

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, July 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

Timothy W. Pack

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, July 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 of Council Larick followed by the Pledge of Allegiance led by Council Member Anderson. Agenda for this meeting was published on July 15, 2011.

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

B. ADDITIONS OR CORRECTIONS TO THE AGENDA: None.**C. HEARING OF VISITORS:**

Windy McKenna, Gahanna Jefferson School Board, stated they met last Thursday, most important item was that we have hired a new Communications Specialist; Mary Otting resigned; balance of agenda was a lot of resignations and hiring which will slow down; another district does not have to let them go after July 10; HR department should slow down; we are saying good bye to long term employees due to new jobs or retirement. Samuel asked about the hiring of substitute teachers. McKenna stated there is always a need; very long list right now; interview with Mr. Cygnor and then put them on the list; may have an area of expertise that few other people have; just depends on the situation; just need to call HR department and get their interview. Pack stated his son who will be a junior will have 3 round trips a day between Clark Hall and main school; have special provisions been made for pedestrian flow that will take into account a large student population going back and forth. McKenna stated the school has worked closely with the City on that and corner is being reconfigured. Wetherholt stated that provisions for pedestrians during school hours are that the signal will be timed to allow more time for pedestrians; when school hours are over, then the time can more favor the traffic; that has been taken into account in way of doing signal timing; also the cross walks will be striped in the ladder type; in addition the medians will have refuge islands; don't think students will use them but they will have push buttons to activate the pedestrian cross walk signals again; way to make it easier for students during school hours.

Windy McKenna, 202 Academy Court, stated as a resident she wished to reinforce to you how important it is to move forward with the retention basin; as a neighborhood we have been working with City for 5 years; was out of town 2 weeks ago when previously discussed; many of us have lost so much of our back yard; we have had sandbags put on the side of the creek because so much of the land was falling into the creek; neighbors have brought in loads of fancy stone because water comes down with so much energy and force the creek bank has disappeared; just thought we had everything going well and now objections are being raised; remind everybody about the other side of the story; important to keep our neighborhood and those down further safe in our homes and our homes dry; water can come up in 10 minutes; last week there was a deluge north of us and none in our neighborhood but creek went over its banks; our neighborhood is very happy with the solution; thought we came to a good conclusion and that it was fairly economical; we were delighted; here to reinforce our commitment to this project.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:**Ordinances - To Be Introduced and Assigned to Committee:**

Ordinances introduced, by title, by Larick.

ORD-0147-2011

TO AMEND TITLE ONE, PLATTING AND SUBDIVISIONS, OF PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Introduced, to Finance Committee

ORD-0148-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO MAINTENANCE AGREEMENTS WITH THYSENKRUPP ELEVATOR CORP., FOR QUARTERLY INSPECTIONS OF THE CREEKSIDE PARKING GARAGE ELEVATOR; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0149-2011

AN ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY IN THE AREA KNOWN AS THE BUCKLES TRACT TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION; ESTABLISHING A TAX INCREMENT EQUIVALENT FUND AND PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS INTO THAT FUND; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THE PARCELS; AND APPROVING AND AUTHORIZING THE EXECUTION OF A REVENUE SHARING AGREEMENT WITH THE GAHANNA-JEFFERSON CITY SCHOOL DISTRICT.

Introduced

ORD-0150-2011

TO AMEND CHAPTER 1131, VARIANCES, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Introduced, to Finance Committee

ORD-0151-2011

TO AMEND CHAPTER 1133, AMENDMENTS, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Introduced, to Finance Committee

ORD-0152-2011

TO AMEND CHAPTER 1169, PROCEDURE FOR AUTHORIZING A CONDITIONAL USE, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Introduced

E. CONSENT AGENDA:**Minutes - To Approve:****2011-0035**

To Approve the Following Set of Minutes:

1) July 5, 2011

This Matter was Approved and Filed on the Consent Agenda.

Ordinances on Second Reading:**ORD-0139-2011**

SUPPLEMENTAL APPROPRIATION - Various Parks Accounts

This Matter was Adopted on the Consent Agenda.

ORD-0141-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH AMERICAN ROCK SALT CO., LLC, FOR PURCHASE OF ROCK SALT FOR THE 2011/2012 SEASON.

This Matter was Adopted on the Consent Agenda.

ORD-0142-2011

SUPPLEMENTAL APPROPRIATION - Tax Payments

This Matter was Adopted on the Consent Agenda.**ORD-0143-2011**

SUPPLEMENTAL APPROPRIATION - City Attorney, Counsel - Creekside

This Matter was Adopted on the Consent Agenda.**ORD-0144-2011**

TO ACCEPT DEED OF EASEMENT FROM BILLY G. DECKER, 3891 CLOTTS ROAD, FOR WATERLINE EASEMENT CONSTRUCTED WITH THE HAMILTON PARKE SUBDIVISION.

This Matter was Adopted on the Consent Agenda.**ORD-0145-2011**

TO AUTHORIZE A COOPERATION AGREEMENT BETWEEN THE CITY OF GAHANNA, OHIO, AND THE BOARD OF COUNTY COMMISSIONERS, FRANKLIN COUNTY, OHIO ON BEHALF OF THE CITY OF GAHANNA IN ORDER TO PARTICIPATE IN THE FRANKLIN COUNTY, OHIO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) ENTITLEMENT PROGRAM AND ABIDE BY THE COVENANTS OF THAT PROGRAM AS STATED HEREIN

This Matter was Adopted on the Consent Agenda.**ORD-0146-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO REIMBURSEMENT AGREEMENT WITH AMERICAN ELECTRIC POWER FOR CONDUIT TO BE PLACED ON THE NEW TECHCENTER BRIDGE.

This Matter was Adopted on the Consent Agenda.**Resolutions to Adopt on First Reading:****RES-0015-2011**

TO PROVIDE FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENT TO THE GAHANNA CITY CHARTER PERTAINING TO THE MAYOR

This Matter was Adopted on the Consent Agenda.**RES-0016-2011**

TO PROVIDE FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENT TO THE GAHANNA CITY CHARTER PERTAINING TO THE COUNCIL

This Matter was Adopted on the Consent Agenda.**RES-0017-2011**

TO PROVIDE FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENT TO THE GAHANNA CITY CHARTER PERTAINING TO THE CIVIL SERVICE COMMISSION

This Matter was Adopted on the Consent Agenda.**RES-0018-2011**

TO PROVIDE FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENT TO THE GAHANNA CITY CHARTER PERTAINING TO THE COUNCIL TERMS OF OFFICE

This Matter was Adopted on the Consent Agenda.**Motion Resolution:****MR-0035-2011**

Motion Resolution that the City has no objections to the stock transfer of the D1, D2, D3, D3A and D6 liquor permit for MGM Entertainment, Inc. DBA Whiskey Ranch & Patio, 154 North Hamilton Road, Gahanna, Ohio 43230

This Matter was Approved on the Consent Agenda.

MR-0036-2011

Motion Resolution to appoint Paul Bittner to the Civil Service Commission for the unexpired term ending December 31, 2011.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Ewald, 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 Samuel, Vice President of Council Larick, Ewald, McGregor, Anderson, McAlister and Pack
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End of the Consent Agenda**F. PUBLIC HEARINGS:****CC-0003-2011**

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

President opened Public Hearing at 7:10 p.m.

President asked for proponents. Anthony Jones, Director of Planning & Development, stated he wished to provide a brief background of why this was being pursued; 2011 goals for the Planning and Development Department were to comprehensively review our zoning code; we worked closely with Clerk, City Engineer and officials throughout the country to get our code to current industry standards; there are two before you this evening; first is a rewrite to Title 1; are minor changes but all very necessary; definition changes to easements, landlocked, and right of way to bring up to current standards; these are tools we need to better evaluate applications coming before us; most changes deal with clarifying some language and cleaning up some wording; also will clarify what is expected from applicant ensuring we get the information we need; in addition we had to simplify some of the zoning code references; changes are all linked together; these will be codified and less redundant; incorporated additional reviews by engineering to make sure proper review is done prior to going to Planning Commission.

President asked for opponents. There were none. President asked for rebuttal. There was none. President closed public hearing at 7:13 p.m.

Heard in Public Hearing**CC-0005-2011**

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

President opened Public Hearing at 7:14 p.m.

President asked for proponents. Anthony Jones, Director of Planning & Development, stated these are more substantive in changes; refer first to Chapter 1133, currently called Amendments; title is being changed to Zoning or Rezoning; changes are based upon previous correspondence and meeting with Council and Planning Commission as to how Planning Commission can better prepare applicants to come before Council; now the code will factor in economic development; it is important as it usually came up as ancillary request; the other elements were in order for us to effectively judge the impact, we had to expand some of the parameters that we could look at; modified this section to provide those parameters and to be able to evaluate and say yes or no; applicant will have to provide proof that it's consistent with land use plans; has to be compatible with surrounding environment; can look at availability of this type of zoning; want to make sure it is compatible with adjacent uses; look at whether the City can accommodate this

change without affecting health, safety and welfare of our residents; when applicant applies all this information will be provided; Chapter 1133 was the most impactful change out of these changes; Chapter 1131 for variances has minor section changes and word modifications; last section is Chapter 1169, Conditional Uses; changes provide clarification as to how it is advertised, as well as clarification on the fees; these are the three areas we are dealing with in this recommendation.

President asked for opponents. There were none. President asked for rebuttal. There was none. President closed public hearing at 7:16 p.m.

Heard in Public Hearing

G. STANDING COMMITTEES:

Committee of the Whole - Larick:

Larick stated there was a lengthy discussion on McKenna Creek basin; will be a presentation at Finance Committee on point of progress.

Finance - Anderson: No Report.

SPECIAL COMMITTEES:

Expenditure Study Committee - Larick:

Larick stated he has been in discussions with administration; several departments may be duplicating efforts; will be looking at those things and possibly consolidate those processes; as those get more concrete will bring before Council a plan or presentation of possibilities.

H. CORRESPONDENCE AND ACTIONS:

Clerk - Legal:

2011-0032

Notice to Legislative Authority of a transfer of D1 and D2 liquor permits from GJP Inc., DBA Corners Beverage Shoppe, 1383 Johnstown Road, Gahanna, OH 43230 to Tamarkin Co., DBA Giant Eagle 6501, 1250 N. Hamilton Road & Mezzanine, Gahanna, OH 43230. Last day to file objections is August 15, 2011.

Received and Filed

2011-0034

Notice to Legislative Authority of a Liquor Agency license to Tamarkin Co., DBA Giant Eagle 6501, 1250 N. Hamilton Road & Mezzanine, Gahanna, OH 43230. Last day to file objections is August 15, 2011.

Received and Filed

Z-0002-2011

To consider a Zoning application to zone 12.5 +/- acres located at the SW corner of I-270 and Tech Center Dr; current zoning SCPD (Select Commercial Planned District), requested zoning OCT (Office Commerce and Technology); Trivium Development, applicant. (Advertised in the RFE on 6/30/11 and 7/7/11)

Clerk noted that Public Hearing will be held August 15, 2011.

Scheduled for Public Hearing

Council: None.

I. SECOND READING OF ORDINANCES:

Ordinances Reported Out of Committee:**ORD-0140-2011****SUPPLEMENTAL APPROPRIATION - Parks Contract Services**

Larick stated he understands what the department and administration is trying to do; would prefer that the City provide funding to replace trees; arborist could work with owners of property regarding taking down a tree; feel we could handle and support planting of far more trees at time if we replace rather than take out; as it is will be voting against this legislation this evening.

Ewald stated this was discussed in committee; lot of input from residents; in Ward 2 looking to remove a lot of trees but feel this is about replacement; for me this is a safety issue; could be dealing with large trees falling onto homes, property, people and are they equipped to deal with it better; we mandated installation so feel there is culpability on part of the City to replace; to put a tree back in at their expense I think is appropriate.

Pack stated he will be supporting from a safety standpoint; nature of ash borer is that it tends to go from inside out; tree actually looks stable when it is not; takes an arborist to make the determination; can look healthy but actually be unsecured; uprightness doesn't tell the story; takes an arborist; my tree just got tagged by an arborist hired by our association this past week; other than 1 branch you would never know but evidently inside of tree is much worse; will be supporting.

Samuel stated that many companies if you have a street tree treated for ash borer guarantee it; after they treat it they will replace it if it dies; check it out; will be voting in favor also.

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

No	1	Vice President of Council Larick
Yes	6	President of Council Samuel, Ewald, McGregor, Anderson, McAlister and Pack

J. FIRST READING OF ORDINANCES: None.

K. MOTIONS/RESOLUTIONS: None.

L. REPRESENTATIVES:

Community Improvement Corporation (CIC) - Larick/Samuel:

Larick stated last meeting included a discussion on 181 Granville St. building; financing adjustments are in place; should realize significant cash flow savings; that building is in a position to be in a solid place now; reorganizing and should have all our officers back in place next month. Samuel stated that Blue Mile is getting ready to operate; there will be some cosmetic improvements to sign and blacktop.

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

Anderson stated last meeting included discussion on life long communities; also saw videos on complete streets; also discussed communities collaborating and working together and by so doing could become beneficiaries of grants; heard a legislative update; no meeting in August; Jones stated that MORPC has lost their 501(c)3 status; have rectified the problem and resubmitting for their tax status; their lobbying firm,

Schottenstein Zox & Dunn, has compiled a comprehensive summary of budget bill; will be sending that link out; is very informative; reports and studies focused on the older part of our population and community planning; more information coming on that. Anderson stated that the study shows that 55 and over is huge; our communities have not been built with that demographic in mind; 1-34 years and 55 and older are our largest population segments; need to focus on more mixed use communities; regions most mindful of that will be the most successful; found that interesting;

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

Convention & Visitors Bureau (CVB) - McGregor:

McGregor stated meeting was moved from July 14 to July 28; will report next meeting.

M. OFFICIAL REPORTS:

State Representative Nancy Garland:

State Representative Nancy Garland stated she had promised when here previously to come back after the budget was passed; did include exactly what I provided as to fast food restaurants; under the auspices of the Secretary of Agriculture; any type of restaurants; for instance, Granville doesn't allow them and they won't be able to ban them; also important to note that it is not the intent to limit local communities but just limiting the nutritional value; again is under the auspices of the Secretary of Agriculture; was done at behest of restaurant association; the Secretary of Agriculture has no immediate plans for statewide regulations on nutrition; will keep you updated; provision for local governments to share services; Senate plugged into local government funding; on the compromise local governments get extra \$50 million in fiscal year 2013; is also a new innovation fund with a new 15 member Council to work on new cooperative projects; some of the other things budget will allow is a modified workweek for director level positions, ability for counties to sell buildings and then lease them back, joint police districts, merging of townships and municipalities will be easier; as we discussed previously, does eliminate the estate tax in 2013; not a large portion of the budget; just wanted to hit the high points; will be happy to look into any questions you have; just wanted to give you an official report.

Anderson stated that one thing that came up in MORPC was emergency things that were passed after the budget; can you tell us what those highlights might be; Garland stated that one item had to do with trucks, loads, and number of axles you have to have; House had provision which we thought would help the people hauling these loads; mostly designed for farm vehicles; thought they had a compromise with Senate and amendment got left out entirely; did vote on emergency measure to put it back in; was an 80 ton limit and think they put it at 100 tons and left axles the same; we literally knew about it 15 minutes before going to the floor; was a compromise that the county commissioners, engineers and MORPC agreed on; don't know why it got taken out; did put it back in.

Weber asked for clarification on the issue of fast food restaurants; initially was strictly nutrition issues; expanded so now we can't keep fast food restaurants out. Garland stated that provision was in the original bill; my understanding of the language is that it took away the rights to regulate those classified as fast food restaurants; under auspices of Secretary of Agriculture; doesn't mean they can't come out with regulations that say that we have the right to do that; won't see any regulations soon; what was in the budget would limit what local governments can do.

Mayor:

Stinchcomb stated she had a proclamation to present to the Parks & Recreation Department; but would like to take a minute to highlight some of the benefits of our Parks & Recreation programming; we own and operate 770 acres of parklands; 2nd highest acreage total in suburban Franklin County; continue to grow our protected preservation and conservation property; our green initiatives and programs contributed to Gahanna being named SWACO's Community of the Year and the programs are teaching our residents how we can all be good stewards of the environment; also helps attract businesses when they relocate or expand; businesses often seek communities with strong parks and recreation programs as an attractive asset for employees and their families; Parks & Recreation receives bulk of its funding from the City's general fund but generates income from facilities, programs, speciality programming and grants; has received over \$1.1 million in grant funds and generated over \$1 million in user fees; example of our efforts to be citizen-centric in our smart growth through innovative funding is the official opening of the Big Walnut Trail Bridge along Section 7 this Friday; it includes an ODNr grant-supported 140 foot bridge with multipurpose trails connecting to the Big Walnut Creek to the west, and Cliffview Drive to the east of the creek; puts us one step closer to completion of the entire Big Walnut Trail project which is a 5 mile multipurpose trail running from Morse Road in the north to Pizzurro Park in southern Gahanna; invite you to attend this opening at 2:30 p.m. Friday behind the 94 Price Road property. Mayor presented the proclamation to Troy Euton, Deputy Director of Parks & Recreation.

Stinchcomb stated we have another big event this week; the Golf Village at Central Park will have a special ceremony at 4:00 p.m. on Wednesday; hope you will be able to attend; exciting time for us; many years in the making; is a privately owned golf course and is a great use of a former landfill; is an anchor tenant that will be integral to attracting other businesses; will be open to the public the next morning.

City Attorney:

Weber thanked Council for placing the charter amendments on the ballot; will get them down to the Board of Elections yet this week.

N. COUNCIL COMMENT:

McGregor asked Sherwood a question on procedure; who is responsible to see that the terms of an ordinance are met. Sherwood stated it is the responsibility of the department head who originally requested the legislation; my office takes care of any items that are required of Council and the City Attorney.

McAlister stated that with regard to trees, it is sad we are losing these trees; in 1900 there was a large population of chestnut trees, 1 in 4 chestnut trees were lost to disease; can have empathy for what happened in 1900.

Ewald stated he sent an e-mail shortly before the meeting tonight; know Jones was not director at the time; feel we need to review the procedures we have after Council passes an ordinance and how it is tracked; disappointed in the fact that we transferred the Junkermann tract to the COCIC which required a promissory note that was never signed. Jones stated legislation was passed in 2004; Section 10 said promissory note would be signed and that did not occur. Ewald stated we can discuss next week in committee; seems that once Council passes they are not tracked; have to wonder if we are putting ourselves in jeopardy; would we be second mortgagee on a note that should have been executed 6 years ago. Jones stated if we did extend the contract that is correct; we would be second. Ewald stated we don't have a promissory note; what is security of an agreement in place to what is owed to city. Weber stated there is no mortgage so no

recording; can follow up on this next week. Ewald stated it is a good time for the Golf Village to be opening with the Airport course closing this year for a total redo; this new course is a great opportunity to get young people and new players involved.

Larick reminded everyone to watch your neighbors, especially elderly and young during this period of extreme heat; Golf Village is looking good; drove by this weekend; arguably best view in the county; should be proud of it.

Anderson stated she also had concerns about the processes we are using; not just development; needs to be consistent from department to department; interested in following up to see what the process is; need to make sure the new people coming in are aware of the process; thank Jones for the e-mail highlighting the article from Business First.

Samuel stated he agreed with McKenna; need to keep moving forward; Service and Engineering have been working with everyone and doing everything they can; need to move forward quickly.

O. ADJOURNMENT: 7:47 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