

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, May 19, 2008

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, May 19, 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. Vice President Evers delivered the Invocation followed by the Pledge of Allegiance. Agenda for this meeting was published on May 16, 2008.

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:**

Melissa Hyde, 223 Regents, said she is here to present Council with Tree City USA plaque; this is the 19th year that Gahanna has received it; also we received an award and flag for 2nd year in a row for pruning and planting more trees; said she was glad to be able to receive these for the City; was a good time.

Windy McKenna, school board representative, said student counterparts were at their meeting last Thursday; Education Association awarded two scholarships; Class of 2008 and 2009 are collaborating to give the high school a new sign; Brownie Troop presented a recycling project they would like to do at all schools; approved the summer school program; did vote to hire Dwight Carter as the new principal of the high school; hired a lot of teachers for next year; approved a letter of intent to Stonhenge Land Co. for our part of the development of the old Kroger site; approved optional full day kindergarten; approved issuing diplomas for the graduating class of 2008; 575, which may be the biggest ever.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:

Ordinances were introduced, by title, by Evers.

Ordinances - To Be Introduced and Assigned to Committee:**ORD-0114-2008**

TO ACCEPT DEED OF EASEMENT IN THE AREA OF 416 ARMOR HILL DRIVE, ALSO KNOWN AS 221 MCCUTCHEON ROAD, FOR A STORM SEWER EASEMENT FROM C. SPURGEON & LUELLA J. KENIMER, OWNERS; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0115-2008

TO VACATE A UTILITY EASEMENT FOR STORM SEWER EASEMENT FOR PROPERTY LOCATED AT 221 MCCUTCHEON ROAD, ALSO KNOWN AS 416 ARMOR HILL DRIVE; IMPROVEMENT NO. 922; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0116-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH GGC ENGINEERS, FOR DESIGN SERVICES FOR THE PRICE ROAD SANITARY SEWER; TO SUPPLEMENTALLY APPROPRIATE \$13,870; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0118-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH FUN DAY EVENTS, LLC, FOR INFLATABLE GAMES, ACTIVITIES, FOOD AND LABOR

FOR THE CITY'S FREEDOM FESTIVAL FOR 2008; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0121-2008

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH AMERICAN PAVEMENTS, INC., FOR THE 2008 CRACK SEAL/SLURRY SEAL PROGRAM, IMPROVEMENT NO. 929; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0122-2008

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH KOKOSING CONSTRUCTION COMPANY FOR THE 2008 ASPHALT OVERLAY PROGRAM, AND DUNBARTON ROAD REBUILD; IMPROVEMENT NO. 928; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0123-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH W.E. STILSON CONSULTING, FOR INSPECTION SERVICES FOR THE 2008 ASPHALT OVERLAY PROGRAM AND REBUILD OF DUNBARTON ROAD, IMPROVEMENT NO. 928; AND TO DECLARE AN EMERGENCY.

Introduced

E. CONSENT AGENDA:

Minutes - To Approve:

2008-0001

1) May 19, 2008 Regular Meeting Minutes

This Matter was Approved, on the Consent Agenda.

Ordinance: Introduce, Waive Second Reading, Adopt as Emergency:

ORD-0120-2008

AN ORDINANCE ADOPTING A STATEMENT INDICATING THE SERVICES THE CITY OF GAHANNA, OHIO, WILL PROVIDE TO THE 27.9+/- ACRE TERRITORY IN JEFFERSON TOWNSHIP, FRANKLIN COUNTY, PROPOSED TO BE ANNEXED TO THE CITY OF GAHANNA UPON ANNEXATION; REQUESTED BY VALUE RECOVERY GROUP, BY RICHARD C. BRAHM, APPLICANT; AND CITY BUFFER REQUIREMENTS AS PROVIDED IN OHIO REVISED CODE SECTION 709.023 AND DECLARING AN EMERGENCY.

This Matter was Introduced, Second Reading Waived, and Adopted as an Emergency on the Consent Agenda.

Ordinances on Second Reading:

ORD-0104-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH W.E. STILSON CONSULTING GROUP, FOR DESIGN AND RIGHT OF WAY SERVICES FOR THE HAMILTON/GRANVILLE INTERSECTION; IMPROVEMENT NO. 883; AND TO DECLARE AN EMERGENCY.

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

ORD-0105-2008

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

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

ORD-0106-2008

TO AMEND ORD-0294-2007, SALARIES AND BENEFITS FOR UNCLASSIFIED PERSONNEL, AS PREVIOUSLY AMENDED, TO ALLOW FOR CHANGE IN PAY GRADE FOR THE DEPUTY DIRECTOR OF PARKS AND RECREATION AND TO INCLUDE JOB SHARING LANGUAGE IN ARTICLE III; TO SUPPLEMENTALLY APPROPRIATE \$6,049; AND TO DECLARE AN EMERGENCY.

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

ORD-0107-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH CJI RESEARCH CORPORATION TO CONDUCT A RESIDENT SURVEY FOR GAHANNA.

This Matter was Adopted on the Consent Agenda.

ORD-0109-2008

SUPPLEMENTAL APPROPRIATION - Creekside Programming

This Matter was Adopted on the Consent Agenda.

ORD-0111-2008

TO REZONE 0.9618+/- ACRES AS RID, RESTRICTED INSTITUTIONAL DISTRICT; FOR PROPERTY LOCATED AT 3643 OLDE RIDENOUR ROAD; EAGLE ACADEMY OF COLUMBUS, INC., OWNER, BY CITY OF GAHANNA, APPLICANT.

This Matter was Adopted on the Consent Agenda.

Motion Resolution:

MR-0025-2008

Motion Resolution to authorize the reallocation of funds originally appropriated for Airbag Disablers for police cruisers; total \$4,000 appropriated to Account No. 101.211.5510, Police Minor Capital Equipment; to be reallocated for the purchase of Rumbler Sirens for equipping marked police cruisers.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Kneeland, seconded by Anderson, 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
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End of the Consent Agenda

F. PUBLIC HEARINGS: None.

G. STANDING COMMITTEES:

Development & Parks Committee - Ewald: None.

Public Service & Safety Committee - McAlister: None.

Committee of the Whole - Evers: None.

Finance - Kneeland

Kneeland said since the May 27th committees will be short because of the tour of facilities, still want Council to review the quarterly reports from the Finance Department; schedule that for the June 9th committees.

H. CORRESPONDENCE AND ACTIONS:

Clerk - Legal:

Z-0009-2008

Z-0009-2008 To consider a zoning application to change this property to add a two story therapy room to the existing nursing home; current zoning L-SO; requested zoning L-SO which requires a change to previously approved plans; located at 167 Stygler Road; National Church Residences; George Berardi, applicant.

Public Hearing is scheduled for June 2, 2008.

Scheduled for Public Hearing

2008-0020

To recommend to Council the vacation of a utility easement for storm and sanitary sewer purposes; for C. Spurgeon and Luella J. Kenimer, 221 McCutcheon Road; sewer has been relocated and a new easement recorded.

Received and Filed

Council

I. SECOND READING OF ORDINANCES:

Ordinances Reported Out of Committee:

ORD-0112-2008

AN ORDINANCE REDESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF GAHANNA AS AN AGENCY OF THE CITY OF GAHANNA, OHIO, UNDER THE AUTHORITY OF SECTION 1724.10 OF THE REVISED CODE OF OHIO.

McAlister said he thinks that the CIC is an agency that the City doesn't need; nothing that CIC does that the City cannot do in its own name; CIC basically buys land; buys real estate; creates things like Creekside; see it as a superfluous organization that we don't need.

Ewald said he is going to support this tonight for two reasons; it brings business community and leaders in the community outside of City government and politics to the table, and their experience; you get to bring in that experience and collaborate with the business leaders; second reason is that the language of the old ordinance is very outdated to current legal standards; believe that it has been honed and modified to be usable today for what it should be used for.

Evers said he is the one who asked that this be brought forward; think there is a viable need for CIC; only need to look as far as our industrial zone and the Bedford landfill that had remained closed and unusable for a number of years; wasn't until the City along with the County partnered with the Central Ohio CIC that we were able to come up with a solution to close that landfill, and now we have an aggregated 192 to 200 acres of developable land that was sitting unusable; do think that CICs are a useful tool and serve a useful purpose so I will be voting for this.

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

Yes	6	President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson and Samuel
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No 1 McAlister

A motion was made by Kneeland, seconded by Vice President of Council Evers, to amend ORD-0112-2008 to read that the Community Improvement Corporation of Gahanna is "an" agency of the City, in the title of the ordinance and in the fourth Whereas clause . 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

ORD-0112-2008

AN ORDINANCE REDESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF GAHANNA AS AN AGENCY OF THE CITY OF GAHANNA, OHIO, UNDER THE AUTHORITY OF SECTION 1724.10 OF THE REVISED CODE OF OHIO.

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

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

No 1 Anderson

J. FIRST READING OF ORDINANCES:

ORD-0117-2008

TO AUTHORIZE THE MAYOR TO SIGN ALL NECESSARY PAPERS FOR THE ACCEPTANCE OF THE BROWNFIELDS REVOLVING LOAN GRANT; TO SUPPLEMENTALLY APPROPRIATE SAID FUNDS WHEN RECEIVED; AND TO DECLARE AN EMERGENCY.

Ewald said he will be supporting this tonight but would like to voice concern; do believe it approves the future expenditure of a supplemental which should come back to Council; as a matter of point would not like to see anything else like this in the future.

McAlister said he will not be supporting this; the money comes down to Gahanna through the State of Ohio EPA which gets a lot of the money from the federal government; read my Constitution again last night and could not find anywhere that authorizes the federal government to be spending money; okay for the states to raise all kinds of money to do with what they want, but for the federal government to be participating in this is unconstitutional; therefore will be voting no.

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

No 1 McAlister

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

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

No 1 McAlister

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

ORD-0119-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, FOR SAFE ROUTES TO SCHOOLS FUNDING GRANT; TO SUPPLEMENTALLY APPROPRIATE \$4,000; AND TO DECLARE AN EMERGENCY.

Samuel asked why the school board didn't apply for this grant; are we partnering with them, and who is heading up the project?

Ewald said it has to do with us integrating our bikeways and pathways throughout the City; that is how they applied for that. Wetherholt said they do participate with us; they provided a lot of the information for the grant application; most of the actual physical work is in the City portion of the infrastructure; so it is appropriate for municipalities to do this; municipalities are applying for money to do the studies that are required for this because there is a lot of background that needs to be done; a lot of mapping and so forth; so this is typical. Collins continued that the schools are involved and working on our team; Mary Anne Albanese is working with us; they are the major component; we were working on it with the bikeway plan and saw it as a mechanism to open the gateway for future funding for bikeway projects and connectivity.

McAlister said here again; I asked some constituents if they think it is the role of the federal government to be taxing you just so the money can go to the Ohio Department of Transportation and then filter its way back down to Gahanna; just to tell us where kids should walk to school, or bike to school, or where the crosswalks should be; do they think this is the proper role of the federal government. I couldn't find anybody who said that is why we have a federal government, to be telling us where to put our crosswalks; secondly, where in the Constitution does Congress have the authority to be involved in this whatsoever? Article 1, Section 8, clearly spells out the powers granted to Congress; I see absolutely nothing in there that would even come close to what we are voting on tonight; no way I can support this; feel like I would be violating my oath that I took in January to uphold and defend the Constitution of the United States; this is in direct violation of the Constitution of the United States; taking federal money to do something like this. If the City of Gahanna wanted to tax its citizens and find safe routes to go to school, that would be fine; don't have problem with the State doing that, but for the federal government to be doing this; this is called pork.

Kneeland said he will be supporting legislation this evening, but would like to get a formal opinion from the City Attorney on this before we spend any of the money; want an official opinion as to if in fact there is any rationale to what Mr. McAlister brought up; will be supporting the ordinance, but would like the opinion before we spend any of the money.

Anderson said with that request being granted does that mean we would not spend any money and therefore the vote for this would be rescinded if it passed. Kneeland said if I get an official response from Weber in the affirmative it just passes through. McAlister said if it doesn't then I will be bringing back repealing legislation. Anderson said she just wanted to clarify that for the record.

A motion was made by Vice President of Council Evers, seconded by Anderson, that this matter be Introduced, Second Reading Waived, and Adopted as an Emergency. 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

K. MOTIONS/RESOLUTIONS:

L. REPRESENTATIVES:**Community Improvement Corporation (CIC) - Ewald/Kneeland**

Kneeland said the next meeting is scheduled for June 5th; right now we are talking about 7:30 a.m. for the time; still in flux primarily because a number of our private sector folks are having trouble making our 5:30 p.m. time; this next meeting is going to be our strategic planning session.

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

Anderson said we meet on the 2nd Thursday of the month; talked about partnering and collaborations with cities in an effort to be more cost efficient in the use of our funds and resources; sharing of interesting ideas; also things that communities are already doing; also an announcement of an upcoming anniversary of MORPC; there is a planning committee starting for that; Commissioner Marilyn Brown was there and handed out prescription discount cards that save an average of 20%; you can find these at libraries and other government places; for use when prescriptions are not covered by insurance; no restrictions and no limits on how many times you can use these; effort on part of county officials to make a difference in the rising cost of prescription medicines.

Kneeland asked if there was any discussion about HB 521 at MORPC. Anderson said yes but not extensive; there is support for it.

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

Ewald thanked McKenna for her report; wanted to focus on the "Picture Book for Pen Pals program"; this program is between second and seventh graders that share their interests through pictures and the collaboration goes back and forth between the two individuals; excellent way to interact with each other; thank McKenna for coming in and sharing the rest; also Stonehenge did sign a letter of intent.

M. OFFICIAL REPORTS:**Mayor**

Mayor said last Saturday was the May Herb Day event; was very well attended; had two different sites; the historical settlement and at Creekside Plaza area; quite a few vendors there and attendance was up.

City Attorney: Nothing.

N. COUNCIL COMMENT

Samuel said the Communications Committee met this evening and came up with the following mission statement; "To improve two-way communication between Gahanna city government and the Gahanna community." We had a brainstorming session and strategizing and want to look at both proactive and reactive communications; next meeting will be June 2nd at 6:15 p.m.; we plan on meeting on a regular basis right before Council meetings.

Kneeland said he was able to attend the Herb Day Festival at the Creekside portion and it was a great event; well attended; another great event in Gahanna.

McAlister said he would encourage everyone to read Article 1, Section 8 of the U.S. Constitution, and call me with questions.

Ewald said he wanted to thank the Police Department for the way they handled an incident on Shull Avenue last week; our officers responded to it and neighbors were extremely pleased with the professional conduct of the police officers; did an excellent job to defuse the situation which could have gotten very bad; no one was hurt, and appears to be fine at that residence; please pass this on.

Evers said baseball season is upon us; spending a lot of time at Academy Park; wanted to pass along some comments to the Parks Department; the new playground equipment is a big hit; thank you for all your efforts.

Anderson said she also attended Herb Festival at the Creekside location; had a group of about 20 people that she hosted there; showed them around Creekside; said they will come back; have an opportunity to enjoy the amenities even when the festivals are not there; did share with them that we have many activities planned for the summer; thought it was well attended; spoke with Bunnie Geroux and she was happy; looked like all the people who came to participate were really enjoying themselves; great location to have it and hope it continues there.

Kneeland said his wife runs the Veteran's Memorial committee and she was down at the Memorial doing her semi-annual clean up; noticed we are having another problem with skate boarders; actually have taken some pretty large chunks out of the granite seats; for the short term would ask the Deputy Chief to take this back to the PD and figure out how we can catch these guys; it is a federal offense since it is a Veteran's park; with some of the new technology being installed can we put some cameras down there to catch some of these guys; it is just a shame that there isn't any respect for something like that.

Anderson said one other thing about MORPC; they are planning an informational session/discussion for candidates that are going to be on the November ballot; date has not been set; they are setting up planning meetings; also received a letter from the Ohio Legislative Black Caucus from the new President, Senator Shirley A. Smith; she is the contact person.

McGregor said she wanted to thank the Parks Department for the asphalt path they put in for the Historical Society; it connects the High Street sidewalk to the public parking lot behind Wendy's; it was great to tell people just to follow the path down the parking lot and catch the boardwalk and head over to Creekside; really nice; much nicer than having to walk up the hill; much appreciated; was a great day.

O. EXECUTIVE SESSION:

A motion was made by President of Council McGregor, seconded by Vice President of Council Evers, to go into Executive Session under Section 5.40(b) of Council Rules of Procedure. The motion carried by the following vote:

Yes	7	President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson, McAlister and Samuel
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Council rose to Executive Session at 8:13 p.m. Council did not rise to report.

P. ADJOURNMENT: 8:53 p.m.

Donna L. Jernigan, CMC
Senior Deputy Clerk of Council

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

Nancy R. McGregor
President of Council