

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, May 3, 2010

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

7:30 PM

City Hall

City Council

Thomas R. Kneeland, President

Shane Ewald, Vice President

Beryl D. Anderson

Brian D. Larick

John R. McAlister

Nancy McGregor

David L. Samuel

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

Gahanna City Council met in Regular Session on Monday, May 3, 2010, at Gahanna City Hall, in Council Chambers, 200 South Hamilton Road. President Thomas R. Kneeland called the meeting to order at 7:32 p.m. Invocation was given by Vice President Shane Ewald followed by the Pledge of Allegiance. Agenda for this meeting was published on April 29, 2010.

Members Absent: John McAlister

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

B. ADDITIONS OR CORRECTIONS TO THE AGENDA:

A motion was made by Vice President of Council Ewald, seconded by Anderson, to add MR-0018-2010 to the Consent Agenda. The motion carried by the following vote:

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| Yes | 6 | President of Council Kneeland, Vice President of Council Ewald, McGregor, Anderson, Samuel and Larick |
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| Absent | 1 | McAlister |
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C. HEARING OF VISITORS:

Kneeland said we have two resolutions tonight; like to ask the basketball team to come up front; like to congratulate them; is an honor to me on behalf of City Council to present this resolution in honor of your great season. Kneeland read the resolution and presented it to coach Tony Staib; audience gave the team a standing ovation. Coach Staib said would like to thank the community on behalf of the team and coaches; was great the way the community rallied around our team and we appreciate the honor.

President Kneeland said that those addressing Council tonight will have 3 minutes to speak; that can be extended by Council.

Jan Dacre, 506 Mechwart Place, said thank you for letting me speak; I am here with my husband Jack; appreciate you having the Canini unfinished project come before committee last week; safety is an issue and needs to be addressed; it wasn't addressed for some time; none of the actions taken for safety were taken until recently and it has been two years, and the aesthetics of that have gotten worse rather than better because the things that you have done for safety have made it more of an eyesore to the community; I guess I just want to go on record that not only is it a safety issue it is an aesthetics issue and it does affect the value of our property; I would liken it to an abandoned, ransacked house that sits in the middle of the neighborhood because when you come down Beecher Crossing North the first thing you see is Canini's unfinished property and now with all the orange cones and the 8' chain link fence it is just not good for our home values. Now for the rezoning effort; again I would just like to say that we moved to Gahanna to be closer to family; did not move here to live beside government housing; did not spend \$270,000 to live by this; not what I moved here for; feel it is a very worthwhile project; just not the right location. I wear the hat of a homeowner, nurse, case manager and wife of a disabled individual; I think he has shared with you through letter that he has lived many places; many of them not terribly desirable; but was really very much involved in a very similar project for persons with physical disabilities. What I would like to leave you with is that a feasibility study needs to be done; you tell me you want these people to be as independent as possible and yet you are placing them on a cul-de-sac where they are going to be segregated because there are just us 31 homeowners that are there and

here they are; we are not young; we are not similar to the people who will be living in Melissa's House. I do have concern that on their website it says that there is going to be treatment rendered there; yet I still have never heard anything about any type of variance for a treatment facility; when it comes to looking at a facility for people to achieve independence, I don't think placing them on an isolated cul-de-sac is going to achieve that, and they are going to be very frustrated. Thank you.

Dan Heinmiller, 508 Mechwart Place, said we appreciate your patience and effort in deliberating on this rezoning request; let us remember that the essence of this debate is the rezoning; rezoning that is inappropriate for a variety of reasons; there are two brief points I would like to close with; number one this plat of land was chosen, I believe, because of a social relationship between the applicant and the landowner; no other parcel of land was ever even considered; there are four such parcels of land right out on Hamilton Road that might be more appropriate for this facility; I want to go on record that we are not against the building of this Melissa's House; we are just against this location; if rezoning is approved the proposed facility will be destined to failure because of the inappropriateness of this location; thank you for all your time and all of your erudite consideration; do the right thing for the citizens of the great City of Gahanna, and deny this rezoning request. Thank you.

Jay Agranoff, 1098 Arcaro Dr. said I spoke to you at your last meeting; I would like to reiterate a couple of points as well as to update you on a couple of matters that have come to light; first, the burden of proof falls on the applicant; in this case the applicant must prove that they satisfied the zoning criteria; they must prove to you that there will be no harm to the public interest, health and welfare of the community through the rezoning; I do not believe they have satisfied that criteria. They want to frame the issue; they want to set the ground rules, and then they want to tell you now you can play; they are not allowed to do that; the city code establishes what the ground rules are, and you must comply with those ground rules. There is a real world issue that just happened here in Franklin County; article was in the Columbus Dispatch; title "Killer to get Psychiatric Care"; this individual was charged with killing his mother and also attempting to injure his sister, and this individual suffered from schizophrenia; the exact illness that is going to be housed at the proposed Melissa's House; this individual was found to be not guilty by reason of insanity; this is what we are potentially bringing into our community within the corridor that it is being proposed for; I think you need to take strong notice of this. If you look at the literature that CHN has as well as Melissa's House they don't address at all the issue of protecting the public health and safety; they don't address the whole issue of medication and monitoring of that medication; the only providers they are going to have on the premises is going to be for four hours a day to engage in social activities during meals; that is from their literature. I do not understand how this council could find that to be sufficient protection to protect the health, safety and welfare of our community; you can't look at this issue in a vacuum; if you go ahead and approve this you are basically setting precedent which will be absolutely unable to be shaken when it comes to other applications that appear before you; you will have set the bar; you will basically be tying the hands of your zoning commission, and you might as well just shut the doors; Gahanna will be unable to enforce its own code. Do your job; follow the code and do the right thing.

George Mrus, 1217 Sanctuary Place, said I am in favor and support of Melissa's House; each and every family has someone with mental illness or addiction; it is time for society to become more progressive with the treatment; mental illness needs to be destigmatized; each and every family has a member that has some form of mental illness; me, my mother was institutionalized in 1966; and for those of you who have ever seen "One Flew Over the Cuckoo's Nest", we lived it; my mother is still with us,

however she is living in one of these facilities somewhere in the northeast. I would ask that Council approve the rezoning, but at the very least give it full and fair disclosure; if Council does not have a full set of members present I would ask that the vote be postponed until there can be a full council vote. The reason my wife and I moved here was Gahanna had done wonderful things in terms of inclusiveness of our community, and we hope that you continue with the rezoning. Thank you.

Carol Lepley, 529 Mechwart Place, said thank you for letting me speak; I agree with Dr. Heinmiller this is a zoning issue; I too have had lots of experience in caring for the mentally ill, and advocating for them; and I have a son who is paralyzed from the neck down, a quadriplegic who lives in Gahanna; did want to add one thing; Mayor Stinchcomb asked Mr. Canini about the office buildings that surrounded the area; he gave an answer that from my perspective indicated that all the office buildings were in favor of it; did not have time to canvas all the office buildings but several of the physicians that I did speak with said absolutely not; they did not want the zoning to change. I would hope that you vote tonight because this has gone on for all of us for quite a while; but if it is postponed I will continue to canvas those office buildings, because I don't think Mr. Canini could really speak for all of those. Thank you.

Ray Cook, 513 Mechwart Place, said I am the president of the Courtyard at Beecher Crossing Association; it has been several weeks since I corresponded with you regarding the application but I thought the best thing was to let City Council do City Council's job; trust City Council to be separating fact from spin; however, decision time is rapidly approaching. It is time to restate our opposition; critical evaluation leads one to conclude that Limited Overlay Suburban Office zoning has served the City and Beecher Crossing North well; our testimony has included highly qualified medical personnel, inaccuracies and discrepancies in CHN's presentation; the effect of a HUD financed rental property; the loss of financial support to the city, and I could go on but that would be repetitious; strongly urge you to critically analyze the information that you have before you. The City's fiscal impact statement confirms what we have said from the beginning of this process; the City cannot afford to lose the benefits provided by lot 1105 zoned as suburban office. As you know, the Gahanna Board of Education is asking the residents to approve mill levy to support Gahanna's public schools; the question that begs to be asked is can the City encourage the residents to approve the levy which increases their property taxes and at the same time give away the City's income producing property. I implore you to stand up against the application to rezone 1105 Beecher Crossing and to vote to keep the property zoned as Limited Overlay Suburban Office. Thank you.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:

Ordinances - To Be Introduced and Assigned to Committee:

Ordinances introduced, by title, by Samuel.

ORD-0091-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO WETLAND MITIGATION PURCHASE AGREEMENT BIG DARBY HELLBRANCH WETLANDS MITIGATION BANK WITH THE OHIO WETLANDS FOUNDATION; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0092-2010

TO ACCEPT WARRANTY DEED FOR PROPERTY LOCATED AT 700 SCIENCE BOULEVARD; PURCHASED FROM VALUE RECOVERY GROUP II, LLC.

Introduced

E. CONSENT AGENDA:**Minutes - To Approve:****2010-0025**

To approve the following set of Minutes:

1) April 19, 2010.

This Matter was Approved and Filed on the Consent Agenda.**Ordinances on Second Reading:****ORD-0081-2010**

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH HD SUPPLY WATERWORKS, FOR THE PURCHASE OF FIRE HYDRANT MATERIALS.

This Matter was Adopted on the Consent Agenda.**ORD-0082-2010**

TO ALLOW THE SURFACE APPLICATION OF BRINE; FOR DUST CONTROL AT SUBURBAN STEEL SUPPLY

This Matter was Adopted on the Consent Agenda.**ORD-0083-2010**

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH CONIE CONSTRUCTION FOR CONSTRUCTION OF THE WEST GAHANNA WATER IMPROVEMENT PROJECT; IMPROVEMENT NO. 938.

This Matter was Adopted on the Consent Agenda.**ORD-0085-2010**

SUPPLEMENTAL APPROPRIATION - Emergency Management, Capital Projects/Improvements

This Matter was Adopted on the Consent Agenda.**ORD-0087-2010**

TO ACCEPT DECLARATION OF RESTRICTIONS FOR PROPERTY LOCATED ON TECHCENTER DRIVE AND KNOWN AS A PORTION OF CENTRAL PARK, 12.1+/- ACRES OF LAND PURCHASED FROM VALUE RECOVERY GROUP II, LLC AND 10.98 ACRES DONATED TO THE CITY BY VALUE RECOVERY GROUP II, LLC

This Matter was Adopted on the Consent Agenda.**ORD-0089-2010**

TO AUTHORIZE THE MAYOR TO ENTER INTO LEASE WITH WALNUT CREEK PRESBYTERIAN CHURCH, 600 WEST JOHNSTOWN ROAD, TO ALLOW AN OFF-PREMISE SIGN TO BE ERECTED ON CITY PROPERTY.

This Matter was Adopted on the Consent Agenda.**ORD-0090-2010**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH W.E. STILSON CONSULTING GROUP, TO CREATE A UNIDIRECTIONAL FLUSHING SEQUENCING REPORT FOR THE CITY OF GAHANNA.

This Matter was Adopted on the Consent Agenda.**Resolutions to Adopt on First Reading:****RES-0005-2010**

TO HONOR THE GAHANNA LINCOLN BOYS BASKETBALL TEAM

This Matter was Adopted on the Consent Agenda.

RES-0006-2010

TO HONOR THE LEAGUE OF WOMEN VOTERS OF METROPOLITAN COLUMBUS.

This Matter was Adopted on the Consent Agenda.

Motion Resolution:**MR-0016-2010**

Motion Resolution to authorize the Director of Public Service to go out for bids for the TechCenter Trail, Phase III.

This Matter was Approved on the Consent Agenda.

MR-0017-2010

Motion Resolution to authorize the Director of Public Service to go out for bids for the Big Walnut Trail Section 7.

This Matter was Approved on the Consent Agenda.

MR-0018-2010

To confirm the Mayor's appointment of David L. Samuel to the Central Ohio Transit Authority Board of Trustees for a three year term commencing May 1, 2010 and ending April 30, 2013.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

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

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

Absent 1 McAlister

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

Development & Parks Committee - Anderson: No Report.

Public Service & Safety Committee - McAlister: No Report.

Committee of the Whole - Ewald: No Report.

Finance - Samuel: No Report.

H. CORRESPONDENCE AND ACTIONS:**Clerk - Legal:****2010-0024**

Notice to Legislative Authority of Transfer of D1, D2, D3 & D3A liquor permits from GTLS Corp., to Kyle Hunter, DBA Granville Street Tavern & Patio, 258 Granville St., Gahanna, OH 43230. Last day to file objections is May 28, 2010.

Kneeland stated this item will be discussed in Public Service & Safety Committee on May 10, 2010.

Received and Filed**Council:**

Anderson said she had two; first is information from the Mother's Milk Bank of Ohio; this is something for our interest and edification; providing for families where babies are premature, they suffer from malabsorption, formula intolerance, immunological deficiencies, congenital anomalies, post-operative nutrition, or the biological mother is unable to breast feed; this is a jewel within central Ohio and one of eleven in North America; part of the Grant Medical Center; also for anyone who might be lactating and wants to donate; if something you are interested in I have brochures available and can give copies to the clerk. Also, I received information about the Celebration of Life for Dr. Dorothy Irene Height; Dr. Height was an American administrator, educator and social activist; she was the president of the National Council of Negro Women for 40 years, and was awarded the Presidential Medal of Freedom in 1994, and the Congressional Gold medal in 2004; she advised several presidents, and recently passed; do have copies for the clerk for those interested; she was an internationally known icon.

I. SECOND READING OF ORDINANCES:**ORD-0066-2010**

TO ZONE 2.3+/- ACRES OF PROPERTY AS L-AR, LIMITED OVERLAY/MULTI-FAMILY RESIDENTIAL; SAID PROPERTY LOCATED AT 1105 BEECHER CROSSING NORTH; MELISSA'S HOUSE FOUNDATION BY PIZZUTTI, INC., APPLICANT.

Ewald said he received a phone message from John McAlister asking that we put a motion to postpone this on the agenda. Weber said let us get a motion to adopt first and then you can make the motion to postpone.

Discussion on motion to postpone.

Ewald said I agree with putting the motion on but will not be supporting it; the residents and applicant have waited long enough for this decision.

Samuel said I also support moving right along because we have heard enough at this point and I think we should all be able to make a wise decision tonight.

McGregor said I also believe we should vote on it tonight ; there is no guarantee that we will have a full Council in two weeks, so I support moving on.

Anderson said I think we should postpone until everyone is present so that everyone will have a chance to voice their opinion for the record; has nothing to do with how McAlister said he would vote.

Roll Call on the motion to postpone.

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

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

A motion was made by Samuel, seconded by Anderson, that this matter be Adopted. The motion failed by the following vote:

Yes 0

No 6 President of Council Kneeland, Vice President of Council
Ewald, McGregor, Anderson, Samuel and Larick

Absent 1 McAlister

J. FIRST READING OF ORDINANCES: None.

K. MOTIONS/RESOLUTIONS: None.

RESOLUTION PRESENTATION:

Janyce Katz, said I am the President of the League of Women Voters of Metropolitan Columbus, and with me is Lucy Buzzee, Vice President of Programs and Membership. Kneeland said Mrs. McGregor is going to present the resolution to you; do you have anything you would like to say.

Katz said yes, thank you; if this was 90 years ago I would be here in a very white outfit; I would have a hat and big gloves on; looking around we would not see one woman on City Council and probably none in the room; one of the things that the League of Women Voters has done is encourage women to participate in the electoral process; not only women but men; 90 years ago when it was clear that women would finally get to vote and it would be a constitutional amendment, women started to ask what are we going to do now that we have the vote; we have to vote properly; we have to be educated on issues. Carrie Chapman Catt who was very involved with getting women the vote went out and started the League of Women Voters nationally. We have been focused on educating those who vote; not only on how to vote or get your ballot, but what the issues are and debating them. We also sponsor and staff candidate forums; been very active in Ohio. We invite you all to join; thank you for helping us celebrate 90 years.

Anderson said I would just like to share that the lady I just mentioned, Dr. Dorothy Height, was very involved with civil rights and women's rights and was a strong advocate for voting in general; in the spirit of Dorothy Height I congratulate you and thank you for all that you do. Katz said she had the privilege of meeting her in Washington and she was truly a great lady.

McGregor read the Resolution and presented it to Katz and Buzzee.

L. REPRESENTATIVES:

Community Improvement Corporation (CIC) - Ewald/Kneeland: No Report.

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

Bd. of Education, Gahanna-Jefferson Public Schools - Samuel:

Samuel stated the meeting is May 13th and I will be attending.

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

M. OFFICIAL REPORTS:

Mayor:

Stinchcomb said I have a couple of things; like to report on Gahanna Cleans Green, shredding day; like to thank Sharon Montgomery our Records Administrator for coordinating that event; we had 300 cars come through; had 11,500 lbs. of paper/records; had 6,940 lbs. of electronics collected to be recycled properly; 18 boxes of food and \$681 collected for GRIN. I would also like to thank our Parks & Recreation Department and other employees that helped. Our Parks & Recreation Department, in partnership with the Gahanna Historical Society, will host May Herb Day Saturday, May 8th from 9 to 4 at Creekside Park, and the Ohio Herb Education Center; also will have the Spring Fling with free activities, crafts, fishing, face painting and music; family friendly event. The Administration has analyzed, for quite some time, the cost and revenue associated with our parking garage at Creekside; also listened to businesses and potential businesses, residents and exhibitors, and we have decided for at least the remainder of 2010 to waive the fees and make the Creekside parking garage free to see how it works. (There was applause from the audience). Stinchcomb said we are still going to charge for big events for crowd control as much as anything.

City Attorney

Weber said tomorrow is election day; don't forget to vote; exercise the franchise tomorrow.

N. COUNCIL COMMENT:

Anderson said I just want to echo the importance of civic engagement; voting is very important, and to familiarize yourself with the issues and candidates, and to also become civically engaged; had several people recently say Council has an important job to do; sometimes people just think of it as a meeting we come to and vote on things; we hash things out at committee meetings. Aside from City Council responsibilities there are other ways that each of us is involved in our community; like to encourage each of us to take responsibility and do what we can with our own unique gifts and talents to make a difference.

Larick said he would just like to echo Anderson's comments.

Samuel said I would like to emphasize that prayer is an important thing, especially in these troubled times; there is a very worthwhile event going on Thursday night at 7:00 p.m. at Creekside, the National Day of Prayer; like to invite everyone to attend.

O. EXECUTIVE SESSION:

A motion was made by Samuel, seconded by Anderson, to go into Executive Session under authority of Section 5.40(a) of the Council Rules of Procedure to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee, official, licensee or regulated individual unless such public employee, official, licensee or regulated individual requests a public hearing. The motion carried by the following vote:

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|---------------|----------|---|
| Yes | 6 | President of Council Kneeland, Vice President of Council Ewald, McGregor, Anderson, Samuel and Larick |
| Absent | 1 | McAlister |

Council rose to Executive Session at 8:19 p.m. Anderson left Executive Session at 9:00

p.m. Council rose to report from Executive Session at 9:24 p.m. with all members remaining in attendance returning to the dais.

P. ADJOURNMENT: 9:25 p.m. - Motion by Samuel.

Donna L. Jernigan, MMC
Senior Deputy Clerk of Council

*APPROVED by the City Council, this
day of 2010.*

Thomas R. Kneeland
President of Council