

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, March 17, 2008

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

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, March 17, 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. Evers delivered the Invocation followed by the Pledge of Allegiance. Agenda for this meeting was published on March 13, 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:

Mayor presented Proclamation to Cinderella Miniature Miss Ohio, Kenzie Thoen.

Marlene Eader, Gahanna Jefferson School Board; stated I love that Council Representatives rotate and visit us at meetings; glad we're able to do the same; did have a meeting last week; Kneeland was able to attend; thank you to Service Department for efforts in snow removal and automated message encouraging cleaning of sidewalks so students could get to school; did have recognition for National Merit Scholars; had 1 semi-finalist and 3 finalists: Andrew Evans, Andrew Carolyn, Brian Sherman and Stewart Smith; Dale Foor came and presented for Education Foundation; had a wonderful event at the beginning of March; raised over \$100,000 at that event; also wanted to share that the negotiations are continuing with the bus drivers' union; close to an agreement; Assistant Superintendent Shirley Hamilton announced retirement at board meeting; will be greatly missed; will begin planning succession process; did approve varsity lacrosse and middle school boys' tennis as club sports; applying for grant through Ohio State to offer Mandarin Chinese to elementary students; offer it currently at high school; hoping we'll be approved for that grant.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:

Ordinances introduced by title by Evers.

Ordinances - To Be Introduced and Assigned to Committee:**ORD-0063-2008**

TO ACCEPT GRANT MONIES OF \$1,800 FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), DIVISION OF RECYCLING & LITTER PREVENTION; TO AUTHORIZE THE MAYOR TO SIGN THE LITTER CLEANUP GRANT AGREEMENT; AND TO SUPPLEMENTALLY APPROPRIATE SAID GRANT MONEY TO THE RECREATION PROGRAM SERVICES ACCOUNT; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0064-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO ADDENDUM TO CONTRACT WITH AMERISCAPE, INC., FOR LANDSCAPE MANAGEMENT OF GAHANNA GATEWAYS FOR 2008 AND 2009; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0065-2008

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH HD SUPPLY WATERWORKS FOR AUTOMATED METER READING PROJECT

Introduced**ORD-0066-2008**

TO ACCEPT ENVIRONMENTAL COVENANT FOR A 0.8275 PORTION OF AN APPROXIMATELY 13.519 ACRE TRACT OF LAND KNOWN AS MCCORKLE PARK; FOR WETLAND MITIGATION; FROM THE OHIO ENVIRONMENTAL PROTECTION AGENCY.

Introduced**ORD-0067-2008**

TO AUTHORIZE THE MAYOR TO ENTER INTO PURCHASE AGREEMENT WITH GREEN THUMB POWER EQUIPMENT, FOR PURCHASE OF A 5225 TRACTOR WITH CAB, AND A 5425 TRACTOR WITH CAB; FROM THE STATE CONTRACT #7751501208; AND TO SUPPLEMENTALLY APPROPRIATE \$4,500.

Introduced**ORD-0068-2008**

TO AUTHORIZE THE MAYOR TO SIGN, AND THE CITY ATTORNEY TO FILE, ALL NECESSARY DOCUMENTS ESTABLISHING THE GAHANNA PARKS & RECREATION FOUNDATION; AND TO SUPPLEMENTALLY APPROPRIATE \$900 THEREFOR; AND TO DECLARE AN EMERGENCY.

Introduced, to Finance Committee**ORD-0069-2008**

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH FERGUSON WATERWORKS, FOR THE PURCHASE OF AMERICAN DARLING FIRE HYDRANTS.

Introduced**ORD-0070-2008**

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH CONIE CONSTRUCTION COMPANY, FOR INSTALLATION OF FIRE HYDRANTS.

Introduced**ORD-0071-2008**

TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH BIRD HOUK COLLABORATIVE; FOR PHASE I AND PHASE II OF THE OLDE GAHANNA DOWNTOWN DESIGN STANDARDS AND CODE; AND TO SUPPLEMENTALLY APPROPRIATE \$75,000 THEREFOR.

Introduced, to Finance Committee**ORD-0072-2008**

TO ACCEPT DEED OF EASEMENT IN THE AREA OF NORTH HAMILTON ROAD, FOR A STORM SEWER EASEMENT AND APPURTENANCES THERETO FROM THE VILLAS OF GAHANNA CONDOMINIUM ASSOCIATION.

Introduced**ORD-0073-2008**

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER CONTRACT WITH COLUMBUS ASPHALT PAVING, INC. FOR THE OLDE RIDENOUR ROAD WATER MAIN IMPROVEMENT PROJECT; IMPROVEMENT NO. ST 923; AND TO DECLARE AN EMERGENCY.

Introduced**ORD-0074-2008**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH MS CONSULTANTS, INC., FOR INSPECTION AND CONSTRUCTION SERVICES FOR THE OLDE RIDENOUR ROAD WATER MAIN IMPROVEMENT PROJECT; IMPROVEMENT NO. ST 923; AND TO DECLARE AN EMERGENCY.

Introduced**ORD-0075-2008**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH IRON MOUNTAIN INFORMATION MANAGEMENT, INC., FOR STORAGE OF

BUILDING PLANS AND RELATED EXPENSES; TO TRANSFER FUNDS; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0076-2008

TO ZONE 2.523 +/- ACRES OF NEWLY ANNEXED LAND AND 1.224 ACRES OF LAND CURRENTLY ZONED AS ER-1, AS SO, SUBURBAN OFFICE; FOR PROPERTY LOCATED AT 5195, 5201 AND 5221 MORSE ROAD; PIERCE PARTNERS, LLC, OWNER

Introduced, to Development & Parks

ORD-0077-2008

TO REZONE 74.798 +/- ACRES AS RID, RESTRICTED INSTITUTIONAL DISTRICT; FOR PROPERTY LOCATED AT 4300 CHERRY BOTTOM ROAD; THE COLUMBUS ACADEMY, OWNER, BY CITY OF GAHANNA, APPLICANT

Introduced, to Development & Parks

ORD-0079-2008

TO AUTHORIZE HOURS FOR A TEMPORARY PART TIME EMPLOYEE TO ASSIST WITH BUILDING PLAN RECORDS CONSOLIDATION; TO TRANSFER FUNDS; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0080-2008

SUPPLEMENTAL APPROPRIATION - Public Service, Capital Projects/Improvements

Introduced, to Finance Committee

E. CONSENT AGENDA:

Minutes - To Approve:

2008-0001

1) March 17, 2008 Regular Meeting Minutes

This Matter was Approved, on the Consent Agenda.

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

ORD-0078-2008

AN ORDINANCE ADOPTING A STATEMENT INDICATING THE SERVICES THE CITY OF GAHANNA, OHIO, WILL PROVIDE TO THE 3.9 +/- ACRE TERRITORY IN JEFFERSON TOWNSHIP, FRANKLIN COUNTY, PROPOSED TO BE ANNEXED TO THE CITY OF GAHANNA UPON ANNEXATION; REQUESTED BY EDWARD J. DOERSAM, OWNER; 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-0055-2008

TO AMEND SECTION 941.15, PICKUP AND DISPOSAL FEES, OF CHAPTER 941, GARBAGE AND RUBBISH COLLECTION OF THE CODIFIED ORDINANCES OF GAHANNA; TO BE EFFECTIVE JANUARY 1, 2009.

This Matter was Adopted on the Consent Agenda.

ORD-0056-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO EXTENDED CONTRACT WITH RUMPKE OF OHIO, INC., FOR RESIDENTIAL REFUSE, RECYCLING & YARD WASTE COLLECTION IN THE CITY OF GAHANNA.

This Matter was Adopted on the Consent Agenda.

ORD-0058-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH C. SPURGEON & LUELLA J. KENIMER FOR ACQUISITION OF STORM SEWER EASEMENT; LOCATED AT 416 ARMOR HILL DRIVE; C. SPURGEON & LUELLA J. KENIMER, OWNERS; AND TO DECLARE AN EMERGENCY.

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

ORD-0059-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH BUCKEYE CEMENT CONTRACTORS FOR ARMOR HILL STORM SEWER PROJECT, IMPROVEMENT NO. 992; AND FOR REPLACEMENT OF EXISTING DRIVEWAY WITH CONCRETE; TO SUPPLEMENTALLY APPROPRIATE \$24,400; AND TO DECLARE AN EMERGENCY.

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

ORD-0060-2008

SUPPLEMENTAL APPROPRIATION - Capital Projects/Improvements

This Matter was Adopted on the Consent Agenda.

ORD-0061-2008

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH CONIE CONSTRUCTION COMPANY FOR THE JENSEN PARK MASTER METER PROJECT; AND TO DECLARE AN EMERGENCY.

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

ORD-0062-2008

TO ZONE .381+/- ACRES AS SO, SUBURBAN OFFICE; FOR PROPERTY LOCATED AT 4545 EAST JOHNSTOWN ROAD; CITY OF GAHANNA, OWNER.

This Matter was Adopted on the Consent Agenda.

Motion Resolution:**MR-0013-2008**

Motion Resolution to authorize the expenditure of \$30,000 for the equipping and upfitting of 3 Dodge Charger Police Vehicles by Statewide Emergency Products of Van Wert, Ohio; at a cost of \$9,824 per vehicle; funding appropriated to Account No. 101.211.5512, Police, Capital Equipment.

This Matter was Approved on the Consent Agenda.

MR-0014-2008

Motion Resolution to confirm the appointment of the Municipal Fire Inspectors as the Fire Chief of Mifflin Township, L. James DeConnick and, for those areas of Gahanna served by the Jefferson Township Fire Department, Fire Chief of Jefferson Township, Dale Ingram, for the period April 1, 2008 through March 31, 2009.

This Matter was Approved on the Consent Agenda.

MR-0015-2008

Motion Resolution to authorize the Mayor to enter into Community Reinvestment Area Agreement with Eclipse Studios, Inc., for real property tax abatement; for facility located at 825 Taylor Road.

This Matter was Approved on the Consent Agenda.

MR-0016-2008

Motion Resolution to authorize funds encumbered to the Franklin County Engineer by ORD-0009-2004, for right of way acquisition, to be reallocated and used for the City of Gahanna portion owed to Franklin County for the Morse Road/US 62 Roundabout Project for lighting and fiber conduit; Improvement No. ST 753; total \$143,294.

This Matter was Approved on the Consent Agenda.

MR-0017-2008

Motion Resolution that City Council has no objections to the C1, C2 and D6 Stock

Transfer of Liquor Permits for SSGS Limited LLC, dba Metro Beer & Wine Drive Thru; 1000-1002 North Hamilton Road, Gahanna, Ohio 43230.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

A motion was made, seconded by Vice President of Council Evers, 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

End of the Consent Agenda

F. PUBLIC HEARINGS:

President stated Public Hearing Rules that would govern all public hearings this evening. Assistant City Attorney Ray King administered an oath to those persons wishing to present testimony this evening.

Z-0005-2008

To Consider a zoning application to zone 3.961+/- acres located at 5201, 5221 and 5195 Morse Road; current zoning ER; requested zoning SO (Suburban Office); Don Plank for Pierce Partners, LLC, applicant.

Sadicka White, Director of Planning and Development, stated application before you is for a rezoning; these properties are currently zoned ER, Estate Residential; more than one acre in size; will be combined for rezoning to SO, Suburban Office; would allow for commercial density and accommodate offices such as medical, professional, dental; believe it is appropriate; Planning Commission has recommended that it be rezoned as requested.

President opened the public hearing at 7:41 p.m.

Don Plank, 145 East Rich Street, Columbus; stated not much to add; about 2.26 acres of the site has recently been annexed to City; have dedicated right-of-way; working with property owner to west which has been zoned Suburban Office.

President asked for opponents; seeing none, President closed the public hearing at 7:42 p.m.

Ewald asked if the property north of Morse is Columbus or New Albany. White stated Columbus; zoned residential; AR is multi-family residential.

Heard in Public Hearing

Z-0007-2008

To consider a zoning application to zone 74.798 acres located at 4300 Cherry Bottom Road, The Columbus Academy; current zoning SF-2; requested zoning RID (Restricted Institutional District); City of Gahanna, by Bonnie Gard, applicant.

President opened the public hearing at 7:43 p.m.

White stated the application for consideration is for rezoning of 4300 Cherry Bottom Road; is a continuing saga; we are rezoning all of our RID properties; this one is related to Columbus Academy; asking for nearly 75 acres to be zoned Restricted Institutional District; new zoning category for facilities such as schools, government offices and churches; aerial view displayed; they do have additional property that abuts Cherry Bottom across from Academy Park; not asking for that to be rezoned; want to

leave that as Residential; has been recommended by Planning Commission.

President asked for opponents; seeing none, President closed the public hearing at 7:45 p.m.

Anderson stated this area is where the school is located. White answered yes. President asked how the rest of it is zoned. Clerk Sherwood answered SF-2, Single Family Residential. Evers asked about driveway; is that a private drive? White answered yes, is their driveway.

Heard in Public Hearing

G. STANDING COMMITTEES:

Development & Parks Committee - Ewald

No Report.

Public Service & Safety Committee - McAlister

McAlister stated would like to ask that ORD-0080-2008 be put on regular agenda for second reading and back to Finance Committee for discussion.

Committee of the Whole - Evers

No Report.

Finance - Kneeland

No Report.

H. CORRESPONDENCE AND ACTIONS:

Clerk - Legal:

CC-0001-2008

To recommend to Council the approval of changes to Section 1109.08, Public Areas; of Chapter 1109, Standards, of the Codified Ordinances of the City of Gahanna.

Clerk advised Council of the public hearing date scheduled April 7, 2008.

Scheduled for Public Hearing

2008-0012

Receipt of certified copies of resolutions and ordinances passed by 12 other entities adopting the Amended Agreement Creating the Central Ohio Transit Authority

Received and Filed

2008-0017

Notice to Legislative Authority for a stock transfer of C1, C2, and D6 liquor permits to SSGS Limited LLC, DBA Metro Beer & Wine Drive Thru, 1000-02 N. Hamilton Road, Gahanna, OH 43230. Last day to file objections is March 31, 2008.

Received and Filed

Council

McAlister stated did get an email from resident on WiFi; will forward to Clerk.

I. SECOND READING OF ORDINANCES:

Ordinances Reported Out of Committee:

ORD-0057-2008

SUPPLEMENTAL APPROPRIATION - Federal Law Enforcement Trust Fund

McAlister stated in my 6 years on Council these have come up every year; have automatically voted yes on them; have been researching the War on Drugs; found an organization of law enforcement against prohibition; consists of current and retired police officers; drug war can never be won and is doing more harm than good; not a war on drugs, war on people; after drugs are legalized, we can educate our people on how to best deal with them; lists various leaders for legalization of all drugs; Einstein said you can't solve a problem with the thinking that caused the problem; we have a two-fold problem; prohibition and people addicted to drugs; it is this thinking that has given \$350 billion to world wide terrorist gangs; this thinking is that you can arrest your way out of problems; who is winning this war; companies that own prisons are certainly winning; the owners bank on harsh drug laws; there is certainly a problem with corrupt police; not that our police are corrupt; sure many have been corrupted through this; one that stings the most is this \$320 billion per year in drug sales; money has to come from somewhere; US is losing ground in education but top in imprisonment; if we wanted to get rid of a lot of these problems we do it how we did it in 1932; at least in 1920s people had enough respect for the Constitution that they felt they had to amend the Constitution to prohibit alcohol; have no problem with purchasing police equipment; should be paying for that out of taxes and revenue; not from booty; if this Council votes yes, we are saying that the drug war works perfectly well; now that we've spent trillions of dollars and created a prison industry, it's worked; now we still have 1.8 percent of population addicted to drugs; we live in an isolated, nice suburb; world is being ravaged around us by this war on drugs; have seen no change by voting yes on drug confiscated money; urge you to join me and vote no on this ordinance.

Ewald stated think this should be taken up with legislature; you could apply that thinking to speeding; are we going to stop enforcing the law because we aren't going to stop speeding; applaud our Police Division for not using tax money.

McAlister stated if we had City Councils taking positions like I'm taking, wouldn't have to take it to the legislature; there is money that has been confiscated erroneously; the way you voice your opposition is by voting no at the local level; all politics are local; if you can't change insane things like this at the local level, where can you start?

Kneeland stated have a similar situation here that we had with DARE; not ready to fail this tonight; think objections are a last minute item that came up; willing to discuss this further for operation and planning purposes and looking at having some meaningful discussion beyond having the debate at the dais; personally think a lot of this is philosophical; John Stewart, resident, asked questions and solicited feedback and received none from staff; not willing to vote no just because it seems like a last minute thing that came up; would be willing to discuss further. McAlister stated that's why I sent this; would be willing to support a motion to take this back to Committee. Kneeland stated not willing to fail this tonight; planning stages were done; should have been done before it was brought to this stage.

Evers stated I like Ewald's analogy with regards to speeding; can't prevent speeding, so do we just not enforce the law. McAlister stated this has nothing to do with speeding; should be paying for this with taxes. Evers stated I disagree; this is an ever-evolving battle; have no problem using illegal money to help fund equipment for Police Department; can look at battle to fight cancer; have dumped billions of dollars into that and still haven't won, do we stop, no; over last 4-6 years Council has had over 20 of these ordinances; have all had unanimous votes.

A motion was made by Anderson, seconded by McAlister to postpone this item to April 7, 2008. Motion failed by the following vote:

Yes Anderson, McAlister

No Kneeland, President McGregor, Samuel, Vice President Evers, Ewald

Mayor stated this is money our Police Department has seized in busts; not money that is coming from some federal bureaucracy on high; quite confident that our Police Department isn't busting innocent people; these are people breaking federal laws; understand your point about all politics being local; fairly confident this is money and paraphernalia seized from bad people; it is almost always a sales operation going on in or around Gahanna; the money is returned to local jurisdictions where it was seized; can tell you case in point which crimes these particular monies came from; all happened locally; Police Department needs this equipment; good use of funds for this kind of purpose and not using General Fund. McAlister asked if there would be these crimes if there wasn't prohibition. Mayor stated this is a philosophical conversation. McAlister stated all politics comes from philosophy; voting on the wrong philosophy; enough is enough; tired of supporting world-wide terrorist gangs.

Samuel stated we need to focus on Gahanna; have never been sued for wrongful seizures; support this.

Evers stated personally disagree; appreciate your passion; have yet to hear about a medical use for heroin, cocaine, meth-amphetamine; nasal decongestants that are widely available is a good example; people were buying it and making meth-amphetamine; toxic; was freely available on the shelf; look at the abuses on that system.

McAlister stated that came about because of a prohibition; would you rather have drug dealers doing that or have it regulated; we've made the decision that it's criminals who decide where and to whom and in what form this is distributed.

Evers called the question.

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

Yes 5 President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald and Samuel

No 2 Anderson and McAlister

J. FIRST READING OF ORDINANCES: None.

K. MOTIONS/RESOLUTIONS: None.

L. REPRESENTATIVES:

Community Improvement Corporation (CIC) - Ewald/Kneeland

No Report.

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

McGregor stated I attended the meeting and they presented a draft transportation plan from 2008 - 2030; will get a copy of that; they did not pass it out; have public comment from now until May for growth forecast for this region; major themes were reducing

vehicular trips, increasing travel options, reducing bottlenecks, using technology, improved inter-agency cooperation and new funding options; annual meeting, State of Region is in April. Clerk Sherwood stated have a full table at that event.

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

Kneeland stated Eader did a great job of updating us; Blacklick Elementary production had a group of children that did a wonderful job on international music; amazing production.

M. OFFICIAL REPORTS:

Mayor

No Report.

City Attorney

No Report.

N. COUNCIL COMMENT

Ewald thanked Eader; think it's wonderful that the Education Foundation could raise that amount of money; have had good feedback; also was contacted by an individual that received an email from McAlister after the last regular meeting; understand it was derogatory toward the rest of Council; ask that you provide that to the Clerk and hopefully that won't happen tonight after vote.

Samuel thanked students for being here; congratulated Service Department on work during storm.

Kneeland added kudos to Service Department; had to be a test of patience and will and stamina; how many people did we actually have on the streets? Emery stated we had about 20 people on the streets and rotated shifts.

McAlister thanked Chief for heads-up on VFW dinner tonight; delicious.

Anderson congratulated Kenzie Thoen and thanked parents; was involved in pageants in Virginia; extend kudos to Education Foundation; amazing amount of money to raise; thank you and congratulations to Service Department; heard from different people in different communities that did not have snow removed; thanked Eader and students; this is a real life lesson in how your government works.

Evers wished everyone a Happy St. Patrick's Day.

P. ADJOURNMENT: 8:15 p.m. - Motion by Evers

Donna L. Jernigan, CMC
Senior Deputy Clerk of Council

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

Chair Signature