

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, March 22, 2010

Immediately Following Previous Committees or

7:30 PM

Council Committee Rooms

Finance Committee

David L. Samuel, Chair

Beryl D. Anderson

Shane Ewald

Thomas R. Kneeland

John R. McAlister

Nancy McGregor

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

Additional Attendees:

Karl Wetherholt; Mike Andrako; Tony Collins; Angel Mumma; Grant Reveal; Kristen Treadway; Chief Murphy; Lt. Spence; Terry Emery; Dottie Franey; Brandi Braun; Sadicka White; Tom Weber; Isobel Sherwood; Brian Hoyt; Mayor Stinchcomb; General Williams; Raymond Cook; Samantha Shuler; Press.

PENDING LEGISLATION:

ORD-0066-2010

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

Samuel called the Finance Committee meeting to order for Monday, March 22, 2010; our first item is Ord-0066-2010; the rezoning on Beecher Crossing North; because of the large number of attendees, we will discuss this in Chambers, then return to the Committee Room for the remainder of the meeting; I would like to make some clarifications on what we are doing here tonight; keep in mind our web site has questions and answers; there is a difference between Council meetings and our Committee meetings; at Council meetings we vote on ordinances and motions and conduct public hearings; the community is provided information on issues; Committee meetings are briefing sessions for Council members; we cannot enact legislation; we normally have no public comment even though the public can attend; the next regular Council meeting is April 5; visitors can express their views during the hearing of visitors at that meeting.

Samuel read the basic description of Ord-0066-2010; said at this time we will begin the questions from Council members.

Ewald said I have a couple of questions; first for the Development Department and White; while looking through this, I did ask Weber on a zoning application for Meadow Brook on Havens Corner, the question came up; we were doing an appraisal about current value vs. proposed value; what the city attorney said was it is based on acreage at the current value not the developed value, is that correct Weber. Weber said yes it was that way for the case mentioned. Ewald said then this one is based on future use not current use; is there a reason why for the parkland dedication, we have a L-AR (Limited Overlay Multi Family Residential) dedication evaluation instead of L-SO (Limited Overlay Suburban Office). Weber said it is based on the proposed use; they are trying to show the economic ramifications of the proposed use. Ewald said I think we should be consistent, if the current value is L-SO, why are we doing parkland dedication based on L-AR and not L-SO. White said when the Planning Commission (PC) asked this, the applicant brought in their appraisal; our Code says the applicant provides the appraisal; it says we can use what would be an acceptable use and that can be current or proposed; it becomes acceptable if they provided it and it is from an accredited appraiser; that is how it occurred; it was brought up that there could be a devaluation of the property with using the proposed use as opposed to the current use; when we do parkland we have used a number of ways to determine it; basically what is submitted and accepted; we have in the distant past used the sales price that the developer bought the land for; or they have gone out and gotten new appraisals; but that is usually when we are accepting cash in lieu of land. Ewald said so based on precedent, can we accept this appraisal for the parkland cash instead of land.

McGregor said I asked when we looked at Meadowbrook, why wasn't that based on future use since the properties would be more expensive; they said we had to use what was zoned at the time. White said in this case it is to our advantage because the appraisal they brought in is at their purchase price; that price is higher than the land is currently valued at. Ewald said so the question still stands; can we accept this. Weber said yes you can accept it; an appraisal is an estimate; it is of limited use to you; it is one snapshot of what the appraiser thinks this value can be; he had a process that he used to establish the value. White said the Code has some latitude within it; different properties and, depending on the history of the property, that is all taken into consideration; you are looking at parkland dedication and accepting the fee in lieu of land; if you thought the value was less than proposed, then you could ask for more verification from additional appraisals; you could say you want to base the amount on that documentation; that is not spelled out in the Code; the onus is on the applicant unless the City determines as in a dispute that they need to get their own appraisal for comparison. Ewald said my concern is not that we are undervaluing the property, but we are probably charging the applicant too much by using L-AR, so can we accept this appraisal for the parkland dedication. Weber said I think that you can; my answer would be yes. Ewald said OK.

McAlister said I have a question; this land originally came into the City from Jefferson Township, was it zoned L-SO. White said no it was not; any land that comes into Gahanna comes in as ER-1 or 2 (Estate Residential); 1 is a lot of 5 acres or more; if it less than 5 acres it is ER-2; there is an opportunity in zoning to change that; you can do annexation and, at the same time, change the zoning; so it can come in as something different from ER-1 or 2 if it is timed right; other than that, the land would come in as ER; in 2000 as offices were developing in that area, that came in as a L-SO (Suburban Office) Overlay as that market was flourishing. Kneeland said going back to the ER zoning, and now the L-SO is current; what was the rationale to get it to L-SO. White said the rationale was, if you look at how Beecher Crossing was developed, and we looked at the South and North Triangle Overlay Plan, we had not developed much in that area; we had a guideline plan saying this is what will be the standards and potential uses that are compatible for this area; the actual overlay plan is called the North Triangle Plan; it called for, on the perimeter or the main arterials which are Hamilton Road, Morse Road, and Johnstown Road, properties contiguous to those roadways should be commercial in nature; the interior could be residential and multi-family residential simply because we saw that as an area where it would be a good place for multi-family development in the community; our multi-family residential is AR, that means multiple apartment units; so when we do a limited, it is placed above the based zoning; limitation text says we are going to increase the development standards for this particular base zoning; so what you zone here must be what you say is the zoning here; must be exactly what you say it is by the limitation text; for example the text says for this and surrounding properties exactly what is to be built; so if you want anything else, that constitutes a rezoning per Code; so since the L-SO was the applied zoning when it came in from the annexation and the proposed owners purchased it as that; they had to come back because they didn't intend to build a suburban office by the same limitation text; even if they had wanted to do a suburban office, but they didn't meet the text limitations they would have still had to come back and to get a rezoning.

Kneeland said to expand on that, over the years, I can remember that a lot of the suburban office zoning has taken place in that northern area especially up in the Beecher Crossing area and 62 and Commission Drive and some of those areas, they were deemed the corridor to be appropriate for commercial type developments; and now we are at a point in Gahanna where we are landlocked, except for annexations that may take place; so our zoning and development is instrumental at this time and this particular piece of

property is a key area that we rely heavily on the business revenue from; so we need to know if this was taken into consideration since we don't have the land we had 15 years ago. White said absolutely; actually the entire area up to the ravine beyond where Shagbark is that Mr. Canini owned and brought in, he did all of that annexation; that is why we have this special plan; a lot of the north triangle; the south triangle came in earlier and started to develop; in the late '90s the north triangle land started to come in; there are only a few of those parcels left up there now that are not in the City of Gahanna; they are in Jefferson Township; when he brought in all that land and also the condo land, that came in as ER; he had a plan to use it as suburban office; had not that market changed and declined, the Condos at Beecher Crossing would not be there; those were a rezoning because of the market; his original intention was suburban office. McAlister said what you are saying is zoning is at best a political solution to market forces. White said it is. McAlister said had the market continued to drive development, there never would have been condos built in there; White said probably not. McAlister said Melissa's House would not even be an issue. White said probably not. White said it is validated because of the lot north of where Melissa's House is proposed; this is one I have been working on and negotiating with the property owner; the partial foundation is there we have had Code people and the Building Examiner out saying what he needs to do; he hasn't proceeded with that because of the market at this point in time.

Ewald said this is along the lines of what Kneeland has asked; what is the financial impact; I asked the administration to review the zoning and compare it to something that we annexed; I don't have that in front of me; do you have a copy; what was the outcome for L-SO vs. L-AR on this property as far as the financial impact. White said we have a fiscal impact tool that we can run; the database is based on inputs; what we input in this model, we looked at 10 housing units located at Beecher Crossing North, and the building estimate of the foot print of what is proposed of just over 10,000 square feet with an estimated value of \$1,033,000; that is not the auditor's value, it is the value based on the advancement; looked at that with the purchased land price of \$592,000, this would estimate to generate approximately \$251,000 in annual payroll from the residents because they are probably going to be working, we had to look at statistics for what areas they might be working in; then that would generate about \$3,700 in annual income taxes to the City; a medical office facility located at Beecher Crossing is comparable to what the site would actually hold; estimated at 15,000 square feet, it would have a value of about 2.3 million dollars with the land valued at \$464,000; is that figure is because that is what it is valued at now; we don't know what it would sell for; then we estimated that would potentially generate a greater payroll because these would be people employed in a comparable industry that is medical; so we are looking at about 1.3 million dollars in payroll and would generate \$20,444 in income tax; so this is an example we looked at based on some averages; so when we looked at what this captured in terms of relevant data, we are looking at anticipated property values, construction costs, industry standards for wages and employment, and their associated municipal servicing costs; the whole point is we looked to see this, based on the costs of goods and services, based on our budget, then we apportion that and when calculated we look at a net present value and the net cost value to the City of Gahanna over a 15 year period of analysis; for project one its present net value is negative which means we take out all of the real estate and income tax and deduct the cost of goods and services to that site and over a 15 year period it is about 11.8 thousand negative dollars; and using the same 15 year period but using an office development, the City would collect over 15 years against the cost of goods and services, we would net \$170,000 in revenue; one of things we know when we look at what gives the City its highest and best use generally speaking, the highest and best use of any land is the highest end office you can attract to the land; an office or a technology industry has lots of workers and high paying salaries produces for Gahanna the highest income tax return therefore the highest yield over any

period of time in order to pay for the costs of goods and services; all residents in Gahanna pay less than what it is for the cost of goods and services; that is why in the over all planning of the City, you have to balance residential, commercial and industrial components so that it will produce a revenue stream that allows the community to pay for goods and services.

McGregor said did you say the zoning was changed for Beecher Crossing; it was L-SO when they came in and it was changed. White said yes when it was originally annexed, it was ER-2 then subsequently changed, and I would have to ask Huffman when that happened; (Huffman provided the information to White); it was annexed from Jefferson Township as ER-1 in 1999; it was rezoned from ER-1 to L-SO in 2000, and then it is now before you to rezone to L-AR; and as I indicated, it came in under ER and Mr. Canini looked at it and he said I would like to build offices there. McGregor said I think you misunderstood what I was asking, the condos that were there, were they originally zoned L-SO before they were built. White said I am almost absolutely sure that when they came in as ER, then he rezoned to L-SO, then it came back for rezoning to AR; we can find that out.

McGregor said I would like a check on that; the other concern that I have since the City is mostly built out, is that we take land out of L-SO that would produce income and into a zoning that won't produce much income; that is a concern I have since we don't have any spaces for L-SO; also if this is rezoned, it kind of isolates one small parcel that will still be L-SO; you will have L-SO, AR, then L-SO again, so it is kind of in the middle. White said that is the decision the Council has to make, in terms of the plan, it is 50/50 on is L-SO an appropriate use; it says yes; is multi-family an appropriate use; it says yes; so as Weber indicated, you look at what the zoning Code says, in terms of topography you look at zoning in the area; is it a compatible zoning; is following plan; those are about the 5 things you look at; in terms of economic value to the community, you would have to rely on Weber as to whether or not that is a factor to look at. White said I am pretty sure we can show you how that came in now; he can pull the maps out. McGregor said it is hard to see since it doesn't have the streets on it. Anderson said can you make it available to all. Sherwood put it up on the overhead projector.

Anderson asked is there information that you use to make a determination in planning or zoning that we should take into consideration when making a determination between commercial and residential. White said our forefathers here in Gahanna were very insightful for a suburban community from the fifties; they were very forward thinking when they started to come into existence, they mostly wanted to be residential in nature; so you do have communities in our area that are, by land use, zoned all residential with just a few commercial properties for personal services; Gahanna was discreet in their planning and said we want a sustainable community; they looked at it and said it will need to have an area to attract manufacturing and office users and businesses that will support the overall revenue base for the community; so Gahanna throughout our history has this; we have one large area that we call our OCT (Office, Commerce, and Technology) area which is about 20% of our land mass in Gahanna; it creates about 50% of our income tax for the residential community.

McGregor said I have a question, because of this particular zoning that they are asking for, and because of the request, what happens if it fails. White said they could actually appeal it; and Weber could talk more about that. McGregor said no, what I mean is what if the project fails; if it is rezoned and they build the building, what if Melissa's House fails and it is only zoned for that particular place and use; what happens then. White said then the owners of the project could say here is another comparable use, or ask for another zoning for another use. Weber said it is overlay so they really don't have to.

White said they could continue to use it in a like manner. Ewald said assume the zoning goes through, 10 units are built; then the property management changes; does that require them to come back; White said if they bound that in the text, then yes; but I don't think they did; what is usually bound in the text is what is it going to look like, the specific uses of the property; if they came in and said they now want to make this building 12,000 square feet instead of 10,000 that would be a reason to rezone to make it bigger; because that is different from the text; the text says specifically what you are going to build. Weber said you are bound by the text; that is the burden of an overlay although it describes what the use is, if the use is varied, you would have to start from scratch. Ewald said so if the project failed and became a half-way house or drug and alcohol rehab center; would that work within the text of what we are dealing with. White said if it still residential, and people were still living within the 10 units; it would appear to me to be acceptable. Weber said it is use more than user. Ewald said if the use would inherently change it would still be allowed. White said the use wouldn't change; it would only change if they say now it is 20 units, or it is a day care facility that changes it; so that is in the text. Weber said they could rent these as regular apartments. Anderson said they would still have to rent as 10 units. Weber said absolutely.

Samuel said is Mr. Raymond Cook here; my question is based on a letter you sent to the PC dated Feb. 10, 2010, what facts did you use to base your opinion on when you said there is a lack of easy access to transportation, restaurants, and shopping from this location. Cook said we looked at the material provided by CHN (Community Housing Network) and the distances provided in their materials for the residents to shopping areas was not correct data; the distances are greater than what they provided; for example to get to a bus stop, they say it is less than a mile; it is more than a mile they have to walk; I don't have other details of the comparison with me.

Samuel asked if Samantha Shuler was here tonight; she was in attendance. Samuel said I have a similar question for you; when you were asked why was this location chosen you stated this location was close to essential community facilities and that bus stops are located less than a mile away on Morse Road with Gahanna and express routes available; my question is did you or anyone else walk to the bus stop or to a grocery and time the walk or survey it for safety hazards. Shuler said I did not actually walk, but I did drive the route and I used Google Earth and they matched; so to the Giant Eagle, if you head north to Beecher Crossing, then west to Hamilton, then back north on Hamilton Road to the Morse Road bus stop it is actually a mile; when I said less than a mile I was a little inaccurate; I took that from another measurement; and then the Giant Eagle is .7 miles; so that is how I did it; I drove it and used Google Earth to map it out; as far as safety there are sidewalks going down Beecher and up Hamilton and on Morse Road for the safety aspect.

Shuler said can I correct something quickly for the record; there was a question on whether this could be turned into a half-way house or a place for people with drug addictions; our understanding from working with the zoning staff is, we made a commitment in the text that the tenants who lived here would be disabled by mental illness strictly; so a person disabled by something else, would not be permitted to live here; or if a person isn't disabled at all they would not be permitted to live here because of the zoning code. Weber said I have a copy of the text and that is correct; I want to make sure we don't have any misconceptions; it says one multi-family residential building to house residents disabled by mental illness containing a maximum of 10; so if that weren't in this text they could do what was said earlier like change it to an apartment building; but the text is very limiting; they have limited themselves to this subset of people and so that is all they can do; if they want to do anything else then the zoning in my opinion would be negated; they would have to come back for rezoning. Shuler said

that is what we committed to. Samuel asked were there other sites that were closer to the bus stop and shopping that were considered; an example would be the lot that is just south of Giant Eagle. Shuler said I don't know if that site was considered or not; my understanding is the applicant and their developer met with various people including Gahanna city officials and searched a bunch of sites and this is the one that fit all of things they were looking for.

Anderson said you mentioned there are sidewalks on Hamilton Road. Shuler said yes. Anderson said I believe that those do not go all the way up. Shuler said I believe it does. McGregor said on Hamilton Road there are sidewalks all the way up.

Weber said Mr. Cook would like to finish his discussion. Cook read his letter dated February 10, 2010, to the Gahanna Planning Commission (a copy of that letter is on file in the Council office). Samuel thanked Mr. Cook for reading the part of his letter that pertained to accessibility.

Kneeland said I want to make a point, I know how emotional an issue this is and there are a lot of facets to this; but we definitely have to keep our focus on the zoning even though there are other extenuating things that have been discussed and mentioned in different meetings; from a legal perspective, I think we are straying a bit and we need to focus on the zoning. Cook said he would agree 100%; this letter was our first response to the application. Kneeland said to Cook, my statements are made in general not directed at you.

Ewald said I have additional questions for Shuler; you followed up on a question I had earlier on the text and whether the use can change; when we talk about use; I know we cannot evaluate the type of occupant; my concern is, if a change were to occur; how to deal with that; do we have the legal ability to limit the text to mental disability. Weber said they have stated in their text precisely what the use will be; we have limitations on how much inquiry we can do on the nature of the disability as to what kind of problems these people have; this is why they want the zoning and this is the use they have planned for it and they are being very up front about it. Ewald said but my question is based on federal law do we have the ability to even put that in the text. Weber said they voluntarily put it in the text. Shuler said I've never known for sure if you can put it in the text; some municipalities say you can; some say you can't; from our perspective, we are willing to commit to it so it is not relevant to us; but if the law director has an issue with it, we have always done Good Neighbor Agreements; so we put this in our Good Neighbor Agreement; that is another place; do this instead of or in addition to the text if it would help; I also want to make it clear that the fair housing act does not protect people who are actively using drugs or alcohol; it only protects people who are in recovery; it also doesn't protect people who are sent to a half way house due to criminal behavior so neither of those are protected classes so therefore if we were to come in and try to use that it would be easy for you to prohibit that based on the text and the Good Neighbor Agreement since it isn't necessarily a violation of the fair housing act to prohibit that; so that is why those are categories that are not hard to eliminate. Ewald said to follow up on that, if it changes for whatever reason, budget cuts, poor management, for whatever reason CHN would cease to exist, who would manage this facility. Shuler said we were created by the Franklin County Drug and Mental Health Board they would take over for us if we were to fail; ADAMH (Alcohol, Drug, and Mental Health) would be responsible and they would try to find another provider capable of managing it; ADAMH is a government body responsible for delivering services to Franklin County and so they would step into our shoes; another thing we could do is commit to being the management company; I don't know if we could put it in the zoning text but we could certainly put it in the Good Neighbor Agreement; and were

we to no longer be the management company, that could be a triggering event for the use no longer being appropriate anymore; we can commit to that if it is helpful. Weber said you are talking about this Good Neighbor Agreement, who is that binding upon; is it advisory. Shuler said we sign it and various other parties sign it based on the community we are in; in Bexley the Mayor signed it and it is binding then at that time; it is a contract. Weber said so it is not just an advisory agreement. Shuler said no we sign it and it is a contract; sometimes neighborhood groups sign them and other times not; depends on the circumstances.

Ewald said the last time you appeared before Council; I remember a concern I had was rental vs. ownership; you addressed that issue; I know that L-AR can be apartment or condo; but a lot of residents have concerns about rental vs. ownership and whether the condition of the property would be maintained the same; if you live next door to a rental unit or some one who owns a house, there is a concern about that so how would you alleviate the residents' fears and those of this Council that this will be maintained from day one consistently. Shuler said I hate to beat a dead horse but we get this all the time and it is another place where we fall to the Good Neighbor Agreement; unlike a private company which may not be responsive, we put that commitment in writing; in our draft agreement that we have put together, we list all the things we are going to do in order to be responsible; then if a neighbor felt we were not upkeeping the property, it would be a violation of the agreement; we are willing to put this in the agreement in writing; so that is one way in writing we do it; and we are a more responsible property manager because we are a government non-profit that is funded with government funds; we are in it for the long haul; we do not just show up and get this zoning and walk away we become part of the community and continue to honor those commitments throughout the life of the project. Ewald said have you submitted this agreement to the adjacent property owners. Weber said that would be my question too; have you done a proposed agreement. Shuler said the draft was originally shared with Beecher Crossing and Shagbark; so both of those condo associations have it; I have extra copies I can share with you. Mayor said at some point I would like to see what it looks like. Samuel said it is in our packet. Shuler said the one that is your packet, there is a reference to parking because at one point we had requested a parking variance; that has been eliminated so any reference to parking you can ignore; otherwise it is the same draft that has been circulated to the condo associations.

Anderson said I have a follow up about the Good Neighbor Agreement probably for the law director, even though it is a contract, questions that come up in my mind are is it actionable and are they enforceable; I would be interested in seeing in case law as it relates to these agreements if purchasers do them all the time I would like to see what the courts think about these. Weber said I will look into that, my concern would be that even though we could say it has some binding nature, it is not going to be as binding as Chapter 11 Zoning; is going to be secondary; an example would be I could not modify anything that was in the text or in the zoning ordinance; to me it fills in the gaps and shows good faith to the city and the neighbors; but it does not trump the zoning ordinance. Shuler said certain municipalities have limitations on what they will allow you to put into the text; they don't want Code enforcement officers to be responsible for enforcing these things that are not related to zoning; but on the other hand we want to make the commitment and everyone says if this falls apart, how is this enforceable; my response is it is as enforceable as any contract; and that isn't as easy as enforcing the zoning Code, but we are trying to show you just what Mr. Weber referred to as good faith; we are committed to these things; we are willing to commit to them in writing; we have no intention of violating the Good Neighbor Agreement; of course things change; all we can do is tell you we are going to put it in writing, we are going to sign it, we are going to abide by it; we believe it is enforceable, we treat it as an enforceable document.

Anderson said I understand and appreciate that; I am just interested in what the courts say. Shuler said I have never had the experience where we violated it and we were sued.

Mayor said she wanted to comment; saw some of the neighbors writing furiously; mention the fiscal impact analysis and any other documents we discussed here tonight are public record and are available to you.

Kneeland said I would like to recommend we bring this back to committee in 2 weeks. Ewald said I have one final question to Shuler; I went through the packet several times provided by our Council office; I noticed the original application was modified; can you tell me why there was a second application process; there is some language that is struck. Shuler said about the eating disorders; it was simply a mistake we did not catch before it was sent out; somebody misunderstood the disability that we were trying to house; it was out before we realized that was the case; it was just a mistake.

Samuel said Council wishes this to come back to committee in 2 weeks; the next regular Council meeting is April 5, so if there is anything anyone would like to bring to the public hearing portion it would be appropriate at that time; we will now move this meeting back to our regular committee meeting room. Sherwood clarified there is not another public hearing scheduled for this issue; people could speak under the Hearing of Visitors; it will be in 3 weeks; it will appear on the agenda on April 5 to postpone to a date certain; and then come back to Committee of the Whole in 3 weeks.

White said Sherwood did find the site plan for the rezoning of the land that was brought in for what is now Beecher Crossing; you had asked me that question. Kneeland said just send it to us in our packet. Sherwood said it is a zoning ordinance from 2000 that I can send you for when the entire area was rezoned. Ewald said it was different from the timeline submitted to us. Sherwood said part of timeline came from this.

Samuel said we will now move to the Committee Room.

Recommendation: Return to Committee of the Whole on April 12, 2010.

Recommended for Postponement to a Date Certain

ORD-0061-2010

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH ARDMORE CONSTRUCTION FOR MODIFICATIONS TO GAHANNA CITY HALL; TO SUPPLEMENTALLY APPROPRIATE \$85,690; AND TO DECLARE AN EMERGENCY.

Emery said we have 3 ordinances for the office modifications to City Hall; we are requesting emergency; the first is the actual office modifications, then the modular furniture, and the gate; regarding the first ordinance, Kneeland talked to me asking is there any place to recoup funds; the Mayor asked the same thing; McGregor has expressed concerns and we have the same ones; so we went back to the architect; let me quickly discuss each piece; the Ardmore contract was about \$85,000 including the contingency; we had a meeting with the consultant and determined we could delete 75% of the carpet work; we would do no paint on existing walls, only new; that saved \$15,000; if we redo the contingency we could bring that down to \$69,000; on the modular furniture, since we are not doing new carpet, that would reduce furniture moving costs of \$14,890 down by \$5,000; the third piece is the gate for the front desk reception area that we felt was a security compromise; we understand it has been like that for years so we would remove it from the project; if we do that, we would be saving just over \$23,000 from the original contract; it would go from \$103,000 to below \$80,000; so we are in the \$78,000 to \$80,000 range for the first 2 pieces of legislation which is the core of the project; this affects the distribution of our personnel, improves storage to maximize space, and improves our serviceability; I feel strongly that we need

to move forward.

Kneeland said I support the expansion of the workspace; but I have a question concerning the contingency; it is usually 10% of what we plan to spend; certainly reducing that to under 10% would save a considerable amount. Emery said we would be open to reducing it, but I am not sure what we do if we encounter something. Kneeland said then maybe we should not take it away. Mayor said what could you find in a project like this. Reveal said it could be electrical issues; they do a lot with cable, recable, loop cable or run new cable. Kneeland said do we do that ourselves. Reveal said we hire someone else do it; I don't have the staff time. Kneeland said can we presurvey that. Reveal said I don't know if that would do anything. Kneeland said I know things happen on this kind of project; just want to make sure we looked at all these things. Reveal said we need a cushion to work with.

McAlister said I support this; we are looking at doing these changes to make the workplace more effective; we know that some employees are on top of each other in Parks; they can't be productive in this environment. Samuel said I know that confidentiality is a big concern in Human Resources (HR). Treadway said that is correct; it is a very big concern of mine.

McGregor said I appreciate your looking at costs; we had 4 full time employees and some part time so why can't we use the space as is; we could possibly repair a road if we could make do; I understand confidentiality is needed in HR and we should move Rupp-Mondak; but isn't there a way to do this without spending the money. Emery said it is an option; I have concerns the way the area is set up now; our water billing is between Recreation and Parks; we logistically squeezed in water billing; it would still limit Parks; remember the Deputy Director works in a storage room and if we move him to another area then the Records Supervisor would not have a good work environment; we are already lean and mean; this is a reasonable project to make the space as good as we can; we can pull this back and just shift people around, but my fear is ultimately it will come back to us to do in a year or 2; then it will be higher costs; we would have to rebid and again spend money on an architect to do the project; if we wait we may spend more in 2 years to do the same thing. McGregor said you have roads where we are putting off paving; don't we have increased costs of maintaining roads when we put that off.

Collins said I talked to Samuel about the return on investment for this project; it is easy to look at a hole in blacktop and see the return if it is fixed; it is harder to calculate what the improvements will do in our office and the improved security in HR; as the Director of Parks, I can say the investment is higher here than fixing potholes; to be the best operation with the best service, this is the best investment; it is hard to be any more specific; with dollars and cents, I can say our staff makes do with what we have; we have had times when we looked at moving but that was inefficient overall; this is a better use of dollars; HR also looked at moving Rupp-Mondak's office, but she is back up to the front desk so she has to stay close.

Samuel said so this should go forward with second reading. Sherwood said as amended, and postpone the third ordinance indefinitely. Ewald said what is the value of the items behind the desk if they would disappear; could someone get the mail. Emery said it has been like that forever; I know people have climbed the counter; it is not a secure area and since we are open for meetings, someone could go in the area. Reveal said it is \$1000 for the computer; several thousand more in telephone and mail equipment. Ewald said this would be a one time install. Kneeland said is there a way to secure some of this stuff; we are getting to be like a penal colony. Emery said I would like to keep it like we

have it; we are very open but it is working. Mayor said we are the most open City Hall in Central Ohio. Kneeland said I was on Council when we considered bullet proof glass. Ewald said it is just a metal gate. Kneeland said I don't support it. Mayor said we really need to think about security these days.

Recommended for Substitution and Adoption

ORD-0062-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH RSFi FOR PURCHASE AND INSTALLATION OF MODULAR FURNITURE FOR CITY HALL OFFICE MODIFICATIONS; TO SUPPLEMENTALLY APPROPRIATE \$14,890; AND TO DECLARE AN EMERGENCY.

See discussion under ORD-0061-2010.

Recommended for Substitution and Adoption

ORD-0063-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH NOFZIGER DOORS FOR PURCHASE AND INSTALLATION OF A METAL GATE FOR THE FRONT RECEPTION DESK WINDOW; TO SUPPLEMENTALLY APPROPRIATE \$3,290; AND TO DECLARE AN EMERGENCY.

See discussion under ORD-0061-2010.

Recommended for Adoption

ISSUES - From Previous Committee Night:

Civil Service Rules & Regulations

This issue was postponed until April 26, 2010 Finance Committee.

ISSUES-From Director of Development

Hamilton Road Corridor Update

White said we have a brief presentation to update Council on this plan; Evers had previously been the group's appointed representative and he is now gone; this item was moved to Finance Committee from Development and Parks Committee. Huffman provided the power point presentation; a copy is available in the Council office.

Questions:

On one slide, the building identification letters were not clear; Huffman said he would correct that.

White said if you have any comments or questions, or would like to give input, feel free to contact Huffman; no action is required at this time, but we believed it to be an appropriate time in planning to get your input; we are advertising in the paper that there will be a public open house to be held Thursday, April 22 between 5:30 PM and 7:00 PM here in Council Committee Rooms.

Kneeland said I see where we are in the process; where does the plan go next. White said after the open house, we will take all of this input to another stakeholders meeting; they will make the final modifications and draft it into form; then it goes to Planning Commission; then to Council for final action. Kneeland said will that be this year. White said I hope by summer. Kneeland said Anderson has asked to participate; she will be taking Evers place at the stakeholders meeting.

ISSUES-From Director of Emergency Management

Code Change-Section 131.01, Emergency Powers

Williams said I put this in draft form 2 weeks ago; when we had snow on the roads we

experienced quite a hazard; it was very difficult to get emergency vehicles through; in some housing developments the streets are very narrow; we had to ask residents to move cars; we looked at ordinances in other communities and found most very restrictive; we felt it better served our purpose by making it a simple proclamation from the Mayor's office; it would not be in the traffic code and since all measurements of snow can vary and are subject to interpretation, we wanted to remove all that and place the emergency powers with the Mayor; this will allow us to move cars from streets for snow or debris removal, like when Hurricane Ike was here and we needed to get that stuff out of the way. McGregor said do we have to be weather specific; why not say just removal of debris no matter what caused it. Mayor said that is already designated in emergency powers. Williams said in Section 131.01 we already have addressed natural disasters or man made calamities; now the problem is to be able to plow streets in a snow event. Mayor said don't the police and fire departments already have these powers. Williams said they have some in Traffic Code. McGregor said if you want to broaden it, it is fine with me, but I don't think it should be so specific; it is self limiting. Ewald said I have no problem with the current Mayorship; but we could get a Mayor that would enact this when we have 2 inches of snow; it allows the person in office to move the cars and enforce parking restrictions. Mayor said they would not be in office very long. Weber said this assumes that the administrators of the Code would use common sense. Williams said it does need to be cleaned up like changing the gender specific language. Ewald said we need to put in language to define extraordinary events since that is subjective. Sherwood said that is changed to in the judgement of the Mayor. Ewald said I don't want to broaden the power of the Mayor; we are expanding the Mayor's official power to do this. Mayor said it could be a foot of snow or an inch of snow coated with ice; we cannot get real specific because every instance is different; you have to trust the Mayor and the information received from the Police and Fire Departments. Ewald said this winter we used the Code Red system. Mayor said and our guys did the best they could. Mayor said we were trying to figure a way to make this happen; I received a lot of complaints from citizens; even though we did the Code Red call, neighbors didn't move cars and they were plowed in; they would say we wished you ordered this; they started this and that is all we were trying to do. Ewald said can it be for an extreme weather emergency. Williams said that is not defined by anyone; not by county; not to municipalities; the levels that are broadcast are from the county sheriffs; Hilliard may have level one and we are already a two.

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

ISSUES-From City Engineer

TechCenter Drive West-Engineering Scope Change

Wetherholt said we have encountered several things through the ODOT (Ohio Department of Transportation) review that will cause the design scope to increase for the original 5 items, the first is a multi-use trail over a bridge; the cost effective option is to use bike lanes on the sides; we are making that work; another item is a change in the curb and gutters to straight curbs; bike folks like straight curbs anyway; the next thing should have been a big deal; the federal highway requirements meant widening in the curve; TechCenter to Hamilton across the bridge at Morrison widening of the road at the curve; the third item is additional soil borings needed to meet a change in ODOT specifications; the fourth item is the Buckles Tract; again ODOT requirements cause a change in design and plan; we assumed Pizzurro Park Drive as it comes off TechCenter Drive was ok; when we got into it discovered it needs to be moved east which is a change in scope; the last one is on the Buckles Tract, since it is going to be developed it will have a requirement for a water line; now is the time to put it in so we want to add

the water line to this request; the water department wants it looped and to have it constructed with the project; bottom line is we are requesting a supplemental of \$76,000; \$70,000 from the General Fund and \$6,000 from Water Funds; the whole project has a current estimate of \$8,069,000 with our local match \$1,613,800; the project has a good chance of receiving some other funding sources; we are going to MORPC (Mid Ohio Regional Planning Commission) looking for additional funds. McGregor said if we are moving the intersection east, will that overlap on parkland. Wetherholt said yes that is where it will go; some of new TechCenter Drive goes to parkland.

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

ISSUE - From Director of Human Resources:

Supervisory Ordinance Amendment

Treadway said my report is self explanatory; are there any questions; no questions from Council.

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

ISSUES - From Director of Finance:

Authorize Contract, Spyglass

Mumma said this is a request to authorize the Mayor to enter into contract with Spyglass Group, Inc. for an audit of our telecommunications services; they will look for places we might be over paying; experience has shown we may have lost track through changes; they will look and see what they can find and any cost savings, we will share 50/50; there are no out of pocket expenses. Samuel said do we know how many phone lines we have and if not, why not. Reveal said it would be my department; if it plugs in or turns on, it's mine so I will give you an answer; our last audit was in 2003; there are several ways lines come in; the main way is through AT&T; where you get into trouble is with fax machines and other POTS (Plain Old Telephone Service) lines brought in over time, folks move and unplug the device and it never comes off the bill; so it is normal to do one of these audits every 5 years; people who do these know who to call and how to do it; it doesn't impact any operations. Ewald said I understand the report; but the provider has an obligation to explain what is being provided; and this is kind of your job then to verify and track the services; I believe we rely on staff to take care of this; we should be counting the lines; we have full time IT personnel and we should have an internal audit first before hiring this company; it could add up to some significant dollars for us. Reveal said what do I put on hold to do an audit; I am currently in the middle of 4 other major projects; that is where I come from on this issue. Kneeland said we went through this where I work and saved \$8,877; they can count wires and check to see if income tax is being paid; they get paid a percentage of what they find so it is the same kind of situation. Mumma said we may be paying taxes and not know we shouldn't be paying that. Ewald said but we need a baseline; the vendors know what we have and what we are charged for it; when errors occur, we usually find out it was because we failed to document; I don't question the need for it but I think we need to have some documentation going to them; also we need to look at the contract; there are a lot of companies like Spyglass out there and we need to beware of some of them; we need to go into this with our eyes open. Mumma said this company has done work with other cities; I have a list of others like the Gahanna schools and the City of Upper Arlington. Ewald said can they rate them. Mumma said I know Trotwood was pleased; said it more than paid for itself. Kneeland said it is not as clear cut as it seems; most of us are

familiar with one provider; where the City differs is by using multiple providers; things get stranded and can't be accounted for; some charges are through third party carriers; there is not a way to reconcile it unless you go in to it; we had another provider here at one time and those records are gone; we could still be paying for things even though we show no records; I support this; especially since it is not really costing us. McAlister said we will only have to pay if they find billing errors; I would like to move it forward. Ewald said when we go through the process, I would like for them to provide documentation that we can keep on record.

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

2009 Financials

Mumma provided a power point presentation of 2009 Financials; a copy is available in the Council Office.

Kneeland said my question would be, when do we contemplate that conditions are right to create a Capital Budget. Mayor said we have considered it; when we passed the income tax change and had the dedicated revenue source. Mumma said I would have to research that; our Code allocates where the money goes and how it is prioritized. Mayor said in a year like this, since operations costs are beyond a sustainable level, we may get to a point where we are discussing a tax increase; we could then look a portion of that being dedicated to a Capital Fund. Kneeland said when we are looking at numbers, 25% of our money is going to a Rainy Day Fund; we still end up with 4 million; it looks like we have this huge savings and we don't. Mayor said with all the supplemental expense allocations we are used to doing in a year, we spend most of it; the 3.9 million dollars goes real quickly; we are doing what we can to have some carry over; the set aside from the General Fund by ordinance last raised it to 25%, and Council could change that to reduce it. Ewald said or we could take the 3.9 million and put it into a Capital Budget. Kneeland said especially since it is getting such low interest. Mayor said when the administration does planning with the Directors; we make a running list of any supplementals we know will go to Council; we keep that running list up to date and track how much carry over money is left; it is the administration's desires and wishes as well as items that may become necessary. Kneeland said relying on doing projects through supplementals in good times it is fine; in the past we often didn't know how much carryover was there; we are getting more information now days; but is it best to continue to get supplementals to work on Capital projects. Mayor said this could be one of our fiscal goals; I recently told the Chamber we are having difficulty trying to give the citizens the services they want and not cut operations anymore. Kneeland said we need to start looking at what it would take. Mayor said going forward in 2010, revenues continues to drop; soon it will be time to start the 2011 budget cycle; I am very concerned about the direction we will have to go; we are already a lean and mean operation; it is going to require some tough decisions about what kind of services we provide; every Mayor is dealing with requests for more services and less taxes; we are in the toughest financial place we have seen in decades. Mumma said we are halfway there; we are separating all Capital and expanding the data on that in our 5 year plan; trying to show where are we going and how we need every dime to meet operating expenses. McAlister said our Capital was coming from increases in taxes; when you have growth, the revenue increases; now you have to leave off growth since it has slowed from TIZ and investment revenues; that is the way with most municipalities; we are in better shape than many but it is a universal problem; many local governments in Ohio are funded through income taxes and many are on the ballot for increases. Samuel said thank you to Mumma for the presentation.

ISSUES - From Clerk of Council:

Special Meetings

Sherwood said we have received the resumes from candidates interested in the Ward 3 Council seat; I did receive an email from the Board of Elections and all 12 are qualified; we can start interviews on March 29th at 6:30 P.M.; it is proposed you spend a half hour with each; what nights do you want for special meetings; if we start on the 29th at 6:30 P.M. it will take 3 nights to do it. McAlister said that is if we interview all 12 applicants; I suggest we narrow the list to only those that have attended Council meetings. McGregor said we don't take attendance so that would not be fair. McAlister said some of the people have never even been to a meeting; before I ran, I attended Council and Committee meetings and indicated some level of interest; Price has been here. Kneeland said I understand your point; we have the ability to not run the interviews for 30 minutes; we could make them shorter. McGregor said I only attended one meeting prior to serving. McAlister said yes but you had an idea of the process since your husband is a former Mayor. Ewald said I do understand McAlister's point, but this person will be here, serving on Council, for a year and a half so I support a half hour interview. Kneeland said I don't see a way to trim the whole list; we should do 2 nights, 3 hours on each; I think one guy is out of town, but since everyone can do Monday and Wednesday, we will do that starting at 6:00 P.M.

Meeting Adjourned.

Della Brandenberger, Reporting