

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, April 18, 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

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, April 18, 2011, at Gahanna City Hall, in Council Chambers, 200 South Hamilton Road. President of Council David L. Samuel called the meeting to order at 7:00 p.m. Invocation was given by Vice President Brian Larick followed by the Pledge of Allegiance led by Council Member Beryl Anderson. Agenda for this meeting was published on April 15, 2011.

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

B. ADDITIONS OR CORRECTIONS TO THE AGENDA.

A motion was made by Ewald, seconded by Anderson, to move ORD-0074-2011 to Consent Agenda, Postpone to Date Certain, May 16, 2011. The motion carried by the following vote:

Yes	6	President of Council Samuel, Vice President of Council Larick, Ewald, McGregor, Anderson and McAlister
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C. HEARING OF VISITORS.

Brock Robertson, 541 Landover Place, said I come before you in support of the proposed fence code changes and request your support in allowing the Planning Commission to review the current fence code to allow for a side door garage to be enclosed by a high privacy fence; this is widespread across Gahanna due to a lack of enforcement and remains unclear to Gahanna residents. Many homes have a side door exit from their garage, patio or bedroom. In all of these cases the current city zoning does not allow for families to provide privacy and safety to their homes; in one case a neighbor currently has a high privacy fence off his master bedroom; his main reason for doing this is to increase privacy and security to his master bedroom that has a sliding glass door to the patio; for his own security it made sense to enclose a high privacy fence to ensure no one could easily access his room at night or when he is not home. Another example is the side door of the garage that is extremely common throughout Gahanna; in a one mile radius from our home we found over 100 homes with this feature. The idea of a side door being so accessible and out of view from the homeowner is disturbing; it is clear that this part of the code may need to be reevaluated regarding this issue and sent on with your support to the Planning Commission; without this issue being addressed it leaves homeowners to address on their own, and in some cases be out of compliance with the code leaving homeowners who wish to have privacy frustrated. Currently, you have a variety of fences being constructed across Gahanna; homeowners have installed chain link fences all the way up to the front of the home; others have installed high privacy fences to be told later they are not in compliance. The City is allowing wide spread non-compliance regarding much of their fence code. We feel it is warranted that the lack of enforcement shows the code may be ready for adjustments. Many homeowners have addressed this issue on their own to meet their needs; in cases of non-compliance, many residents do not even know they're out of compliance nor do they receive any notification of this. In other cases the homeowner is informed and told why they are being singled out because their fence looks brand new, while others remain out of compliance. This restriction leaves Gahanna residents frustrated by a simple code issue that limits their freedom to have a privacy fence enclosing a side door. In some cases the resident will tear off every other board in order to meet the current code of having a fence enclose the side door. This does not add value to our homes or to their neighbors, yet this is the current status of the code. Does it look more visually appealing or professionally constructed in this way? The answer is no, this lessens the curb appeal and value of the home. I recommend this council unanimously support the proposed fence code change and forward it on to Planning Commission to discuss it further and

resolve the current issues with the code in regards to a high privacy fence enclosing a side door for Gahanna residents. I believe this will allow our residents the guidance they need and also allow them to have the privacy they wish to have in their homes.

Malcolm Glasgow, American Legion, presented the "Officer of the Year" award to Police Officer Kim Hare and read the plaque he was presenting; said Hare works tirelessly with middle school students; demonstrates personal interest in safety of the schools; worked hard to get the structural changes in place to help prevent random access to the buildings; she is working to help prevent violence in the schools and insure the safety of all; Hare brings a work ethic to the COP position that is unmatched. Glasgow said I have two other presentations; a Certificate of Appreciation for Danise Hall, Sr. Center Supervisor, for the quilting group at the Senior Center who makes quilts and sends them to the VA hospital. Also, we have a Good Citizen Award for Donna Noeske, President of Touch Comfort who makes blankets; she has sent 136 blankets to the VA hospital in Chillicothe. The American Legion would like to thank them all for their dedication and caring, and thank City Council for letting us present the awards here.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:

Ordinances - To Be Introduced and Assigned to Committee:

Ordinances introduced, by title, by Ewald.

ORD-0079-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH ADVANCED CIVIL DESIGN TO UPDATE TRIANGLE WEST SANITARY SEWER PLANS, OBTAIN EPA PERMITS, AND PROVIDE INSPECTION SERVICES; TO SUPPLEMENTALLY APPROPRIATE FUNDS THEREFOR; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0080-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO PROPERTY/LIABILITY INSURANCE RENEWAL CONTRACT WITH THE OHIO MUNICIPAL JOINT SELF INSURANCE POOL

Introduced

ORD-0081-2011

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

Introduced

ORD-0082-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH LTC CLUB OPERATIONS CITY, INC., FOR RIGHTS AND PRIVILEGES OF GAHANNA SWIM CLUB MEMBERSHIP FOR THE YEAR 2011.

Introduced

ORD-0083-2011

TO ACCEPT A DONATION OF \$5,000 FROM THE GAHANNA PARKS & RECREATION FOUNDATION TO PURCHASE EQUIPMENT FOR THE GAHANNA MUNICIPAL GOLF COURSE; TO SUPPLEMENTALLY APPROPRIATE FUNDS THEREFOR; AND TO DECLARE AN EMERGENCY

Introduced

ORD-0084-2011

TO ACCEPT A DONATION OF FOUR LAPTOPS FROM THE GAHANNA PARKS & RECREATION FOUNDATION FOR THE GAHANNA SENIOR CENTER

Introduced

ORD-0085-2011

TO ACCEPT WARRANTY DEED FOR 3.546 ACRES LOCATED AT 94 PRICE

ROAD

Introduced

ORD-0086-2011

TO REZONE .222+/- ACRES OF PROPERTY AS CC COMMUNITY COMMERCIAL; SAID PROPERTY LOCATED AT 470 HAVENS CORNERS ROAD; FIFTH THIRD BANK, APPLICANT.

Introduced, to Finance Committee

E. CONSENT AGENDA:

Minutes - To Approve:

2011-0017

To approve the following set of Minutes:
April 4, 2011 Regular Meeting Minutes

This Matter was Approved and Filed on the Consent Agenda.

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

ORD-0078-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH COLUMBUS FIBERNET, FOR REPLACEMENT OF FIBER CABLE BETWEEN CITY HALL AND BIG WALNUT CREEK; TO WAIVE BIDDING REQUIREMENTS THEREFOR; 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-0068-2011

SUPPLEMENTAL APPROPRIATION - Sewer System Capital Improvement/Capacity Charges

This Matter was Adopted on the Consent Agenda.

ORD-0069-2011

SUPPLEMENTAL APPROPRIATION - Tax Increment Equivalent Fund/School District Reimbursement

This Matter was Adopted on the Consent Agenda.

ORD-0070-2011

TO ADOPT THE RECOMMENDATION OF THE ADVISORY BOARD FOR THE OFFICE & INDUSTRIAL INCENTIVE PROGRAM GRANTING APPROVAL FOR STAPLES CONTRACT & COMMERCIAL, INC.

This Matter was Adopted on the Consent Agenda.

ORD-0071-2011

TO ADOPT THE RECOMMENDATION OF THE ADVISORY BOARD FOR THE OFFICE & INDUSTRIAL INCENTIVE PROGRAM GRANTING APPROVAL FOR KENNEDY COTTRELL RICHARDS, LLC.

This Matter was Adopted on the Consent Agenda.

ORD-0072-2011

TO AUTHORIZE A MODIFICATION TO THE TERMS OF AN AGREEMENT FOR TAX ABATEMENT FOR PROPERTY LOCATED AT 791 SCIENCE BOULEVARD AND IS A PART OF COMMUNITY REINVESTMENT AREA #1; SAID DISTRICT LAST AMENDED BY SR-0003-2003.

This Matter was Adopted on the Consent Agenda.

ORD-0073-2011

TO AUTHORIZE A MODIFICATION TO THE TERMS OF AN AGREEMENT FOR TAX ABATEMENT FOR PROPERTY LOCATED AT 890 SCIENCE BOULEVARD AND IS A PART OF COMMUNITY REINVESTMENT AREA #1; SAID DISTRICT

LAST AMENDED BY SR-0003-2003.

This Matter was Adopted on the Consent Agenda.

ORD-0075-2011

TO AUTHORIZE A MODIFICATION TO THE TERMS OF AN AGREEMENT FOR TAX ABATEMENT FOR PROPERTY LOCATED AT 960 CLAYCRAFT ROAD AND IS A PART OF COMMUNITY REINVESTMENT AREA #1; SAID AGREEMENT AUTHORIZED BY SR-0002-2001 AND SAID DISTRICT LAST AMENDED BY SR-0003-2003.

This Matter was Adopted on the Consent Agenda.

ORD-0076-2011

TO AUTHORIZE A MODIFICATION TO THE TERMS OF AN AGREEMENT FOR TAX ABATEMENT FOR PROPERTY LOCATED AT 980 CLAYCRAFT ROAD AND IS A PART OF COMMUNITY REINVESTMENT AREA #1; SAID AGREEMENT AUTHORIZED BY SR-0003-2001 AND SAID DISTRICT LAST AMENDED BY SR-0003-2003.

This Matter was Adopted on the Consent Agenda.

ORD-0077-2011

TO AUTHORIZE A MODIFICATION TO THE TERMS OF AN AGREEMENT FOR TAX ABATEMENT FOR PROPERTY LOCATED AT 1020 CLAYCRAFT ROAD AND IS A PART OF COMMUNITY REINVESTMENT AREA #1; SAID AGREEMENT AUTHORIZED BY SR-0003-2001 AND SAID DISTRICT LAST AMENDED BY SR-0003-2003.

This Matter was Adopted on the Consent Agenda.

Ordinance - Postpone to Date Certain - May 16, 2011:

ORD-0074-2011

TO AUTHORIZE A SECOND MODIFICATION TO THE TERMS OF AN AGREEMENT FOR TAX ABATEMENT FOR PROPERTY LOCATED AT 690 TAYLOR ROAD AND IS A PART OF COMMUNITY REINVESTMENT AREA #4; SAID DISTRICT LAST AMENDED BY SR-0003-2000.

This Matter was Postponed to Date Certain to the Consent Agenda on the Consent Agenda.

Motion Resolution:

MR-0017-2011

Motion Resolution to authorize the Director of Public Service to go out for bids for the construction of the Market at Hamilton Detention Basin project.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

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

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

End of the Consent Agenda

F. PUBLIC HEARINGS:

2011-0018

To consider the use of brine solution for the purpose of dust control for property at 1900 Deffenbaugh Ct., by Suburban Steel, Jerry Henderson, Applicant. (Advertised in Columbus Dispatch on 4/11/2011)

Samuel stated the Public Hearing rules that would govern all public hearings this evening, and opened the Public Hearing at 7:14 p.m. and asked for proponents.

Jerry Henderson, Suburban Steel, 1900 Deffenbaugh Ct., said we ask for this every year; we apply it to our unpaved lots to keep dust down; is better for employees and neighbors.

Samuel asked for opponents. There were none.

Samuel closed the Public Hearing at 7:16 p.m.

Larick asked why brine was used. Henderson said because it has a higher salt content which crystallizes and holds the dust down better; best application you can use short of tar or oil.

Heard in Public Hearing

Z-0001-2011

To consider a Zoning application to zone .222 acres located at 470 Havens Corners Road; current zoning RID (Restricted Institutional District), requested zoning CC (Community Commercial); Fifth Third Bank, applicant. (Advertised in the RFE on 2/10/11 and 2/17/11)

Director of Development Jones gave a presentation on the property to be zoned; .222 acre strip; a lot split has been approved; this is for left turn access into the property for Fifth Third customers with the construction at Hamilton and Granville; zoning change is from RID (Restricted Institutional District) to CC (Community Commercial); trees along the property line will be replaced and a landscape plan will be submitted to the City Forester at the appropriate time.

Samuel opened the Public Hearing at 7:17 p.m. and asked for proponents.

Jill Tangeman, 52 E. Gay Street, said Fifth Third is purchasing a strip of land from the neighboring church to provide additional access to the Fifth Third property so that customers will be able to make a left in and left out after the intersection of Hamilton/Granville/Havens Corners is improved; will be glad to answer any questions.

Samuel asked for opponents. There were none. Samuel closed the Public Hearing at 7:20 p.m.

Heard in Public Hearing

G. STANDING COMMITTEES:

Committee of the Whole - Larick: No Report.

Finance - Anderson: No Report.

SPECIAL COMMITTEES:

Expenditure Study Committee - Larick

Larick said we have started work on this and hope to have a report by next meeting.

H. CORRESPONDENCE AND ACTIONS:

Clerk - Legal:

CC-0001-2011

To recommend to Council amendment to Section 1152.02, Limited Overlay District, of Chapter 1152, Overlay Districts; of the Codified Ordinances of the City of Gahanna.

Clerk said the public hearing will be held on May 16, 2011.

Scheduled for Public Hearing

Council

Ewald said last year Council dealt with the noise ordinance issue on Rugby Lane and I had a discussion with Jones concerning some of the measures the businesses have taken; also reached out to the residents to get their input; I think you all got copied on the email; hopefully that will continue forward; happy the businesses are addressing this issue.

I. SECOND READING OF ORDINANCES: None.**J. FIRST READING OF ORDINANCES: None.****K. MOTIONS/RESOLUTIONS:****MR-0011-2011**

Motion Resolution to request the Planning Commission review Section 1171.03(h) of the Codified Ordinances to consider a contiguous fence in size, style, and design be allowable into a side yard to accommodate side entry doors of a property within the enclosed area of the fence.

Larick said he would just like to point out one thing; we discussed this in committee as 1171.03(f); after further discussion with our City Attorney, the correct section is 1171.03(h); through our discussions we have identified many homes that have side access doors; also there are many more fences than variances that have been requested, so it appears our citizens are working around the regulations to meet their own needs; after researching Council and Planning Commission records there is no record that this particular item has been discussed in the past; I respectfully request your support and a yes vote for this motion resolution.

Samuel said there is no evidence that this has been discussed in the past; warrants discussion; feel we should send it to Planning Commission.

A motion was made by Vice President of Council Larick, seconded by McAlister, to approve MR-0011-2011. The motion carried by the following vote:

Yes	5	President of Council Samuel, Vice President of Council Larick, Ewald, Anderson and McAlister
No	1	McGregor

L. REPRESENTATIVES:

Community Improvement Corporation (CIC) - Larick/Samuel: No Report.

Mid-Ohio Regional Planning Commission (MORPC) - Anderson:

Anderson said nothing at this time but would like to give an extensive report at the next meeting; there will be more discussion on Senate Bill 5 next week.

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

Larick said he did attend the last meeting; there was reinstatement of a variety of teachers based on the agreement the teachers had completed; also much discussion on the upcoming levy; they are anxiously waiting.

Convention & Visitors Bureau (CVB) - McGregor:

McGregor said we have not had a meeting recently. Samuel said they are gearing up for several events, including the Creekside Blues & Jazz Festival.

M. OFFICIAL REPORTS:

Mayor:

Mayor said we forwarded information to Council, and it is in the Development report; we have a great concern about the proposed asphalt recycling plant at 370 Morrison Road; is in the City of Columbus, but the site is located directly south of our Office, Commerce & Technology District; we are very concerned about the effects of this plant on our OCT District as well as the neighborhood that I live in, Rathburn Woods, and Hunters Ridge; the south side of our community has faced a number of concerns over the years, from Columbus Steel Drum issues back to Bedford Landfill; this was sent out to civic associations and I asked the president of the Rathburn Woods civic association to send it out; Jones and possibly myself will be testifying at the public hearing on April 26th; I believe this goes before one planning board in Columbus, and if approval is given there, that's it; there has to be a better location for a plant of this nature; we are definitely opposed to this location; wanted to call public attention to it; other businesses share our concerns. Anderson asked the time and place of the hearing. Jones said 6:00 p.m., and he will let Anderson know where it will be.

City Attorney: No Report.

N. COUNCIL COMMENT

Ewald thanked American Legion for coming and making presentations; good to recognize these people; appreciate them and what they do; great to recognize one of our own.

Samuel invited high school students to committee meetings next Monday night; said if students have any questions, please come to one of us after the meeting.

O. EXECUTIVE SESSION:

A motion was made by McAlister, seconded by Ewald, 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:

Yes	6	President of Council Samuel, Vice President of Council Larick, Ewald, McGregor, Anderson and McAlister
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Council rose to Executive Session at 7:31 p.m. Samuel said Council will take no action after Executive Session. Council rose to report at 8:07 p.m. with all members returning to the dais.

P. ADJOURNMENT: 8:07 p.m.; Motion by McAlister.

Donna L. Jernigan, MMC
Senior Deputy Clerk of Council

APPROVED by the City Council, this
day of 2011.

David L. Samuel
President of Council