oath of office we swore to uphold the constitution and laws of the United States and State and Charter and ordinances of the City; charter does not give us permission to establish wards, gives us the requirement and anyone who is going to blatantly violate that provision of the Charter needs to be held accountable by the public the next time they seek public office; public needs to be aware that their elected officials are blatantly violating the Charter they swore to uphold; a special committee was formed with Angelou as Chair and Samuel and myself and we established certain goals; that we would make minimal changes, we would balance the wards, and minimize the impact to partisan elected committee people; plan before us does all that; see no reason to vote no when it meets the goals we set; is slightly different than what we had before but still meets the goals; that hardly is a reason to vote against this plan; two weeks ago we heard how we shouldn't be wasting \$4,800 by cancelling the fireworks contract; when all is said and done, the money is not wasted as we can apply it to a future contract; to date we have spent in the neighborhood of \$5,000 surveying the lines for this legislation which will be completely wasted if we don't pass this ordinance; find it incredible that anyone would vote against legislation that accomplishes our stated goals, that we've worked on for over a year, and who's failure to pass would waste \$5,000 of taxpayer money and that would blatantly violate our sworn duty to uphold the Charter; anyone who votes against this legislation needs to be held accountable by the voters the next time they seek public office because they are reneging on promise to uphold the charter.

**A motion was made by Wright, seconded by Vice President of Council Jolley, that this matter be Adopted as Amended. The motion carried by the following vote:**

<b>Yes</b>	<b>5</b>	President of Council Renner, Vice President of Council Jolley, Larick, Samuel and Wright
<b>No</b>	<b>2</b>	Angelou and Anderson

Clerk stated ORD-0082-2013 passed but the emergency fails.

#### **ORD-0091-2013**

TO REZONE 3.9+/- ACRES OF PROPERTY AS ROD/SF3, RESIDENTIAL OVERLAY DISTRICT/SINGLE FAMILY 3; SAID PROPERTY LOCATED AT 5593 HAVENS CORNERS ROAD; KNOWN AS THE MEADOWBROOKE SUBDIVISION; BROOKWOOD CONSTRUCTION COMPANY, INC., DOUG MADDY, APPLICANT.

Motion by Wright, seconded by Jolley. to adopt ORD-0091-2013.

Anderson thanked residents for coming; this is your government; your opportunity to express your concerns; several great points made this evening; issues that need to be fleshed out; received communications from several of you about density; we have looked at it; was a close vote from Planning Commission; great questions by Jack

Schmidt that I believe we need answers to with regard to the environment, economic impact, schools, police, fire, wildlife, etc; points on this in addition to density issue that need to be fleshed out further and at least discussed; no urgency to this process; needs having it vetted further and waiting another 2 weeks can only give us the opportunity to get further input.

**A motion was made by Anderson, seconded by Angelou, that this matter be Postponed to Date Certain to the Committee of the Whole. The motion failed by the following vote:**

**Yes        3        President of Council Renner, Angelou and Anderson**

**No        4        Vice President of Council Jolley, Larick, Samuel and Wright**

Renner stated now go back to adoption of ORD-0091-2013.

Anderon stated that given this did not pass to postpone will be voting no as I don't have answers to certain questions.

Larick said he was not in favor in 2011; design requires the residents to maintain water remediation efforts; not in favor now.

Samuel stated he was on Council last time this was brought up; main concern was traffic congestion and did a thorough reading of the Gallagher study and agree with his conclusions on sight lines, cueing, spacing, stacking etc. and agree that they are in acceptable guidelines; also understand the schools will make changes if necessary; my concerns have been answered.

Jolley questioned if another motion to postpone could be made. Ewald stated it could.

Jolley stated he did not think it is in best interest of this community or Council to pass legislation in a rushed fashion; Anderson has indicated she will vote no because she has not had enough time to get the answers she seeks; I don't need more time but would be a disservice to vote on this one way or another simply because of lack of information; previously voted not to postpone but will vote yes this time to see we are taking this process forward properly.

Renner stated he voted in favor of postponing; there is not a sense of urgency; think it is a good idea to flesh out questions; want to strongly urge everybody in this room that the answers you may want may not be available by June 17; environmental impacts and economic impacts those are large studies that take months and months to do; just want to manage expectations on what you think you can get; can review this but just wanted to be cautionary.

Anderson stated that if anyone has some of this information please provide it for us as we have a short window to get information, to digest it and to process; if you have this or know best place to get it or have commissioned it yourself, please get it to us through Clerk's office; would be very helpful for us since we have agreed to look at this.

Angelou stated she did receive a number of questions and e-mails and have been studying this issue; did walk the property and did look at rain gardens and feel I did due diligence; when I received questions, I did pass those questions along to Dugger and had some of those answered; just got e-mails back today; I did pass those on; with that think that postponing is in the best interests of having this pass to the delight of the developer or fail to delight of the neighbors; will pass those answers on that I received.

**A motion was made by Vice President of Council Jolley, seconded by Anderson, that this matter be Postponed to Date Certain to the Committee of the Whole. The motion carried by the following vote:**

No 3 Larick, Samuel and Wright

Yes 4 President of Council Renner, Vice President of Council Jolley,  
Angelou and Anderson

Renner stated this item would be on Committee of the Whole next Monday, June 10 and back on the regular agenda on June 17.

**J. FIRST READING OF ORDINANCES: None.**

**K. MOTIONS/RESOLUTIONS: None.**

**L. REPRESENTATIVES:**

**Community Improvement Corporation (CIC) - Larick/Renner:**

Larick stated it was an abbreviated meeting with the main item of discussion being an MOU between the City and the COCIC; means of coordinating with City and COCIC with regard to property that may be delinquent; will allow City to guide what happens with those properties as they may be taken over by the County; allows us to have input and potentially bring control to the City instead of an outside party.

**Mid-Ohio Regional Planning Commission (MORPC) - Angelou**

Angelou stated next meeting is June 13.

**Bd. of Education, Gahanna-Jefferson Public Schools - Samuel: No Report.**

**Convention & Visitors Bureau (CVB) - Jolley:**

Jolley stated that Creekside Blues & Jazz Festival is in less than 2 weeks; volunteers needed; let Braun, Collins, myself or Laurie Jadwin know if you can volunteer; great impact for the City.

**M. OFFICIAL REPORTS:**

**Mayor:**

Stinchcomb stated Jolley stole my thunder; preparing for Blues & Jazz Festival; the shade structures are being completed; tables and chairs are being put out; they were requested by citizens; glad to see that will be done in time for festival; 3 Creeks Coffee has expanded their menu; Ciao Vino and Local Cantina are working very hard hoping to be open for the festival; 12 new families moved in over the last 2 weeks to residential area at Creekside; hope to see everyone volunteering as I will be.

**City Attorney**

Ewald stated he will be working with Clerk to bring back legislation to repeal and clean up the ward restructuring to make sure we are back to prior filing; take us back to the 2010 structure; bring to you next week; since this passed still puts a cloud over as far as the Board of Elections is concerned, to where we stand as far as our ward structure; they have it as our original structure but this legislation did pass; you have a loggerhead between our legislation and what they are accepting; would prefer to get rid of it and revisit it in 4 years.

**N. COUNCIL COMMENT:**

Anderson stated that with regard to policy legislation and laws; always room for interpretation; having gone to law school, finished law school, having worked for a federal court judge, covered the United States Supreme Court, federal courts and potentially with the Ohio state courts, can see behind the scenes and know what is going on; when you read through things and read through issues people come to that with different viewpoints and backgrounds; as we look at policy and all the issues we look at on Council, whether it be promulgating legislation, interpreting legislation, being held to constitution and Charter of Gahanna; how you view something, the process, all of that is key; just to look at something and put it in a box doesn't allow for one to step back and look at other viewpoints; interpretation is key in everything we do; each of us is going to bring our background and viewpoints and education to look at something and review it and comment on; is all part of the democratic process; debate allows us to vet certain things and we may come down on different sides; tonight you have seen that; as you come to City Council to observe and to express your viewpoint know that everybody has an opinion; accountability will then be based on your viewpoint, your discretion, and your interpretation; thank you.

Wright stated he was happy to see a handicap access in Council Chambers; very important; asked if it was permanent. Clerk stated it is temporary in that it will stay there as long as it is needed; we then can take it down and store it until we would need it again. Wright continued that tonight he is very passionate about the wards and redistricting; think we did a disservice today to not pass it; in 4 years Ward 2 will have 2 precincts more than any other ward; Board of elections splits the precinct once it hits 1,400 voters; will be 2 additional precincts by end of the term; think it is a disservice to the people who this one person is supposed to represent; Charter is very clear and it is very simple; says we are to balance the wards; doesn't take a rocket scientist; the ultimate goal is to balance the wards; when we go into this election they will be unbalanced, not by a little but by a lot; other thing is that in politics delay is a tactic you can use to not get things done; need to look at that; extending time that's another tool; need to be wary of that; can be used as a political tool to not get things done; what we see at federal level is what makes people so frustrated; want to emphasize it is unjust to have that many people in a ward and not be balanced; look at the map; it is not fair.

Samuel stated he wished to thank those who returned after last week to express your concerns about your city; they are also our concerns; had an issue tonight that is a neighborhood situation; would say that developer has spent more time on this than any in previous history that I can remember; have lived here 38 years; my wife has lived here her entire life; especially in the 90's we grew from a small town to a major suburb; when you develop you do have impact on environment; look at City Hall; this was nothing but farm land; where I live now thought I moved into a nice situation but we had underground streams; had to deal with soil settling, cracks in walls, things like that; whenever you buy there is a risk; when you move in you have to take a risk; with regard to density issue, a lot of areas it works well; in New Albany; Fodor Road has a lot of dense communities, as well as Thompson Road; they work well; there is a niche; people are looking for small yards and things they don't have to maintain; when they look for this product Gahanna right now doesn't have the price range or this situation; understand concerns of neighbors; risks whatever you do.

Larick stated he was honored to attend Memorial Day services last Monday; rain cleared as it stated; very moving ceremony; thank the folks that provide safety and security for our country.

**O. ADJOURNMENT: 8:36 p.m. - Motion by Samuel.**

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**Donna L. Jernigan, MMC**  
**Senior Deputy Clerk of Council**

*APPROVED by the City Council, this*  
*day of                      2013.*

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**Chair Signature**