

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, April 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

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

B. ADDITIONS OR CORRECTIONS TO THE AGENDA.**C. HEARING OF VISITORS.**

Pam Halsey, 264 James Rd., said she is a new Gahanna resident and wants to encourage Council to acquire the Gahanna Swim Club property; great opportunity for Council; important to community; people enjoy the swim club; would like to see it negotiated in contract that the land will remain a pool facility.

D. EXECUTIVE SESSION:

A motion was made by Vice President of Council Evers, seconded by Ewald, to move the Executive Session to after item M. on the 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

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

Ordinances introduced, by title, by Evers.

ORD-0094-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO PURCHASE AGREEMENT WITH OHIO CAT, EQUIPMENT DIVISION, FOR THE PURCHASE OF A CATERPILLAR BACKHOE, MODEL 420 E IT, OFF THE STATE CONTRACT #778515H, INDEX #STS515.

Introduced

ORD-0097-2008

TO ACCEPT GRANT MONIES OF \$2,455 FROM THE SOLID WASTE AUTHORITY OF CENTRAL OHIO FOR A BUY RECYCLED GRANT; TO SUPPLEMENTALLY APPROPRIATE SAID GRANT MONEY.

Introduced

ORD-0098-2008

TRANSFER OF FUNDS - Safety Overtime & Safety Seminars/Meetings

Introduced

ORD-0099-2008

SUPPLEMENTAL APPROPRIATION - Senior Services Capital

Introduced

ORD-0100-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH CLASS ACTS COLUMBUS, INC., TO PROVIDE ENTERTAINMENT FOR THE GAHANNA FREEDOM FESTIVAL.

Introduced

ORD-0101-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO REAL ESTATE PURCHASE AGREEMENT WITH THE JEFFERSON LOCAL SCHOOL DISTRICT RECREATION COUNCIL FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 148 PARKLAND DRIVE; TO SUPPLEMENTALLY APPROPRIATE \$645,000 THEREFOR

Introduced, to Finance Committee

ORD-0102-2008

TO ADOPT THE FISCAL IMPACT ANALYSIS/ECONOMIC DEVELOPMENT PLAN, DATED DECEMBER, 2007

Introduced, to Finance Committee

ORD-0103-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO AMENDED CONTRACT WITH TRANSYSTEMS CORPORATION FOR SCOPE CHANGES AS REQUIRED BY FEDERAL HIGHWAY DEPARTMENT FOR TECHCENTER WEST; TO SUPPLEMENTALLY APPROPRIATE FUNDS THEREFOR; AND TO DECLARE AN EMERGENCY.

Introduced

F. CONSENT AGENDA:

Minutes - To Approve:

2008-0001

1) April 21, 2008 Regular Meeting Minutes

This Matter was Approved, on the Consent Agenda.

Ordinances on Second Reading:

ORD-0053-2008

TO VACATE A PORTION OF TECHCENTER DRIVE AS PUBLIC ROADWAY WITH UTILITY EASEMENTS TO BE MAINTAINED; FOR 0.096 ACRES LOCATED AT 825 TECHCENTER DRIVE; AND TO DECLARE AN EMERGENCY

This Matter was Adopted as Amended on the Consent Agenda.

ORD-0082-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO COOPERATIVE AGREEMENT WITH FRANKLIN COUNTY FOR CONSTRUCTION OF A PORTION OF HAMILTON ROAD BETWEEN CLARK STATE ROAD AND JOHNSTOWN ROAD/U.S. ROUTE 62 PROJECT IN THE JURISDICTION OF THE CITY OF GAHANNA; AND TO DECLARE AN EMERGENCY.

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

ORD-0085-2008

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH MEADE CONSTRUCTION, INC., FOR STANDING SEAM METAL ROOF REPAIRS AT THE POLICE DEPARTMENT AND THE SENIOR CENTER; AND TO SUPPLEMENTALLY APPROPRIATE \$357,800.

This Matter was Adopted on the Consent Agenda.

ORD-0086-2008

SUPPLEMENTAL APPROPRIATION - Streets Maintenance Supplies

This Matter was Adopted on the Consent Agenda.

ORD-0087-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH CLEAR CHOICE WALLS FOR STUCCO REPAIRS TO CITY HALL DUE TO 2006 HAIL DAMAGE; AND TO SUPPLEMENTALLY APPROPRIATE \$6,633.

This Matter was Adopted on the Consent Agenda.

ORD-0088-2008

SUPPLEMENTAL APPROPRIATION - Capital Projects/Improvements/Street Lights

This Matter was Adopted on the Consent Agenda.

ORD-0090-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH ADVANCED CIVIL DESIGN, INC., FOR ENGINEERING SERVICES FOR RIGHT-OF-WAY ACQUISITION COORDINATION FOR THE TECHCENTER DRIVE EAST PROJECT; IMPROVEMENT NO. ST 916; TO SUPPLEMENTALLY APPROPRIATE \$9,500; AND TO DECLARE AN EMERGENCY.

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

ORD-0091-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT AGREEMENT WITH 825 TECHCENTER DRIVE, LLC, FOR PURCHASE OF RIGHT OF WAY NEEDED TO EXTEND TECHCENTER DRIVE EASTWARD AS PART OF THE CENTRAL PARK DEVELOPMENT; TO SUPPLEMENTALLY APPROPRIATE \$83,825; AND TO DECLARE AN EMERGENCY.

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

ORD-0093-2008

TO AMEND CODE SECTION 1109.08, PUBLIC AREAS, OF CHAPTER 1109, STANDARDS, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA; AND TO DECLARE AN EMERGENCY.

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

Motion Resolution:**MR-0019-2008**

Motion Resolution to waive the bid process for 5 lights to be installed at intersections in the Pipers Glen subdivision to improve safety as soon as possible.

This Matter was Approved on the Consent Agenda.

MR-0020-2008

Motion Resolution to authorize the Director of Public Service to go out for bids for the 2008 Asphalt Overlay project and the Dunbarton rebuild.

This Matter was Approved on the Consent Agenda.

MR-0021-2008

Motion Resolution to authorize the Director of Public Service to go out for bids for the 2008 Crack/Slurry Seal Program.

This Matter was Approved on the Consent Agenda.

MR-0022-2008

Motion Resolution to acknowledge the change in corporate name from Harward Cleaners to Noah, Inc., DBA Rockwood Dry Cleaners; and to allow the payment of funds authorized by ORD-0290-2007 to Noah, Inc.

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

G. PUBLIC HEARINGS: None.**H. 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.

I. CORRESPONDENCE AND ACTIONS:

Clerk - Legal:

- 2008-0021** Recommendation received from Parks & Recreation Board dated April 4, 2008 recommending creation of the Parks & Recreation Foundation; action taken at April 2, 2008 Parks & Recreation Board Meeting.
Received and Filed
- 2008-0022** Notice to Legislative Authority of a Stock Transfer of a D5 liquor license for Dolphin Lounge, Inc., 345 Agler Road & Patio, Gahanna, OH 43230. Last day to file objections is May 16, 2008.
Received and Filed

Council

J. SECOND READING OF ORDINANCES:

Ordinances Reported Out of Committee:

ORD-0084-2008

TO CREATE THE FULL-TIME UNCLASSIFIED POSITION OF ECONOMIC DEVELOPMENT MANAGER; TO ESTABLISH DUTIES AND RESPONSIBILITIES; TO AMEND ORD-0294-2007, SALARIES AND BENEFITS FOR UNCLASSIFIED PERSONNEL TO ALLOW FOR THE CHANGE IN PAY GRADE FOR THE DEPUTY DIRECTOR OF DEVELOPMENT AND CHANGE IN TITLE AND PAY GRADE FOR A COMMUNITY DEVELOPMENT MANAGER; AND TO DECLARE AN EMERGENCY.

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

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

Absent 1 Anderson

ORD-0089-2008

TO ACCEPT MONIES SEIZED MARCH 4, 2008 IN THE AMOUNT OF \$314 AND AWARDED TO THE GAHANNA POLICE PURSUANT TO COURT ORDER; CASE #07CHV-4741; AND TO SUPPLEMENTALLY APPROPRIATE \$204 TO THE LAW ENFORCEMENT TRUST FUND.

McAlister said he had asked that this be put on the Regular Agenda because it is an element of the failed war on drugs; gave reasons for this last time we decided to take money out of this fund; most City Councils just rubber stamp these things because it doesn't really concern that many people; but it is starting to concern all of us when terrorists are spending \$350 billion a year from the fact that our country has created a policy against prohibition; there wouldn't be any need for most of the police work that is done if we did not have this policy; cannot vote for something like this because it is part of a failed policy.

Anderson asked the Administration if our budget is such that amounts of money of this sort, specifically funds seized March 4th are critical; would it be critical if these funds were not appropriated? Stinchcomb said this amount is not critical on a regular basis; \$204 is not going to break the budget; money from seizures can lead to critical purchases for the Police Department; feel we need to accept them.

Evers said he disagrees with McAlister; cannot support legalizing drugs and narcotics; for those in the audience, if our Police Department helps in the apprehension of property or assets that are seized the funds go into an account and if the suspect is found guilty a portion of those assets come back to our community; funds go into a special Law Enforcement Trust Fund which cannot be used for operational expenses, but can be used for equipment, training and other things for our PD; police do a great job in trying to keep drug dealers out of our community, and if they seize property from individuals who are violating federal drug laws have no problem with a portion of that money coming back to our community to help keep our residents safe; will support this.

A motion was made by Kneeland, seconded by Ewald, 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

ORD-0092-2008

TO REZONE 1.895+/- ACRES AS CC-2, COMMUNITY COMMERCIAL-2; FOR PROPERTY LOCATED AT 1245 NORTH HAMILTON ROAD; 4-M PARTNERS, LTD., BY BEN HALE, APPLICANT.

Kneeland said we have a legal obligation to look at the zoning only, not business types; was public outcry about a possible business; have answered questions and there seems to be enough controls and restrictions to manage any inappropriate businesses coming in.

Weber said this is strictly a land use question; what is the appropriate land use and appropriate zoning; that is the only issue before you; not an issue of what a potential lessee may want the property for. A letter went out from the Zoning Department asking for specifics regarding what type of use or activity would be in the supposed back room; of course we are talking about Waterbeds & Stuff; if the Zoning Administrator is not satisfied that this is a local activity then she will not sign the zoning certificate that is part of the process of receiving a building permit; would come under sexually oriented businesses, Section 771; but we have not reached that issue and cannot reach that tonight; this vote is whether you, as the legislative body, believe that this is appropriate zoning.

A motion was made by Vice President of Council Evers, seconded by Samuel, 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

K. FIRST READING OF ORDINANCES:

ORD-0095-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO PURCHASE AGREEMENT WITH DHB NETWORKS, LTD, FOR WI-FI SERVICES, VIRTUAL PRIVATE NETWORK AND FIBER CONSTRUCTION; AND TO DECLARE AN EMERGENCY.

Ordinance introduced, by title, by Kneeland.

Evers said a letter was received from A T&T, from David Kandel; know Emery's response went out Friday to A T&T; slightly disappointed with them; they were offered an opportunity to bid on this project; the fact is that this has been in the public domain and been discussed for months; comments in the letter were slightly erroneous; as a City we always listen to interested partners; letter came in at the 11th hour and missed key points.

Samuel said Emery pointed out in his letter that the City is not a service provider; the City is purchasing services from a private company and the services will be used as a tool to improve delivery of City services.

A motion was made by Kneeland, seconded by Vice President of Council Evers, that this matter be Introduced, Second Reading Waived, and Adopted as an Emergency. 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-0096-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO LICENSE AGREEMENT WITH DHB NETWORKS, LTD., FOR INSTALLATION OF A WIRELESS SYSTEM IN THE CITY OF GAHANNA'S RIGHTS-OF-WAY AND TO OFFER WIRELESS COMMUNICATION SERVICES TO GAHANNA RESIDENTS AND BUSINESSES; AND TO DECLARE AN EMERGENCY.

Ordinance introduced, by title, by Anderson.

A motion was made by Anderson, seconded by Samuel, that this matter be Introduced, Second Reading Waived, and Adopted as an Emergency. The motion carried by the following vote:

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

L. MOTIONS/RESOLUTIONS:

RES-0009-2008

A RESOLUTION OPPOSING H. R. 3359 WHICH LIMITS THE AUTHORITY OF STATES AND LOCALITIES TO TAX CERTAIN INCOME.

McAlister said he will be voting for this resolution, not necessarily because he is for taxes; think it is kind of ridiculous that cities have to go after someone who is in town for 3 hours to try and tax their income; really don't agree with it, but to me the constitution overrides the states' rights to pass laws within their own boundaries, and this is clearly an unconstitutional attempt to regulate the internal taxation that states are involved with; therefore I kind of love it and hate it at the same time.

Anderson said she will also be voting for it; not because she is for taxes, but it appears there are only a small number of states that this does impact; ours being one; various cities went to Washington to speak about this and did not get the chance to speak for the actual hearing which was last November; basically it is something that we had to go and plead our case after that hearing and we, being several large cities, Cincinnati, Cleveland and Columbus; since we did not have that opportunity think it is appropriate for our particular City to step up and support this resolution so that it cannot just be a statement from our City but also an opportunity from which we can go to our representatives in Congress and let them know our thoughts and feelings on this; which is something which I think is inequitable, and as my colleague has said is unconstitutional; will be supporting this.

A motion was made by Kneeland, seconded by Samuel, 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

M. REPRESENTATIVES:

Community Improvement Corporation (CIC) - Ewald/Kneeland

Kneeland said he had lost track of when they will meet. White said May 6th. Kneeland said they have gotten a lot of work done on the reorganization to streamline funding needs so we are not duplicating labor efforts.

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

McGregor said she attended the meeting last week; there were typical transportation issues that we voted on, but at the end of the meeting someone brought up HB 521, and we had a 45 minute discussion on it; very lively discussion.

Anderson said there were several of us who attended the Annual Meeting for MORPC; our region consists of 12 different counties; our keynote speaker was the President of Ohio State University; he was introduced by Mayor Coleman; found it very interesting that Mayor Coleman mentioned just like in any growth period there are ups and downs; that we have experienced one major great economic upturn with NetJets staying; and then he mentioned the folding of Skybus, and said he worried of how the psyche of the region would be impacted about that and other closures; however we as Central Ohioans are strong and tough and even though, on a national level and in our state, we are experiencing hard economic times there have been positive things; there is also citation by the Mayor to Black Enterprise Magazine and Forbes Magazine where this region and Columbus has been highlighted as great for families and wonderful for technology; so basically it was an encouragement to people so that despite what we are going through economically there is opportunity to stay optimistic, and Mayor Coleman emphasized his desire for street cars as we grow as a region; many things to be proud of as a state and a country.

Samuel said didn't we also receive a citation. McGregor said we received the Collaborative Award for being part of the Green Pack along with 15 or 16 other groups; we did receive a plaque.

Bd./Ed., Gahanna-Jefferson Public Schools - Ewald

McGregor said she attended School Board; there was a presentation from students at Chapelfield about the Homework Help Program; volunteers from churches and some spouses of teachers help students with homework; has proven a rewarding activity for the kids and adults; helps kids get homework done; helps them see the importance of education; there was also a presentation by DECA; also they voted on the new Assistant Superintendent, Mark White.

EXECUTIVE SESSION:

A motion was made by Vice President of Council Evers, seconded by Samuel, to go into Executive Session. The motion carried by the following vote:

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

Council rose to Executive Session at 8:15 p.m.

Council rose from Executive Session at 8:30 p.m., with all members returning to the dais.

N. OFFICIAL REPORTS:

Mayor

Mayor said because of Student Government Day, staff meeting will be held on Wednesday; everyone is welcome to come and bring your counterparts.

City Attorney

Weber said HB 154 was voted out of the House, 6 - 4; in this form does allow City to pick their own magistrate; has become a better bill with each change; will continue to monitor; process is ongoing.

O. COUNCIL COMMENT

Kneeland thanked everyone for their support on the wireless ordinances tonight; will allow us to get to the next level; this is the start of the vision he has had for Gahanna; is a good day; will increase customer service dramatically.

Ewald said he had the pleasure of attending a full day seminar on public records and open meetings; gave clerk a copy of the litigation that is out there and the possible issues we could face; our City Attorney is aware of it.

Anderson thanked the Girl Scouts for their participation; great for youth to see government at work; hopefully it will encourage and inspire them to be involved in the process.

P. ADJOURNMENT: 8: 35 p.m.; Motion by Evers.

Donna L. Jernigan, CMC
Senior Deputy Clerk of Council

APPROVED by the City Council, this
day of 2008.

Nancy R. McGregor
President of Council