

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Monday, July 21, 2008**

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

**7:30 PM**

**City Hall**

## **City Council**

*Nancy R. McGregor, President*

*Thomas C. Evers, Vice President*

*Beryl D. Anderson*

*Shane Ewald*

*Thomas R. Kneeland*

*John R. McAlister*

*David L. Samuel*

*Isobel L. Sherwood, MMC, Clerk of Council*

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

*Gahanna City Council met in Regular Session on Monday, July 21, 2008, in Council Chambers of City Hall, 200 South Hamilton Road, Gahanna, Ohio. President of Council Nancy R. McGregor called the meeting to order at 7:30 p.m. Council Vice President Evers delivered the Invocation followed by the Pledge of Allegiance. Agenda for this meeting was published on July 18, 2008.*

**Members Present:** Nancy R. McGregor, Thomas C. Evers, Thomas R. Kneeland, Shane W. Ewald, John McAlister, Beryl D. Anderson and David L. Samuel

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**B. ADDITIONS OR CORRECTIONS TO THE AGENDA:**

*MOTION by Evers, seconded by Anderson, to add ORD-0156-2008 to the agenda under Item D, Introductions and Assignment to Committee. ROLL CALL: Voting yes: Evers, Anderson, Ewald, Kneeland, McAlister, McGregor, Samuel. Motion carried.*

**C. HEARING OF VISITORS:**

*Mike O'Brien, 1295 Abbington Place, Gahanna, OH stated he has been reading the fine coverage on our government process; know the DARE program has been under a lot of thought; think it has been a wonderful program; unfortunately we can't put our finger on any number; can't say it saved one child, but if it did it's absolutely worth it; someone will be reaping great rewards; hope it is collective wisdom of Council and the administration to continue this program; am so pleased with this administration, Council, and staff for the wonderful job we have done here in Gahanna; can't say I always have been proud to say I am a 4 generation resident; couldn't be more proud than I am today because we have brought a heart back to Gahanna; it is a place for the community to come and enjoy; we accomplished that and more; know we will see the fruits of this for years to come; will make Mrs. White's job easier to recruit businesses to Gahanna and also in retention; Jim Grote has been in the news quite a bit; what a wonderful industrial resident Grote Corp. and Donato's has been to Gahanna.*

*With no objection from Council, time was extended for Mr. O'Brien.*

*O'Brien continued that he thanked White so much for the wonderful job done; have been a big supporter of what Mrs. White has done; Mr. Dioun has been a wonderful developer and has been a man of his words; regarding the discussions on extra costs; have been in project management most of my life; you don't build a project like that without changes; it is the best of all worlds; project that is much smaller in scale but look at the Price Road landfill; thank White and Gard and staff in zoning for working with the folks on Price Road; home burnt down 3 years ago; we are finally getting a handle on it and people can start enjoying their property again; thank you for taking care of that; rah rah rah Gahanna; there are enough detractors in this world; need to spend as much time looking for the good things and we can find them here.*

*Mary Anne Albanese, 151 Rugby Lane, Gahanna, stated she wished to speak regarding the DARE program; am the proud parent of two DARE graduates; like many prevention programs, DARE includes the strategies identified by national organizations as evidence based strategies; these include interaction with positive adults; education about the effects of alcohol, tobacco and drugs; norm setting, decision making skills, refusal skills and the opportunity to role play those; many studies that cite DARE's ineffectiveness predate the current updated program; need to look at what our results are in Gahanna; we do survey our students; most recently in 2006; over 80% of students in grades 6-12 reported having had DARE; it was reported by Gahanna*

students in grades 6-10 as the primary source of alcohol, tobacco and other drug information; only surpassed in grades 11-12 by health classes; DARE is reported by grades 6-12 as the primary source of alcohol, tobacco, and drug refusal skills; has been found that having three positive adult relationships beyond parents can reduce likelihood that children will use substances; by offering DARE and having it taught by a police officer, we provide one more adult in the lives of children who can have a positive impact; we also in our program use role models; high school students who choose to be alcohol, tobacco and drug free come in and spend the day with 5th graders; powerful part of the program for all students; is a reinforcement of the component of effective prevention called norm setting; DARE is different; was developed by police and not in a think tank; developed with bumps and bruises over the years; they are using research based strategies and any consideration given to continuing the program would be greatly appreciated.

Jeff Carson, Gahanna-Jefferson School Board, stated he also sits on the Eastland Fairfield School Board; there are two programs that are new and innovative that I'm excited about; first is that campus has gone wireless; each student will be issued a laptop to drive innovation and technology; students are coming in to pick them up in the next couple of weeks; will have them for their junior and senior years and at the end of that time, for a small fee, can purchase that laptop; excited about that; kicking off in the next week or so; second is the employee building program; students with special needs would get their academic piece in home school and second half downtown to work half a day; not enough seats in that program to get all of our students involved; going to a third section to be able to include more students; employee building is new to Eastland Fairfield; would like to comment about DARE; am an advocate of DARE; show me good research; look at things objectively; sitting at levy campaign a couple of years ago, students from Blacklick were singing and it caught everybody; bleachers were singing the same song as the Blacklick kids were singing; powerful presentation and in education that's what it is about;

## **D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:**

### **Ordinances - To Be Introduced and Assigned to Committee:**

*Ordinances introduced, by title, by Evers.*

#### **ORD-0143-2008**

TO AMEND SECTION 133.093, MUNICIPAL MAYOR'S COURT COMPUTER FUND, OF CHAPTER 133, DEPARTMENT OF FINANCE, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

**Introduced**

#### **ORD-0144-2008**

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

**Introduced**

#### **ORD-0145-2008**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH URS CORPORATION FOR STORM WATER STUDY OF SYCAMORE RUN, PHASE II

**Introduced**

#### **ORD-0146-2008**

TO AUTHORIZE THE MAYOR TO ENTER INTO AMENDED CONTRACT WITH STILLION BROTHERS EXCAVATING, INC. FOR THE RELOCATION OF THE WATERLINE ON THE PROPERTY OF 207 HIGHMEADOW; AND TO DECLARE AN EMERGENCY.

**Introduced**

**ORD-0147-2008**

TO VACATE A PORTION OF A WATERLINE EASEMENT FOR PROPERTY LOCATED AT 207 HIGHMEADOW DRIVE; AND TO DECLARE AN EMERGENCY.

**Introduced**

**ORD-0148-2008**

TO AMEND CONTRACT WITH COLUMBUS ASPHALT PAVING, INC.; TO ALLOW FOR SIGNAL UPGRADES; TO WAIVE THE BIDDING PROCEDURES; AND TO DECLARE AN EMERGENCY.

**Introduced**

**ORD-0149-2008**

TO AUTHORIZE THE CITY ATTORNEY OR HIS DESIGNEE TO FILE AN ANNEXATION PETITION FOR THE ANNEXATION OF 6.3+/- ACRES OF PROPERTY FROM JEFFERSON TOWNSHIP; SAID PROPERTY LOCATED AT 3891 CLOTTS ROAD, BILLY G. AND VANIETA B. DECKER, OWNERS; AND TO DECLARE AN EMERGENCY.

**Introduced**

**ORD-0150-2008**

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 FOR A COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAM

**Introduced, to Regular Agenda**

**ORD-0151-2008**

SUPPLEMENTAL APPROPRIATION - Estate Tax

**Introduced**

**ORD-0152-2008**

TO ACCEPT DEED FOR 0.122 ACRE OF RIGHT OF WAY ON WEST JOHNSTOWN ROAD FROM EAS PROPERTIES, LLC

**Introduced**

**ORD-0153-2008**

SUPPLEMENTAL APPROPRIATION - Freedom Festival

**Introduced**

**ORD-0154-2008**

SUPPLEMENTAL APPROPRIATION - Program Escrow

**Introduced**

**ORD-0155-2008**

TO ENACT CODE CHAPTER 1173, RESIDENTIAL PORTABLE TEMPORARY STORAGE UNITS AND CONSTRUCTION WASTE RECEPTACLES, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**Introduced, to Finance Committee**

**ORD-0156-2008**

TO AMEND THE ADOPTED DEVELOPMENT FEE SCHEDULE AS REFERENCED IN CHAPTER 148, DEPARTMENT OF PLANNING AND DEVELOPMENT; TO INCLUDE A NEW FEE ON THE ZONING FEE SCHEDULE

**Introduced, to Finance Committee**

## **E. CONSENT AGENDA:**

### **Minutes - To Approve:**

**2008-0001**

1) July 21, 2008 Regular Meeting Minutes

**This Matter was Approved, on the Consent Agenda.**

**Ordinances on Second Reading:****ORD-0136-2008**

TO AUTHORIZE THE MAYOR TO ENTER INTO ACCESS AGREEMENT BY AND BETWEEN VRG II OR ASSIGNED AFFILIATES WHICH INCLUDES CENTRAL PARK PARTNERS AND THE CITY OF GAHANNA, OHIO, FOR TEMPORARY ACCESS TO THE CITY OF GAHANNA FUEL SITE ON SCIENCE BOULEVARD.

**This Matter was Adopted on the Consent Agenda.**

**ORD-0137-2008**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH SAFEX FOR SAFETY SERVICES FOR THE CITY OF GAHANNA; AND TO DECLARE AN EMERGENCY.

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

**Motion Resolution:****MR-0030-2008**

Motion Resolution to authorize the Director of Public Service to go out for bids for a sprinter van for use in the water/sewer division.

**This Matter was Approved on the Consent Agenda.**

**MR-0031-2008**

Motion Resolution to authorize the Director of Public Service to go out for bids for the sanitary sewer relining contract.

**This Matter was Approved on the Consent Agenda.**

**MR-0032-2008**

Motion Resolution to authorize the Director of Public Service to go out for bids for the Street Light Maintenance contract.

**This Matter was Approved on the Consent Agenda.**

**MR-0033-2008**

Motion Resolution to authorize the Director of Public Service to go out for bids for the 2008 Income Tax Forms.

**This Matter was Approved on the Consent Agenda.**

**MR-0034-2008**

Motion Resolution to authorize the Mayor to enter into Community Reinvestment Area #1 Agreement with Barton Hall LLC, for real property tax abatement for facility located on Cross Pointe Road, as outlined in EXHIBIT A.

**This Matter was Approved on the Consent Agenda.**

**MR-0035-2008**

Motion Resolution that this Council has no objection to the Transfer of D1, D2, D3, D3A and D6 liquor permits from Stolys Inc. to MGM Entertainment Inc., DBA Whiskey Ranch & Patio, 154 N. Hamilton Road, Gahanna, OH 43230.

**This Matter was Approved on the Consent Agenda.**

**MR-0036-2008**

Motion Resolution that this Council has no objection to a new C2 liquor permit for True North Energy LLC, DBA True North #603, 4733 Morse Road and Gas Pumps, Gahanna, OH 43230.

**This Matter was Approved on the Consent Agenda.**

**Passed The Consent Agenda**

**A motion was made by Kneeland, seconded by Vice President of Council Evers, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

Yes      7      President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson, McAlister and Samuel

### End of the Consent Agenda

## F. PUBLIC HEARINGS:

*President read Public Hearing rules that would apply this evening.*

**CC-0004-2008**

To consider the enactment of Chapter 1173- - Residential Portable Storage - of the Codified Ordinances of the City of Gahanna.

*President opened the Public Hearing at 7:48 p.m. asking for proponents.*

*Bonnie Gard, Planning and Zoning Administrator, stated this is a piece of legislation dealing with portable temporary storage units and construction waste receptacles; can't say we have had a huge problem in Gahanna but have had a couple of occasions where they have been there too long and we have no rules or regulations; did some research and looked at neighboring communities; also covered this subject at a Code Enforcement of Ohio seminar a few months ago; Westerville has recently passed this legislation; did Internet research and also researched PODS company itself as to the sizes they offer to make sure what we were permitting was in step with the product they have; they are the largest supplier in this market; first part of the legislation is definitions; will require a permit and that can be obtained in Building & Zoning office; will be a fee for that permit; granted for 30 consecutive days and two permits issued within 12 months; minimum of 15 days between the permits; can't put them on street or right of way; must be able to maintain the appropriate amount of off street parking; can have no more than one; can't use for anything but what the appropriate use is which is temporary storage if you are relocating; construction waste receptacles are included but none of this includes job site trailers and does not include tool sheds which might be on a job site; one construction waste receptacle at a time; two-family no more than one per unit; one thing found out when researching is that these units all have a number; if we do have a problem, then if it is a PODS brand, we can call the regional manager; they will make arrangements to come pick it up; they know we will have a time limit; they were helpful when we spoke to them about enforcing the code; glad to answer any questions.*

*President asked for opponents. There were none. President asked for rebuttal. Gard noted that this came to you as a recommendation from Planning Commission.*

*President closed Public Hearing at 7:51 p.m. President announced this item would be discussed in Finance Committee next Monday.*

**Heard in Public Hearing**

## G. STANDING COMMITTEES:

**Development & Parks Committee - Ewald: No Report.**

**Public Service & Safety Committee - McAlister: No Report.**

**Committee of the Whole - Evers: No Report.**

**Finance - Kneeland: No Report.**

## H. CORRESPONDENCE AND ACTIONS:

**Clerk - Legal:****2008-0041**

Notice to Legislative Authority of a transfer of a D1, D2, D3, D3A, and D6 liquor permits from Stolys Inc. & Patio, 154 N. Hamilton Road to MGM Entertainment Inc., DBA Whiskey Ranch & Patio, 154 N. Hamilton Road, Gahanna, OH 43230. Last day to file objections is August 7, 2008.

**Received and Filed**

**2008-0042**

Notice to Legislative Authority of a new C2 liquor Permit for True North Energy LLC, DBA True North #603, 4733 Morse Road & Gas Pumps, Gahanna, OH 43230. Last Day to file objections is August 11, 2008.

**Received and Filed**

**Council:**

*Evers noted receipt of a letter from Allison Matney, a 6th grade student at MSE, regarding the DARE program; will give to clerk for distribution.*

**I. SECOND READING OF ORDINANCES:****Ordinances Reported Out of Committee:****ORD-0141-2008**

SUPPLEMENTAL APPROPRIATION - Creekside/Pond Pump Room

*Ewald asked for, clarification purposes, believe this is located within the public portion of the property; is that correct? White stated yes.*

*McAlister stated he made his comments at last meeting so they are on the record; applies to this ordinance and the next one.*

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

**Yes        7**    President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson, McAlister and Samuel

**ORD-0142-2008**

SUPPLEMENTAL APPROPRIATION - Creekside/Stage Reconfiguration

*Kneeland asked, for clarification purposes, that this is city property; is part of the park facility. White replied that is correct.*

*Evers stated there is some false information going around that the initial design was not ADA compliant; it was; we found a better way for residents who are in wheelchairs or have strollers to access this part of the park; what has been said by some is inaccurate; was developed ADA compliant; when we saw how the flow would work we changed it and reconfigured it.*

*Ewald noted he has a stroller and goes across the bridge; by moving the stage back and not having it in direct line of traffic allows for it not to interrupt the flow at the time; by moving the stage out of the direct traffic flow it allows interconnectivity; thought it was a good change; just wish we saw it sooner.*

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

**Yes        7**    President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson, McAlister and Samuel

**J. FIRST READING OF ORDINANCES:****K. MOTIONS/RESOLUTIONS:****RES-0013-2008**

TO AUTHORIZE THE MAYOR TO FILE AN APPLICATION AND ENTER INTO AGREEMENT WITH THE D.A.R.E. GRANTS ADVISORY BOARD FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE OHIO D.A.R.E. GRANTS PROGRAM.

*Samuel stated he has been doing some research; been involved in drug and alcohol programs for quite a while; can achieve immediate and lasting results; no silver bullet; the DARE program is a segment of a total education program; takes involvement of police, coaches, parents, everyone to make a difference; as a result they have seen kids provided with the human resource necessary; reduces violence and bullying; also like to note that Medina did away with DARE and now have requests by teachers and parents to bring it back; this is a way for city governments to invest in our kids' future; Albanese was referencing the PPAAUS (Primary Prevention, Awareness, Attitudes) use survey; is a Safe & Drug Free school survey with information available; she will be bringing that to us in the future.*

*Evers stated he has no problem supporting this; can't tell you how effective it is in other communities; at Lincoln Elementary I believe it is an effective program; have talked to fellow parents and to students; received letter from Allison Matney who will be attending MSE; very thoughtful letter but also asks questions of Council; have you ever sat through a DARE program; have your kids ever experienced it; have they ever been on drugs or approached with drugs; what this soon-to-be 6th grader has to say is important; it is easy to read stuff about other communities; until you reach out and touch the people who are using the program in our community it is difficult to pass judgment; will give letter to Clerk to copy for you; my experience at Lincoln finds it to be very useful in our community.*

*McAlister stated he would like to make some comments since he brought it up; as a Councilman, am responsible to my constituents; contrary to headline in the paper, I was not taking the Chief to task here; we have to evaluate any and all programs; why would I question the value of DARE in light of testimony from O'Brien, fellow Council members, and Samuel's experience except that there is some honest criticism; being rational people have to look where criticism is coming from; the General Accounting Office of federal government; that's where the information is; says there is no significant differences in students who received DARE and those who didn't; we spend \$1.3 billion dollars nationwide on this program; to save one person, is it then worth it; I don't know; everything has a cost; even surgeon general placed it under ineffective programs; the National Academy of Sciences also called DARE ineffective; the Department of Education prohibited Safe and Drug Free money being spent on DARE because they didn't consider it effective; when they continue to receive money they update the curriculum every time they get criticism; Ohio State professor in 1998 who cited it was effective; this updated program is fundamentally the same as original with superficial changes; I want to know if we are getting our \$75,000 worth; if so, then why are these credible organizations saying they don't work; am confused here; sent e-mail to Council last week; agree with Kneeland that we can vote on this as we are up against a deadline; asked if grant money comes from DARE organization. Chief stated it comes from State of Ohio Attorney General's office so it is from the taxpayers. McAlister continued that he thinks we should start discussion earlier in the cycle next year; think we need to address these credible criticisms; where are they coming up with this information; need reason and valid proof that it works; at the very least if the school system wants it, are they willing to kick in some of the costs; are parents willing to pay for part of the cost; just asking questions; confused by these kinds of facts; that's why I*



*brought it up; will vote for it tonight because we don't have credible answers.*

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

**Yes        7**    President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson, McAlister and Samuel

**RES-0014-2008**

TO AUTHORIZE THE MAYOR TO FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE COPS GRANT PROGRAM

*McAlister stated he asked for this to be placed on regular agenda; have to vote no on this for same reason as voted for \$4,000 grant from federals; can't find in Article 1, Section 8 of the Constitution, which I was sworn to uphold as a City Councilman, where it grants power to Congress that they should be taxing people and supporting local police departments.*

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

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

**No        1**    McAlister

**L.    REPRESENTATIVES:**

**Community Improvement Corporation (CIC) - Ewald/Kneeland:**

*Kneeland stated next meeting is August 5th at 5:30 p.m.*

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

*Anderson stated it was a very fruitful meeting; presentation by Bernice Cage on bikeways; was a good update; learned how another major national area deals with bikeways and Columbus' consideration of same; update given on a Regional Policy Roundtable; held a meet the candidates night earlier this month; felt it was well attended; first one regional policy group gave; suggestion was made that something similar be done after the elections are done so those who win can be refreshed on MORPC; no date given at this time; please save the date of August 21 for an Athletic Club forum that will focus on the funding opportunities for the new stimulus package; Governor Strickland's representatives will be there; will be 1:30 pm to 5:00 pm at the Athletic Club; also know that Center for Environmental Education has a session scheduled for September 5, on November 11 - 13 there is a conference by the Central Ohio Summit on Sustainability and Environment at the Greater Columbus Convention Center; information is on the MORPC website; no meeting in August; opportunities available for booths as well as sponsorships; opportunity for cities to highlight what we are doing to be green and presentations in general; legislative update will be given to Clerk for the record; spent 10 or 15 minutes looking over the strategic plan and goals and objectives for MORPC; will review at next meeting.*

**Bd./Ed., Gahanna-Jefferson Public Schools - Evers: No Report.**

**M.    OFFICIAL REPORTS:**

**Mayor:**

*Stinchcomb stated that heart is heavy with loss of Jerry Smith; volunteered a lot in our*

*community; calling hours Wednesday from 4 -8; need to make a couple of comments coming back from vacation; unfortunate headlines are occurring; spoke about communications a couple of weeks ago; will be contacting some editors to talk about the consequences, the stories haven't been bad but headlines have been plain wrong; noted a \$6 million overrun which is just false; will take some steps; need to do a better job of reaching out to the community to get proper information out to citizens; will be meeting with our reporters although they are not responsible for the headlines; is a problem in getting misinformation out.*

**City Attorney: No Report.**

**N. COUNCIL COMMENT:**

*Samuel stated he had a great time at Creekside on Saturday; had to be 300 people around the music area; all restaurants were full and doing great business.*

*Evers stated he forgot to mention earlier that sympathies are extended to Raleigh Mitchell and his family on the loss of his brother; keep Mitchell family in thoughts and prayers.*

*McGregor also noted that Leo Frailey, former OWE teacher at the high school and a member of several of our boards and commissions over the years lost his 28 year old daughter last week to cancer; express our sympathies to his family.*

**O. ADJOURNMENT**

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**Donna L. Jernigan, CMC**  
**Senior Deputy Clerk of Council**

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

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**Nancy R. McGregor**  
**President of Council**