

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, June 20, 2011

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

7:00 PM

City Hall

City Council

David L. Samuel, President

Brian D. Larick, Vice President

Beryl D. Anderson

Shane Ewald

John R. McAlister

Nancy McGregor

Timothy W. Pack

Isobel L. Sherwood, MMC, Clerk of Council

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

Members Absent: Nancy R. McGregor and Beryl D. Anderson

Members Present: David L. Samuel, Brian Larick, Shane W. Ewald, John McAlister and Timothy W. Pack

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

State Representative Nancy Garland said she is always glad to be here with Gahanna City Council; I caught your event on Friday night and it was wonderful; Tom Weber called me the other day and asked me several questions in regard to issues before the legislature; thought the easiest thing to do was to come and report to you what is going on and if you have any other questions I will be glad to respond; with the three different issues there seems to be a little bit of erosion of local control; that is what I am seeing; the first thing is the fast food provisions which were not in the House version but they appeared mysteriously in the Senate version; the biggest concern I heard from Weber was that it would prohibit local jurisdictions from prohibiting fast food restaurants and establishments from moving into a community; basically they indicate that the Director of Agriculture would have sole and exclusive authority in Ohio to regulate the provision of Consumer Food Services; for instance I know that Granville does not allow fast food restaurants; this would preempt that and say basically that the State is the one that makes that decision; Weber asked for the exact language; "prohibits political subdivisions from enacting, adopting or continuing in effect local legislation that bans, prohibits or otherwise restricts food service operation because that food service operation is characterized as a quick service or fast food restaurant"; I have no idea as to whether this will stay in the final budget, but again it was included in what was passed by the Senate, and it is the Senate bill that they are using as the bill for the budget; not using the House version so they would have to specifically take out that provision; budget is in conference and we are supposed to vote on the final budget on June 28th; I have already expressed concern in regard to this provision and will be watching it and keep Weber and the Mayor apprised of what happens.

The next issue, and I talked to the Mayor today, has to do with multiple prime and prime contracts; there seems to be confusion on this issue and the reason for that is that there is different language in both the House and Senate versions; I really don't know what is going to come out in conference but in the Senate version, the only entities exempt in terms of the multiple prime are state agencies, institutions of higher education and counties and school districts; that is the Senate version; in the House version and the Governor's version of the budget everyone except the turnpike would be permitted to use other construction methods beside the multiple prime; I think in terms of the City, the House and the Executive version would be more amenable; something that we will certainly let folks know.

The other one is HB 50 which has to do with type II annexation petitions; I think most people thought that this had been laid to rest but the townships were not real happy with the way things were going; so I think that this bill is at the behest of townships; the bill has actually been introduced and there is going to be a 5th hearing on the bill tomorrow; it has been revised once and there is going to be another amendment tomorrow; that is my understanding, but we could not get a copy of the amendment for tonight; to make it more acceptable as far as entities are concerned, basically it would allow subdivisions or the State to be considered landowner for purposes complying with the petition requirement of a type II annexation; as long as the land owned by the political

subdivision or State has employees headquartered there; could have the possibility of leapfrogging the local jurisdictions in regard to annexations; I know there has been a lot of testimony; I think if the next amendment is not better that you might want to come down to testify; there have been quite a few cities that have come and testified; interesting thing is supposedly the second version was supposed to have been better and actually it is worse; hoping the third version will be better; based on the questions that I was asked, that is the information I have; I will continue to follow these issues closely and keep you apprised.

Samuel asked if there is a big increase in the percentage going to Medicaid in the 2012 budget. Garland said 30% of the budget is Medicaid; because we have more people on Medicaid because of the economy and everything than we did before; I think that the Governor's proposal has stayed intact; have added more money for Passport which will ultimately save the State money; shift from as much money going to nursing homes as we are one of the highest in the country; get more people into assisted living and in home health will cost the State less; so yes there will be a larger percentage of the budget for Medicaid; again I feel the Governor's staff and Greg Moody, who is head of all the health departments, have really good policy in place to focus on the hot spots as far as Medicaid is concerned; feel the legislature and the Governor are doing their best to control what we are spending there. Samuel thanked Garland for coming to the meeting and for the information.

Jill Schuler, School board Representative, said Scott Mounts called and asked me to fill in tonight; Anderson had asked questions about what graduates are doing this year; 83% of kids will attend a 2 or 4 year college; 62% to a 4 year; 2% enlisted in military; 4 1/2% are joining the workforce and 2% are in adult education or trade school; currently in the process of finding an Executive Director for our business; this is the position that Kristin Groves has left and I know that person works closely with the City; should be announcing who that will be soon.

Larick asked if Clark Hall is still on track to open and Schuler said yes and we have rented out all of the space; at the last meeting we approved a contract for Education First Credit Union to rent out the foyer space to put a teller in there; have rented every bit of space out for revenues for the schools; three different tenants on the first floor and we will be seeing revenue from that very soon.

Samuel asked how many teachers would you say are at or going after degrees beyond bachelors? Schuler said State law requires that all teachers over a period of time get their masters in order to be teaching in Ohio; I would have to check the numbers to see who was still in pursuit of their masters. Samuel asked who pays for that. Schuler said the teachers pay for their own tuition; we do have professional development that we provide for our teachers.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:

Ordinances - To Be Introduced and Assigned to Committee:

Ordinance introduced, by title, by Larick.

ORD-0122-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO MAINTENANCE AGREEMENTS WITH THYSENKRUPP ELEVATOR CORP., FOR QUARTERLY INSPECTIONS OF THE CITY HALL AND POLICE STATION ELEVATORS; AND TO DECLARE AN EMERGENCY.

Introduced, Second Reading

ORD-0123-2011

SUPPLEMENTAL APPROPRIATION - Various Accounts/Trailer

Introduced**ORD-0124-2011**

TO AUTHORIZE A REIMBURSEMENT TO THE ROBY COMPANY FOR FUNDS EXPENDED ON REMOVAL OF THE SIGHT OBSTRUCTION AT 93 GRANVILLE STREET; TO SUPPLEMENTALLY APPROPRIATE FUNDS THEREFOR; AND TO DECLARE AN EMERGENCY

Introduced**ORD-0125-2011**

SUPPLEMENTAL APPROPRIATION - Engineering Assistance/93 Granville Street

Introduced**ORD-0126-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO 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**ORD-0127-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH MS CONSULTANTS, INC., FOR THE DESIGN OF HAMILTON ROAD CENTRAL, IMP. NO. ST785; AND TO DECLARE AN EMERGENCY.

Introduced**ORD-0128-2011**

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH SAVKO & SONS, INC., FOR THE TECHCENTER DRIVE & SCIENCE BLVD. CONNECTOR; TO SUPPLEMENTALLY APPROPRIATE FUNDS THEREFOR; AND TO DECLARE AN EMERGENCY.

Introduced**ORD-0129-2011**

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH GUDENKAUF CORPORATION, FOR THE TIZ FIBER EXTENSION, PHASE 1, IMPROVEMENT NO. ST 969; AND TO DECLARE AN EMERGENCY.

Introduced, Second Reading**ORD-0130-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO REAL ESTATE PURCHASE CONTRACT WITH VIRGIE A. & ROCCO EVANGELISTA FOR 0.254 ACRES OF PROPERTY LOCATED AT 4427 EAST JOHNSTOWN ROAD; TO SUPPLEMENTALLY APPROPRIATE \$20,619; AND TO DECLARE AN EMERGENCY.

Introduced**ORD-0131-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO REIMBURSEMENT AGREEMENT FOR ADDITIONAL LEASE PROPERTY WITH THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF CENTRAL OHIO FOR PROPERTY AT 4427 EAST JOHNSTOWN ROAD.

Introduced**ORD-0132-2011**

TO AUTHORIZE THE MAYOR TO ENTER AMENDMENT TO GROUND LEASE WITH THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF CENTRAL OHIO TO ADD 0.254 ACRES OF ADJOINING PROPERTY TO THE CURRENT LEASE FOR PROPERTY AT 4427 EAST JOHNSTOWN ROAD.

Introduced**ORD-0133-2011**

TO AUTHORIZE THE MAYOR TO EXECUTE QUITCLAIM DEED OF ENCROACHMENT EASEMENT FOR PROPERTY AT 132 SHEPARD STREET TO LEGALLY PERMIT RIGHT-OF-WAY ENCROACHMENT OF WALNUT STREET; AND TO DECLARE AN EMERGENCY.

Introduced**ORD-0134-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH ADVANCED CIVIL DESIGN FOR DESIGN WORK FOR THE TECHCENTER DRIVE INFRASTRUCTURE EXTENSIONS; IMPROVEMENT NOS. ST 976 AND SA 977; TO SUPPLEMENTALLY APPROPRIATE \$61,800; AND TO DECLARE AN EMERGENCY.

Introduced**ORD-0135-2011**

TO AMEND SECTION 131.07 OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA, RELATIVE TO THE MAYOR'S SALARY, EFFECTIVE JANUARY 2, 2012

Introduced**ORD-0136-2011**

TO REESTABLISH AND DETERMINE THAT THE CITY ATTORNEY OF THE CITY OF GAHANNA SHALL BE A PART-TIME POSITION FOR THE TERM BEGINNING JANUARY 1, 2012; TO PROVIDE COMMENSURATE COMPENSATION THEREFOR; TO AMEND SECTION 143.03, PART TIME POSITION, OF CHAPTER 143, DEPARTMENT OF LAW.

Introduced**E. CONSENT AGENDA:****Minutes - To Approve:****2011-0027**

To approve the following set of minutes:

- 1) June 6, 2011 Regular Meeting

This Matter was Approved and Filed on the Consent Agenda.

Ordinance: Introduce, Waive Second Reading, Adopt as Emergency:**ORD-0121-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT TO PURCHASE A TEMPORARY AND PERMANENT MULTI PURPOSE TRAIL EASEMENT FOR THE BIG WALNUT TRAIL, SECTION 3, FROM THE NOB HILL CIVIC ASSOCIATION; AND TO DECLARE AN EMERGENCY.

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

Ordinances on Second Reading:**ORD-0106-2011**

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 2011/2012 SCHOOL YEAR.

This Matter was Adopted on the Consent Agenda.

ORD-0107-2011

TO AMEND CHAPTER 913, LANDSCAPING REQUIREMENTS, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

This Matter was Adopted on the Consent Agenda.

ORD-0108-2011

SUPPLEMENTAL APPROPRIATION - Hunters Ridge Pool, Operational Expenses

This Matter was Adopted on the Consent Agenda.

ORD-0109-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO PARTICIPATION AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., FOR ArcGIS ONLINE COMMUNITY MAPS PROGRAM.

This Matter was Adopted on the Consent Agenda.

ORD-0110-2011

TO ACCEPT GENERAL WARRANTY DEED FOR PROPERTY LOCATED AT 110 MILL STREET, GAHANNA.

This Matter was Adopted on the Consent Agenda.

ORD-0111-2011

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH ENVIRONMENTAL MANAGEMENT SPECIALISTS FOR DEMOLITION OF THE CITY OF GAHANNA FUEL SITE AT 785 SCIENCE BLVD.; IMPROVEMENT NO. ST 967; TO SUPPLEMENTALLY APPROPRIATE \$256,717; AND TO DECLARE AN EMERGENCY.

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

ORD-0112-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH ADVANCED CIVIL DESIGN FOR INSPECTION AND ENVIRONMENTAL SERVICES FOR THE FUEL SITE DEMOLITION; IMPROVEMENT NO. ST 967; TO SUPPLEMENTALLY APPROPRIATE \$16,000; AND TO DECLARE AN EMERGENCY.

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

ORD-0113-2011

TO AUTHORIZE A REIMBURSEMENT TO VALUE RECOVERY GROUP FOR FUNDS EXPENDED ON REMOVAL OF ABANDONED FUEL TANKS; TO SUPPLEMENTALLY APPROPRIATE FUNDS THEREFOR; AND TO DECLARE AN EMERGENCY

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

ORD-0114-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH ORCHARD, HILTZ & MCCLIMENT, INC., (OHM) FOR DETAILED DESIGN AND ENVIRONMENTAL WORK FOR THE SAFE ROUTES TO SCHOOL PROJECT; IMPROVEMENT NO. ST 961; TO SUPPLEMENTALLY APPROPRIATE \$76,832; AND TO DECLARE AN EMERGENCY.

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

ORD-0116-2011

TO ACCEPT WARRANTY DEED FOR 0.0476 ACRES, MORE OR LESS, FOR RIGHT OF WAY PURPOSES IN CONJUNCTION WITH THE HAMILTON/GRANVILLE INTERSECTION PROJECT; IMPROVEMENT NO. ST 883; 140 SOUTH HAMILTON ROAD; FROM GAHANNA JEFFERSON SCHOOLS.

This Matter was Adopted on the Consent Agenda.

ORD-0117-2011

TO ACCEPT WARRANTY DEED FOR 0.0567 ACRES, MORE OR LESS, FOR RIGHT OF WAY PURPOSES IN CONJUNCTION WITH THE HAMILTON/GRANVILLE INTERSECTION PROJECT; IMPROVEMENT NO. ST 883; 83 NORTH HAMILTON ROAD; FROM GAHANNA JEFFERSON SCHOOLS.

This Matter was Adopted on the Consent Agenda.

ORD-0118-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH THE REGIONAL INCOME TAX AGENCY (RITA) FOR THE FEDERAL TAX INFORMATION LEGAL COMPLIANCE PROGRAM.

This Matter was Adopted on the Consent Agenda.

Resolutions to Adopt on First Reading:**RES-0007-2011**

A RESOLUTION ADOPTING THE SOLID WASTE MANAGEMENT PLAN UPDATE FOR THE SOLID WASTE AUTHORITY OF CENTRAL OHIO.

This Matter was Adopted on the Consent Agenda.

Motion Resolution:**MR-0028-2011**

Motion Resolution to authorize the Director of Public Service to go out for bids for a replacement chiller unit for City Hall.

This Matter was Approved on the Consent Agenda.

MR-0029-2011

Motion Resolution that this Council has no objection to the C2 liquor permit for Baileys Gourmet Baskets, LLC, DBA Baileys Gourmet Baskets, 1231 Sanctuary Place, Gahanna, Ohio 43230.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

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

Yes	5	President of Council Samuel, Vice President of Council Larick, Ewald, McAlister and Pack
Absent	2	McGregor and Anderson

End of the Consent Agenda**F. PUBLIC HEARINGS: None.****G. STANDING COMMITTEES:****Committee of the Whole - Larick:**

Larick said that Angel Mumma did a presentation on the 2012 budget; will continue discussion on that in Finance Committee next week.

Finance - Anderson: No Report.**SPECIAL COMMITTEES:****Expenditure Study Committee**

Larick said discussion is continuing and I should have something for Council soon.

H. CORRESPONDENCE AND ACTIONS:

Clerk - Legal:**CC-0002-2011**

Request from Gahanna City Council for Planning Commission to review Section 1171.03(h) of the Codified Ordinances (Fence Code)

Samuel noted that recommendation from Planning Commission is that no change be made to the fence code at this time.

Received and Filed

CC-0003-2011

Code Amendments to: Title One of Chapter 11 which includes Chapters 1101, 1103, 1105, 1106, 1107, 1108 and 1109

Scheduled for Public Hearing

CC-0005-2011

Code Amendments to: Chapters 1131, 1133, 1169 of Title One

Scheduled for Public Hearing

2011-0028

Notice to Legislative Authority of a new D5I liquor permit for Depot Golf Center LLC & Tartan Golf & Management Co., DBA The Golf Village at Central Park, 789 Science Blvd., Gahanna, OH 43230. Last day to file objections is July 18, 2011.

Received and Filed

Council**I. SECOND READING OF ORDINANCES:****Ordinances Reported Out of Committee:****ORD-0115-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO CodeRED WEATHER WARNING SERVICE ADDENDUM WITH EMERGENCY COMMUNICATIONS NETWORK, INC., FOR SEVERE WEATHER WARNINGS; TO SUPPLEMENTALLY APPROPRIATE \$3,750; AND TO DECLARE AN EMERGENCY.

Pack said he would vote in favor of this; success is in getting the word out to the citizens so they know it is available and can sign up.

McAlister said we discussed in committee and I agreed with McGregor; how many layers do we have to have; not a large expense but compared to the repaving of Stygler Road that is more important; will not be voting for it.

Samuel said I will be voting for it; Gen. Williams has reviewed and studied this; good for our older citizens; if there is a power outage will have back up; is good for our citizens.

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

Yes	4	President of Council Samuel, Vice President of Council Larick, Ewald and Pack
No	1	McAlister
Absent	2	McGregor and Anderson

City Attorney Weber said the legislation does pass, but not as an emergency; have to

have 5 affirmative votes for emergency legislation.

J. FIRST READING OF ORDINANCES: None.

K. MOTIONS/RESOLUTIONS: None.

L. REPRESENTATIVES:

Community Improvement Corporation (CIC) - Larick/Samuel

Larick said they did not meet in June; next meeting is July 12th.

Mid-Ohio Regional Planning Commission (MORPC) - Anderson: No Report.

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

Convention & Visitors Bureau (CVB) - McGregor: No Report.

M. OFFICIAL REPORTS:

Mayor

Mayor said she would like to thank staff members, volunteers and the paid City workers who assisted with the Creekside festival; I had an opportunity to work the main gate Saturday night; lots of people; really enjoyed standing on the bridge looking over the lagoon and seeing people enjoy themselves and see the vibrancy of our community and what Creekside can be like at final build; also brought in business at many local businesses; appreciate those employees who donated their time; great event; received many compliments.

City Attorney

Weber said I am glad that Nancy Garland could come and address Council; what she is telling is currently going on in the General Assembly; it is imperious; they have little respect for home rule; with changes in the annexation law and the issue of complete control over fast food restaurants; may want to contact our State Senator, Kevin Bacon; he needs to know how upset we are; how we feel. Also was at the Creekside festival; heard the Columbus Youth Jazz Orchestra; high school kids played wonderfully.

N. COUNCIL COMMENT

Pack said he went to Creekside and it was another great evening; another fine attribute of what our City has going for it.

Ewald said he would like to echo the Mayor's comments; thank staff, employees and volunteers that made the festival great; know they prepare for this all year; we just get to see three days of it; volunteers are amazing; look forward to another great year next year.

Larick said he would like to praise the efforts Collins and his staff and the wonderful volunteers; also thank PD for their work; wife ran the 5K race and came in 3rd; everyone enjoyed it.

Samuel said he would like to ditto what other members said; wonderful event; also need to check out the COTA Mobility Assessment Center; one of the few in the nation; for folks with mobility issues; being praised by American Transportation Association; would

be glad to take you there for a tour.

O. EXECUTIVE SESSION:

Samuel announced that there will not be an Executive Session this evening, but we are calling a Special Meeting for next Monday, June 27, 2011 at 6:30 p.m. to go into Executive Session.

P. ADJOURNMENT: 7:32 p.m.; Motion by Ewald.

Donna L. Jernigan, MMC
Senior Deputy Clerk of Council

*APPROVED by the City Council, this
day of 2011.*

David L. Samuel
President of Council