

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, November 8, 2010

7:00 PM

Council Committee Rooms

Committee of the Whole

*Shane Ewald, Chair
Beryl D. Anderson
Thomas R. Kneeland
Brian Larick
John R. McAlister
Nancy McGregor
David L. Samuel*

Members Absent: Beryl D. Anderson, David L. Samuel and Brian Larick

Members Present: Shane W. Ewald, John McAlister, Nancy R. McGregor and Thomas R. Kneeland

Additional Attendees:

Terry Emery, Dottie Franey, Karl Wetherholt, Mike Andrako, General Williams, Jennifer Teal, Angel Mumma, Mayor Stinchcomb, Brandi Braun, Tom Weber, Isobel Sherwood, Chief Murphy, Troy Euton, Sadicka White, Bernice Cage from MORPC, Press.

Presentation by MORPC

Regional Plan Update/Bernice Cage, Public Information Officer

Ewald called the meeting for Monday, November 8, 2010 to order.

Cage said I am from MORPC (Mid-Ohio Regional Planning Commission) and I appreciate the opportunity to address this body (provided 2 handouts to meeting attendees; a copy of each is available in the Council Office) to give you an update on the Shaping Our Future Regional Plan for Central Ohio; the 2010 Fall update is a 12 county plan with a single framework for many disciplines together under one planning element; the effort will be achieved with monitor groups developing goals and objectives; the handout identifies 6 goals and we will share in the development of objectives; the steps to developing objectives is where we are now in this process; there are 9 disciplines listed on the sheet; the one for this group is the Government discipline; if you would take a look at the form, there is a column called "objective topics" next to the stated goal; we are taking the time to solicit what the topics should be on here for the government objective; I would like each of you to look at the document and add any issues that are missing or line out what should not be there; we usually spend an hour on this exercise but for now will take 15 minutes to review the objective topics column and see if they make sense and if any are missing; as an example, the first topic is congestion; how can we use that to decrease or increase energy consumption which is the goal; we could reduce vehicle miles; next can we use housing listed under topics to meet this goal; yes if the housing is more energy efficient; I would like for you to go down the list; normally this takes an hour but we will give it the time allowed. McGregor asked what does "deed restriction to energy efficiency" mean. Cage said it means the house would not be allowed to be constructed if is not energy efficient.

Cage collected the finished documents; said we will now take the ideas and delete redundancies and make them clear, concise objectives with indicators that can be measured; then we will bring them back to you to again review and provide comment on. Ewald said can Council do future reviews via email. Cage said yes; my email address is bcage @ morpc.org. Ewald said if anyone has anything else on this they can email Cage; do you have extra forms available. Sherwood said she had extra copies of the forms in the Council office.

PENDING LEGISLATION:

ORD-0173-2010

TO AMEND CODE SECTION 563.05 FIREARMS; WEAPONS, OF CHAPTER 563, PARK CONDUCT, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Ewald said moving on to pending legislation; after the discussion on this last week, we got a couple of resident emails. Sherwood said Anderson asked if this could be

postponed until next meeting. Kneeland said I think someone is waiting on it to be approved. Euton said we do have a single request but it is not urgent. Ewald said I think it came down to are we are going to have groups of people doing this and not have any restrictions. Mayor said I would like to clarify; we have had 2 specific requests; one local scoutmaster wants to give book instruction and he has to have an unloaded gun to show parts and to explain procedures; a lot of scouting is book learning to get the merit badge; then there was a 2nd request; Council knows that Gahanna as a community has a large scouting population; this would be for when we have day camp for cub scouts; they would only be allowed to shoot BB guns and they wanted to be able to set it up in a large area like Hannah Park. Euton said that is it; we provided an attachment so you could see a permit; if we get a call about a real firearm in a park, we can say they are not allowed to have live ammo; all the talk about scouts and BBs still comes down to we have no intention of allowing real firearms in parks. Chief Murphy said I think it is a great idea and we have no problem with it; the police will deal with the exceptions; we can't do enough to support education for sport shooting and scouts. Ewald said we had 2 emails that came in about the process. Euton said we saw the letters and people thought the Director was advocating guns and shooting in all the parks; that is not what he was saying; he said the class would be held at the discretion of the Parks Director after reviewing it with the police. Weber said it was not made clear that live bullets would not be allowed. Euton said the Parks Director has the authority to allow the class; would the administration allow live ammo; not at all. Weber said so there would be a separate park permit. Euton said the permit that is attached is informational and a sample; it is not part of the legislation; we drafted the permit to show Council the instructor requirements and that there are no live rounds permitted; firearms would be permitted for training so students could see the firearms but no live rounds; BB guns could be set up and fired on a range. McAlister said I will save my comments about the letter until later. Ewald said I have no problem with it as long as it meets time, place and manner; will they do notification so residents don't call the police; there should be a warning to the public. Euton said on the permit they have to notify the police so dispatch will know if they receive any calls.

Recommendation: Return to Finance Committee in 2 weeks, November 22, 2010.

Recommended for Postponement to a Date Certain

ISSUES - From Director of Public Service:

2011 Water, Sewer, Refuse Rates

Emery said we have water rate changes in several different areas; for the 3rd year in a row we have a 0% increase on the water/sanitary sewer pass- thru; the rates are seeing some adjustments with what we receive from Columbus and we are taking into account our reserve funds; we are requesting legislation to modify Code to reflect the 2011 rates and Code changes; we are requesting emergency so this can be done by the first of the year; these are our Operational rates and Capital Improvement rates and if anyone has questions, we will be glad to explain how we got these figures in each of these areas so feel free to contact us.

Emery said the Columbus Consent Order was done in 2002 and 2004 and is basically 2 agreements with the State of Ohio to reduce overflow costs; in 2006 they passed costs on to the communities who tie into Columbus; ours is now \$7.62 per ERU per quarter; this is an increase of \$0.63 per ERU and we need to modify Code to reflect that.

Emery said the 2011 storm water fund has a slight adjustment from \$11.45 to \$12.00 per ERU per quarter; we have some necessary projects in 2011; this will not address the maintenance fund balance but will allow us to try to stay up with it and we will monitor

projects; this needs emergency as well.

Emery said the final piece is the 2011 and 2012 refuse rates; SWACO (Solid Waste Authority of Central Ohio) brought forth a \$3.00 per ton increase; by community it is broken out to about \$.25 per month per household; rates were locked in with Rumpke to maintain rates and we were unaware of this increase coming from SWACO; we are requesting legislation to modify Code for 2011 and 2012 rates; this requires emergency as well.

McAlister said every time I go by the landfill it looks like it is filled up. Emery said they have 25 years on their current site and have another site as well; they need these funds to upgrade the facilities they have; we just didn't have the information in a timely manner; that is our big issue. Ewald asked if anyone had any problems with the emergency requests. Emery said we have to wait until Columbus sets their rates before we can come to you.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent, Emergency Language on 4 ordinances.

Westside Sewer Project /Change Order

Ewald said next is the Westside sewer project change order.

Emery said this project is our largest unsewered area; the issue is with the gas line being too close to the construction; we came to know about this late in the process; we determined then we needed to change the project and move the gas line into the street; now we are bringing forward legislation to amend the contract to Underground Utilities to increase it by \$73,000; we have the amount budgeted; originally thought we would come in under that but with this change order it will bring us back up to cost; the change order was unforeseen and caught late and we needed to make these changes quickly.

Kneeland said so the Columbia Gas line was not where they are supposed to be located. Wetherholt said they gave us their plans; we used it and then the contractor told us the plans are all wrong. Emery said it would cause considerable delay to have them change things. Kneeland said I think we should write them a letter; let them know they caused us pain and added expense. Franey said they did not know where the gas lines were located; it was a surprise to everyone. Wetherholt said it was not a malicious misrepresentation. Kneeland said I am not saying that. Wetherholt said if we would have known; we would have placed it in the street originally; we wouldn't be in an emergency situation. Emery said we are requesting an emergency to keep the project on track.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent, Emergency Language.

SZD Whiteboard

Emery said our agreement with SZD Whiteboard for our broadband services carried over to the end of June of this year; we thought there was a possibility we may not need to extend it; however we have developed a need; part of the fiber requirements for the IRU's (Indefeasible Right to Use) from the schools and Mifflin Township require SZD Whiteboard assistance; we talked to Weber and since there had been a shift away from them, he thought we should make the contract retroactive to July and then continue forward; they are only hired on an hourly basis and we only pay when their services are used; we just need to get them on a normal yearly contract once again; during 2011 we will see how much we are using them and if we need their assistance to prepare documents and then we can decide with Weber whether to continue the contract.

McGregor said I don't understand why it needs to go back to July. Emery said we were about to do month to month; then we decided things came up best and cleaner if we do a

retroactive agreement rather than go away from the agreement and have 2 or 3 months not covered. Weber said I felt we would be on sounder legal grounds if we have a contract; it is better for the Finance Department and for legal reasons to have a contract. Kneeland said there are some other negotiations with IRU's dealing with cross billing; some money comes back and shared expenses need the experts. Emery said you will be seeing an IRU at the November 22 meeting; you will see the school IRU that we have worked on the last couple of months.

Recommendation: 1st Reading, Consent, no need to come back, 2nd Reading, Consent, Emergency Language.

ISSUES - From City Engineer:

Fuel Site Removal

Emery said we are coming to you now to request legislation to hire Advanced Civil Design to develop a demolition plan for the fuel site for \$8,000; the funding was set aside; we have talked about this for a few years; we are in a position now to proceed; we also need permission to bid the demolition and tank removal; so it is 2 pieces of legislation; Franey has some information about plans for fuel in the interim. Franey said we researched the fuel fleet cards and believe the SuperFleet used by Speedway and Marathon gas stations work best for us; these cards have all the bells and whistles; we get \$0.05 off the pump price of gas; they are open 24 /7; and there are many of them within our operating radius; we have checked our largest vehicle and it does fit under the canopy. Emery said we have looked at outsourcing and this will give us the opportunity to compare and see if we need to have our own fuel site or if the outsource opportunity works for us. Kneeland said the bells and whistles on the card are important, but can they track mileage and track numbers for maintenance; is that still part of the program. Franey said yes; the mileage will be associated with the unit and tracked; we will have employee numbers input and limitations like diesel fuel or regular gas can be on it as well.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent on 2 ordinances.

Science Boulevard/TechCenter Extension

Wetherholt said the Techcenter Science extension was to be done in association with the fuel site removal; described the route the extension is proposed to take from the map provided in the Council report (a copy is available in the Council Office); we would like to go ahead and get the design plan done; it is partially complete and we would like to finish that design so we are in position to build the road in the future and we won't have to wait 6 months for a design. McGregor said so this design will connect the two pavements that are there now. Wetherholt said yes.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent.

TechCenter Drive Sidewalk Easement

Wetherholt said when TechCenter Drive was built in the 1990's, there was a small section by the AEP (American Electric Power) building at 825 TechCenter Drive going east on TechCenter to Morrison Road that we now have the deed of easement for; this enables us to modify the one small gap and finish the multi-use trail; we were able to convince 825 TechCenter to donate the right- of-way; so it is sidewalked all the way through and the easement needs to be accepted and recorded.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent.

ISSUES - From Director of Finance:

Bricker & Eckler Contract/Consulting Services

Mumma said I am requesting an ordinance to enter into contract with Bricker & Eckler; they are the bond attorneys for our 2005 and 2007 bond issuance; this would allow them to provide consulting services and assist the City in all the mandatory filings and with all the necessary tax documents required by the IRS for interest and spend down and for any tax law questions; we are still working on details of the scope of what they will help with; we will start with 2005 then do 2007 and that will be the same work done; the funds are available in the City Attorney account for Special Counsel.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent.

Supp. App./Eastgate TIF/Pizzutti

Mumma said next is our request for supplementals that are really a clean up for year end; the first couple are payment in lieu of tax for TIF; we need to pay the county; they have reduced our distribution already; we booked the expense so the account is negative right now; this is the Eastgate TIF for the Pizzutti development; it is fees in excess and we are requesting a supplemental of \$76,574.00 from the TIF to reimburse the account; it all comes from TIF reimbursement; it is not General Fund money.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent.

Supp. App./Eastgate TIF/Triangle

Mumma said for this agreement we have to reimburse the developer which was Triangle; I think they have a different name; and the schools have to be reimbursed as well for a total of \$2,717.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent.

Supp. App./Olde & West Gahanna TIF

Mumma said the Olde & West Gahanna distribution was larger than anticipated resulting in a larger payment to Mifflin Township and results in a supplemental request for \$8,014.00.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent.

Supp. App./TIZ Real Estate Escrow

Mumma said by definition, an escrow is holding money for someone else; in our case, we collect the taxes and we pay the tax bill on the TIZ properties that we have transferred this year; we have to reimburse the money collected for 6 months taxes in advance; there is no City money used; the amount is \$350,888.00 from the Escrow account to the Tax Payment account.

Recommendation: 1st Reading, no need to come back, 2nd Reading, Consent.

Transfer/Police Pension Fund

Mumma said this transfer is for fees assessed to the City by Franklin County and automatically deducted; there is no rhyme or reason to it; we need \$3,452.00 moved from

the Police Pension-Refunds account to the Police Pension-County Auditor & Treasurer Fees.

Recommendation: Motion Resolution, Consent Agenda.

Transfer/Police to Safety

Mumma said I am requesting a transfer from the Police-Health Insurance account to 3 Safety accounts; this is because of a change in status of an employee and a change in their insurance from single to family; the funds are available in the Police budget as opposed to asking for a supplemental.

Recommendation: Motion Resolution, Consent Agenda.

Transfer/Landscape Board

Mumma said this is one of the transfers where we need to have the mechanisms in place to transfer small amounts; they misjudged shipping and we need to transfer \$5 from Office Supplies to Office Expense. Kneeland said how do we end up with this kind of minutia. Mumma said it has to be done this way because of our detailed line item budget; that is why we are requesting for the next budget that we could do some of this on a broader level. Mayor said we will be addressing this issue in the budget discussion.

Recommendation: Motion Resolution, Consent Agenda.

Transfer/Miscellaneous Accounts

Mumma said the last item is a transfer of \$1,185.00 from Miscellaneous-Operational Expenses to Miscellaneous-PERS; we found a former employee filled out a form exempting them from PERS; we have now determined it has to be done every year; PERS is invoicing us; we haven't had a significant amount of occurrences where this has happened and we don't have any recourse; we have checked our files and there is really nothing we can do; now no one is allowed to be exempt.

Recommendation: Motion Resolution, Consent Agenda.

2011 Appropriations

Mayor asked how does Council want to proceed with the appropriation discussion. Kneeland said several people have sent emails with questions and comments. Mumma said we will be bringing forward some changes; we tried to get the appropriations out early for the discussion; but we have had some changes like in open enrollment that we didn't know about when it was prepared; we have had some end of year stuff that has just materialized; it will be outlined in a memo at the next committee meeting.

McGregor said the presentation you gave was very good; information on issues like the money not spent being put in a special account to offset negative variances; but it does not address the structural deficit that is still here; in my mind the developers of this budget need to make adjustments; this should be a balanced budget and not with carryover money; that could be used for Capital projects next year; it is just a bad way to start out the budget year; I went through and made cuts and I would be glad to come in this week and discuss them; we should be doing what everyone else is doing; we should be making the same effort as everyone else like those who are out of work; there should be cuts to this budget. Ewald said to add to what we saw last week, I know we are thinking about an income tax increase next year; but it is not a forgone conclusion that it will pass; we do need to look closely at this budget and maybe make some cuts that

people would not be happy with. McGregor said another thing the Local Government fund will not be as much because they are not getting Federal funds; it is a trickle down and our needs will not be high on a list. Mayor said I do not disagree, but there are options; as with a family budget, people have savings accounts for a rainy day which is what we have done; if we don't use the money, it will go into carryover; how deep do we make cuts when we put money in carryover; we need to look at revenue; we don't have a choice; it is not just the bad economy; that won't change the fact that we are built out and landlocked; we are taking a look at cuts; we have talked in Service about snow removal and cuts we are considering like not having streets plowed on overtime; we may not even send the fleet out until we have 2 inches and for overtime it would have to be over 5 or 6 inches; we are leaving it to Service and the Police to determine what is safe; we have had the luxury over the last years to provide excellent service so these are cuts I hate to make; and we have been making tough ones over the last 4 years; we should go over what you have in mind if you are willing to share; it is not just who but also what services aren't we going to provide.

McAlister said with the new administration, at the state level, we should see what we can do through the Ohio Municipal League and Council to ask for a repeal of the prevailing wage; we should ask the administration to repeal all current union contracts since the unions have a government sanctioned monopoly and we are suffering as a result; we could draft a resolution to the State and the Ohio Municipal League. Kneeland said the Ohio Municipal League is not effective for this. McAlister said if they are not worth doing something for us, why do we pay them dues. Mayor said we are looking at all of our memberships and what they do for us and if the dues are worth it, like National League of Cities; we may make those cuts but we need to know what is the value.

McAlister asked what do we pay for a MORPC membership. White said \$15,000 but there are lots of benefits; when Wetherholt applies for grants and funding it comes through MORPC; we have received millions in grants and funding; we get great return on that; funds are funneled through MORPC for transportation; the Development Department pays these dues. Ewald said you can email the administration and staff with any other questions on this.

Kneeland said I know Samuel, as Finance Committee Chairman, had a schedule for us to follow for these appropriation discussions; my thoughts are to wait for him to be here; this will give us an opportunity to review.

Mayor said I would like to see the cuts that McGregor has identified.

McAlister said I will go along with any cuts the administration deems necessary; any decisions we make as Council have to coincide with the front lines. Mayor said I appreciate that; you will get calls and complaints; our residents are used to certain standards; when people start feeling the cuts we have already put in place we will hear from them.

McAlister said I think we need to define essential services; parks and recreation services are nice to have but not necessary to have; if cuts need to happen, we do it to parks; we eliminate kids programs; there is only so much you can cut from Service and Police. Mayor said we are already cutting services we need; what services affect you the most could be different from others; it is important to remember that on a local level, people want to get what they pay for; cuts effect property values; residents are counting on those things; my staff will do what you say and work with the budget we are given; I was in a Council seat for 10 years and I know you will be faced with a lot of questions.

McAlister said people buy what they want; we eliminate the market mechanism; will they pay more taxes for nice to have services rather than need to have; I have had to cut back on going out to eat and vacation; I don't spend money if I don't have it; all governments, local, state and federal, are influenced primarily by a vocal minority; legislators are careful about their pet projects; like our skateboard park; if we eliminated our skateboard park we would hear a lot from a vocal minority; but how many residents would really be affected. Mayor said we have tried to get broad based opinions from our

survey; we do have to understand what the majority wants.

Kneeland said going forward with the nice to have, is there a City assessment of vital, essential services; what we would have to provide just to live; and second, as we are talking about using carryover, we are hearing about districts like the schools who do not have operational money; I think it is prudent to look at carryover to balance this and to continue essential City services; I don't think we should pave streets when we don't have the money to plow them; we have quite a bit in carryover; Council increased the amount going into that twice to use when it became necessary. Mayor said if we went around the table and asked each one what is necessary and what is nice we would get a different opinion from everyone; in our survey, 81% of residents wanted walkways; so is it a necessity; those are the decisions we have to make; the Police, water service, and trash, the things that affect the health, safety and welfare of the public are known; the grey areas are different; 20 years ago we didn't need a Human Resources Department, or Communications Department; technology has created whole new areas that we didn't previously need; today they are part of the challenge.

McGregor said the structural deficit has not been addressed; and supplementals need to be addressed; we have to start with a balanced budget.

Ewald said we know they are going to make cuts with the new administration; grants will dry up; we have to be prepared. Mumma said supplementals have been scaled back; I can get you the numbers; we are being cautious; but there are residual effects; what are the long term costs; the 5 year budget showed how really critical things are; even if we had a significant increase in revenue, we will still have to be very cautious about spending money; how can we insure judicial spending; we are all aware, even with increased taxes, that we will still need to be diligent with supplementals. McGregor said many supplementals are for grants with a match. Mayor said we have kept a decent carryover; that is important; we have a structural deficit; that is what we have been trying to address; we are not isolated; it is here in Gahanna; maybe we have been too invisible; we didn't tell people enough; we should step up the effort so they will understand. Mumma said we need to make the community aware of spending and engage the community so it is not just people's pet projects that are discussed. Mayor said just putting the tax increase on the ballot encourages the dialogue; we will have to do this next year; the CFAC says do it in November because we have to communicate; the City income tax increases did pass in Bexley and Whitehall; we will have to make sure they know it is the first time in 33 years here and it is for vital services. Ewald said we have 3 meetings left and Samuel has a schedule; get your emails to staff and we will get answers back and be able to have a good productive dialogue.

MONITOR:

2010-0055

Monitor Items:

- 1) Workers Compensation - Self Insured

Della Brandenberger, Reporting