

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Tuesday, September 7, 2010

7:30 PM

City Hall

City Council

Thomas R. Kneeland, President

Shane Ewald, Vice President

Beryl D. Anderson

Brian D. Larick

John R. McAlister

Nancy McGregor

David L. Samuel

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

Gahanna City Council met in Regular Session on Tuesday, September 7, 2010, at Gahanna City Hall, in Council Chambers, 200 South Hamilton Road. President Thomas R. Kneeland called the meeting to order at 7:30 p.m. Invocation was given by Council Member Shane Ewald who expressed our sympathies to the Parsons family on the passing of Carol Samuel's father. This was followed by the Pledge of Allegiance. Agenda for this meeting was published on September 2, 2010.

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

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

Sharon Montgomery, 572 Bonnington Way, Gahanna, Ohio, stated that Council and the administration spent months discussing how to improve traffic safety in Gahanna, confident you read the article in yesterday's Dispatch about the CDC report; Centers for Disease Control has again calculated the economic costs of traffic crashes and again found them to be both staggering and reducible; hopes the alarming costs will motivate state and local governments to take more legislative action, where motivation hasn't come from concern over the devastating impact on citizens' lives; CDC claims it wants costs reduced by reducing the number of traffic crashes but some of its recommendations will not do that; wearing seat belts in cars or helmets on motorcycles will certainly reduce injuries and deaths when crashes occur; that is certainly a goal we must achieve; but if we want to reduce the costs even further we must do more to prevent those crashes from occurring in the first place; other CDC recommendations include red light cameras, drunk driving checkpoints, and graduated driver licensing, all of which actually will prevent crashes; the reason I am here tonight to talk publicly about this new report is the fact that the CDC did not recommend laws to restrict drivers from using mobile communication devices while driving; the CDC based this omission on a recent study by the Insurance Institute for Highway Safety which supposedly shows that these phoning or texting bans are not reducing the number of crashes; the simple and obvious explanation for this conclusion is that no state or city has prohibited all use of these devices; growing number of states and cities are prohibiting some of the ways the devices can be used; some, like Gahanna, have comprehensive laws about giving full attention to driving, but no one has yet said drivers cannot use these devices at all because of the high risk of serious consequences; what has not been studied and is undoubtedly happening is that too many drivers where these partial bans are in effect are simply using the devices in ways not yet prohibited; if they can't text, they'll talk; if they can't talk on a hand held device, they'll talk on a hands free device; there is overwhelming scientific and anecdotal evidence that it is the conversation, not the manipulation of the device, that engages the brain in a way and to an extent that full attention to driving is not occurring; a legitimate question is why are other safety organizations pushing for these laws if they're not reducing crashes; the answer is that the partial laws are a necessary first step in raising awareness and changing the culture of acceptance, so eventually we can enact the laws we need; I am not here tonight to reopen our difference of opinion on how Gahanna should address the distracted driving problem; the city has discussed and decided on a course of action and is making the residents aware of that decision; over time, citation and crash statistics and court records will show whether the City's decision is having the desired effect; am here tonight to be sure that everyone with the authority and responsibility for traffic safety has all the information they need about this new CDC report; thank you for your time.

Maurice Thompson, 208 E. State St., Director for the 1851 Center for Constitutional Law which is a public interest law firm dedicated to protecting the constitutional rights of Ohioans; have been retained by residents of the City of Gahanna; here to address Article VIII of the Ohio Constitution; come to speak on that matter with regard to your proposed contract with ECDI and about the claim we would file if this passed; Article VIII is much more complex than that; won't get in to legal details in this; represent these clients pro bono; you should factor this cost of litigation which can be expensive; City of Cincinnati spent about \$60,000 in outside counsel fees on such a case; insurance counsel would not cover you probably in a case like this; because it is a somewhat complex legal issue allow you to read the letter I submitted (Clerk's Note: Letter on file in the Council Office) and will be glad to answer questions.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:

Ordinances - To Be Introduced and Assigned to Committee:

Ordinances introduced, by title, by Samuel.

ORD-0149-2010

TO AUTHORIZE THE CREATION OF AN EARLY RETIREMENT INCENTIVE PLAN WITH THE PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE DEPARTMENT OF PUBLIC SERVICES; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0150-2010

TO AUTHORIZE THE CREATION OF AN EARLY RETIREMENT INCENTIVE PLAN WITH THE PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE DEPARTMENT OF PLANNING AND DEVELOPMENT; AND TO DECLARE AN EMERGENCY

Introduced

ORD-0151-2010

TO AUTHORIZE THE CREATION OF AN EARLY RETIREMENT INCENTIVE PLAN WITH THE PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE DEPARTMENT OF PARKS AND RECREATION; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0152-2010

TO AUTHORIZE THE CREATION OF AN EARLY RETIREMENT INCENTIVE PLAN WITH THE PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE DEPARTMENT OF MAYOR'S COURT; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0153-2010

SUPPLEMENTAL APPROPRIATION - Development Planning

Introduced

ORD-0155-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT AND APPROVE THE FINAL RESOLUTION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FRA 317-18.00 PID NUMBER 80811; ALSO KNOWN AS THE HAMILTON ROAD/GRANVILLE STREET INTERSECTION IMPROVEMENT NO. 883; TO AUTHORIZE PAYMENT TO ODOT FOR THE CITY'S PORTION OF THE PROJECT; AND TO DECLARE AN EMERGENCY.

Introduced

E. CONSENT AGENDA:

Minutes - To Approve:

2010-0044

To approve the following sets of Minutes:

- 1) August 9, 2010 Special Meeting Minutes
- 2) August 16, 2010 Regular Meeting minutes
- 3) August 23, 2010 Special Meeting Minutes

This Matter was Approved and Filed on the Consent Agenda.**Ordinance: Introduce, Waive Second Reading , Adopt:****ORD-0154-2010**

TO AMEND THE CIVIL SERVICE RULES AND REGULATIONS EFFECTIVE JULY 21, 2010 TO ALLOW FOR POLICE TESTING TO BE CONDUCTED PER RULE 17 AS EXISTED PRIOR TO ENACTMENT OF ORD-0113-2010; AND TO DECLARE AN EMERGENCY.

This Matter was Introduced, Second Reading Waived, and Adopted as an Emergency on the Consent Agenda.**Ordinances on Second Reading:****ORD-0147-2010**

TO ACCEPT QUIT CLAIM DEED FROM ANDRE M. BUCKLES FOR 7.488 ACRES FOR RIGHT OF WAY NEEDED FOR THE TECHCENTER DRIVE WEST PROJECT.

This Matter was Adopted on the Consent Agenda.**Ordinance - To Amend by Substitution and Adopt:****ORD-0148-2010**

TO ENACT CODE CHAPTER 914, TREE REPLACEMENT, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

This Matter was Amended by Substitution and Adopted on the Consent Agenda.**Resolutions to Adopt on First Reading:****RES-0008-2010**

TO AUTHORIZE THE MAYOR TO MAKE APPLICATION FOR OHIO PUBLIC WORKS COMMISSION FUNDS FOR HAMILTON ROAD CENTRAL PHASE I; IMPROVEMENT NO. 785.

This Matter was Adopted on the Consent Agenda.**RES-0009-2010**

TO AUTHORIZE THE MAYOR TO MAKE APPLICATION FOR MID OHIO REGIONAL PLANNING COMMISSION ATTRIBUTABLE FUNDS FOR HAMILTON ROAD CENTRAL PHASE I; IMPROVEMENT NO. 785.

This Matter was Adopted on the Consent Agenda.**RES-0010-2010**

TO AUTHORIZE THE MAYOR TO MAKE APPLICATION FOR MID OHIO REGIONAL PLANNING COMMISSION ATTRIBUTABLE FUNDS FOR HAMILTON ROAD CENTRAL PHASE I AND II; IMPROVEMENT NO. 785.

This Matter was Adopted on the Consent Agenda.**RES-0011-2010**

RESOLUTION OF INTENTION TO PARTICIPATE IN A WATERSHED PLANNING PARTNERSHIP TO DEVELOP A BALANCED GROWTH PLAN FOR THE BIG WALNUT WATERSHED.

This Matter was Adopted on the Consent Agenda.**RES-0012-2010**

TO AUTHORIZE THE MAYOR TO MAKE APPLICATION FOR MID OHIO REGIONAL PLANNING COMMISSION ATTRIBUTABLE TRANSPORTATION FUNDS FOR THE BIG WALNUT TRAIL, SECTION 8.

This Matter was Adopted on the Consent Agenda.

Motion Resolution:

MR-0032-2010 To confirm the Mayor's appointment of Domonic DeLuca as trustee of the Community Improvement Corporation for an unexpired term ending December 31, 2011.

This Matter was Approved on the Consent Agenda.

MR-0033-2010 Motion Resolution to authorize the Director of Public Service to go out for bids for the 2010 Manhole Rehabilitation Project.

This Matter was Approved on the Consent Agenda.

MR-0034-2010 Motion Resolution to authorize the Director of Finance to transfer \$1,500 from Account 101.130.5274, Finance Seminars & Meetings to Account No. 101.130.5401, Finance Office Expense.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Anderson, seconded by Samuel, 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 Kneeland, Vice President of Council Ewald, McGregor, Anderson, McAlister, Samuel and Larick
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End of the Consent Agenda

F. PUBLIC HEARINGS: None.

G. STANDING COMMITTEES:

Development & Parks Committee - Anderson: No Report.

Public Service & Safety Committee - McAlister: No Report.

Committee of the Whole - Ewald: No Report.

Finance - Samuel: No Report.

H. CORRESPONDENCE AND ACTIONS:

Clerk - Legal:: No Report.

Council: No Report.

I. SECOND READING OF ORDINANCES:

Ordinances Reported Out of Committee:

ORD-0140-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH ECONOMIC AND COMMUNITY DEVELOPMENT INSTITUTE TO ESTABLISH A DEVELOPMENT FUND; TO SUPPLEMENTALLY APPROPRIATE \$375,000

Motion by Samuel, seconded by Anderson, to adopt ORD-0140-2010.

Anderson stated she would like to postpone this legislation in order to allow City Attorney time to review the letter just put before us. Ewald stated he would join in postponing; was not going to support; but agreeable to having Weber review information given to us tonight; wise to postpone and let majority of Council have additional time; either way will not support.

A motion was made by Anderson, seconded by McAlister, that this matter be Postponed to Date Certain to the Committee of the Whole. The motion carried by the following vote:

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

ORD-0146-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH SOUND COMMUNICATIONS FOR PURCHASE OF A NETWORK DIGITAL VIDEO RECORDER, MAINTENANCE AND RELATED HARDWARE AND SOFTWARE FOR THE DIVISION OF POLICE; TO BE PURCHASED FROM THE STATE CONTRACT NO. 7784600708; AND TO SUPPLEMENTALLY APPROPRIATE \$83,000.

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

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

J. FIRST READING OF ORDINANCES: None.

K. MOTIONS/RESOLUTIONS: None.

L. REPRESENTATIVES:

Community Improvement Corporation (CIC) - Ewald/Kneeland:

Kneeland stated next meeting will be delayed from next Tuesday; being moved to following Tuesday the 21st; notice will go out tomorrow; change due to schedule conflicts.

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

Meeting is this Thursday

Bd. of Education, Gahanna-Jefferson Public Schools - Kneeland:

Kneeland stated he will be attending this month.

Convention & Visitors Bureau (CVB) - Kneeland: No Report.

M. OFFICIAL REPORTS:

Mayor: No Report.

City Attorney:

Weber stated he had just received copy of letter; will review and be prepared to discuss at committee.

N. COUNCIL COMMENT:

Anderson noted receipt of Chamber of Commerce newsletter and is full of information.

Ewald did not mention at beginning of meeting that locally we lost a Marine; remember that Afghanistan is dangerous; people are in harm's way; encourage possibility of care packages from city hall, etc.

O. ADJOURNMENT: 7:45 p.m. - Motion by Anderson.

Isobel L. Sherwood, MMC
Clerk of Council

*APPROVED by the City Council, this
day of 2010.*

Thomas R. Kneeland
President of Council