

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Monday, October 17, 2011**

**Council May Meet in Caucus Beginning at 6:45 p.m.**

**7:00 PM**

**City Hall**

## **City Council**

*David L. Samuel, President*

*Brian D. Larick, Vice President*

*Beryl D. Anderson*

*Shane Ewald*

*John R. McAlister*

*Nancy McGregor*

*Timothy W. Pack*

*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, October 17, 2011, at Gahanna City Hall, in Council Chambers, 200 South Hamilton Road. President of Council David L. Samuel called the meeting to order at 7:00 p.m. Invocation was given by Vice President of Council Larick followed by the Pledge of Allegiance led by Council Member Anderson. Agenda for this meeting was published on October 14, 2011.

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

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

Members of Girl Scout Troop 50354, Adia Shaffer, Madison Henry and Andrea Moening addressed Council about "Make a Difference Day"; they said this is the 5th year in a row they have addressed Council and the Mayor about the day. For their project this year it is to bring non perishable foods to City Hall and then they will go to GRIN who is in much need of them; the girls also said we should all spread the word.

Mayor read a proclamation saying it is now a tradition for them to come to a Council meeting; Mayor declared Saturday, October 22, 2011 as "Make a Difference Day" and thanked the girls for coming and urged everyone to spread the word.

**C. HEARING OF VISITORS:**

Samuel said each person will have 3 minutes to make presentation and I will remind you when 1 minute is left; please be respectful to one another; hope I don't have to issue any warnings, but if I do with the second warning you will be asked to leave the chambers.

Barry Fromm, 2460 Stonehaven Court, US Railcar Company; thanked Council for their time; am the CEO of US Railcar Company, LLC; we have been in business about three years; here to speak to you about an opportunity which came very quickly or I wouldn't be asking for emergency assistance to consider all the factors and make decisions; hope to alleviate any concerns; have an unbelievable opportunity and asking Council for support to give the Mayor authority to sign, on behalf of the City, an application for the National Infrastructure Investments grant, commonly referred to as TIGER III Grant from the United States Department of Transportation; the project that we have in mind qualifies under the definition of what this grant is for; have put it through pre application and it is qualified; it would have knocked it out otherwise; what we are looking to build is a railcar manufacturing facility to first build our vehicles which are very unique; does fill a niche that no one else in this county can provide; it is really about the facility, the capability to make vehicles, improve transportation, lower the cost, improve the environment and all the other benefits that come from passenger rail transportation; what's unique about the vehicle is that it runs on existing freight tracks; do not have to build the infrastructure so in a couple of years once the car is built you can put it on the track; that is the objective to seek out this grant program, to be awarded a successful \$12 million which would flow through and be administered by City staff that we would work with as we have in the past for the CORF application which we were successful at and received \$3 million; we know how to work as a team and not put the burden on the staff and do things ethically; the win would be for the opportunity for cluster industry here in Gahanna that can build off of what we are doing here; the cluster comes from all the suppliers and jobs; 165 jobs; how can you turn your back on that in this economy.

Samuel thanked Fromm and said this will be in Finance Committee for discussion next Monday night; if Council members have any questions please get them to Fromm.

McAlister said he is not able to attend committee meetings on Monday; just have one question I would like to get on the record from Fromm; you say you are getting the \$12 million from the Department of Transportation; Tiger grant: where do they get the money? Fromm said he thinks it is stimulus funds. McAlister said so in essence they are going to borrow \$12 million from China or some place so that you can build a plant in Gahanna.

Anderson said for the record I would like to request any information that is relevant to the clustering you talked about; that be a part of what comes forward so that we are all on the same page when we get in the room next week since time is of the essence; and even though we will be addressing you independently through email or calling you. Fromm said we will be speaking to the campus concept beyond our facility, but we can't solidify arrangements with the educational institutions or industry without something more solid; once we receive the grant I am sure that all conversations we are having right now will become real. Anderson said whatever the prospective ideas are; something to wrap our heads around what is involved is key to bring to the table for discussion. Fromm said totally transparent; anything you want to know.

James Sisto, 1097 Highland Dr., said I am general counsel of US Railcar Company; the application is for \$12 million with a \$3 million non federal match; the non federal match would be provided by our company either through the State of Ohio 166 Loan Program or through private financing; requirements of the City would be to serve as the applicant and to administer the program; having spent the majority of my professional career in economic development both as state and local employee as well as in service professions in support of economic development, I can tell you that the opportunity to bring 165 well paying jobs to a community would be welcome in any community; we are trying to bring this to Gahanna; there is no suitable facility within 300 miles of here for this type of advanced manufacturing; the spans that are required and the heights that are required; so our options are really to have a facility built specifically for this purpose or to use facilities that already exist for this purpose which generally are not in this part of the country. Sisto said he will be glad to answer any questions.

McAlister said why is this such a good deal; why can't you get the 12 million from someone else other than tax payers. Sisto said that is a good question; if we were to lease or work with an existing facility this would not be the case; there is an opportunity; there is a program; whether or not the program is an appropriate program is not for me to comment on; there is a program called the TIGER program and these types of grants are offered; there will be other applications from around the country so it is a competitive program; we have chosen to apply for this program to try to bring 165 jobs to this community. McAlister said so you are saying there is no private equity money out there to float a deal like this? Sisto said there may very well be but that is not an avenue we have tried; we actually had a partnership and we've been offered to take this to our consultant.

Ewald said for committee meetings next week I would like to know the risks for the taxpayer; my main concern is the risk. Sisto said there would be no risk directly to the City other than serving as administrator to the grant; I think as a cost benefit analysis, the cost of that compared to bringing 165 jobs to Gahanna without any other additional requests for incentives or programs or anything of that nature; which typically you would find in this type of project.

Anderson asked Fromm to also bring a cost benefit analysis as it relates not just to the partnerships and the collaboratives, but also for the short, medium and long range so that

we can look at what is involved; 165 jobs looks great, but at what cost to the City and taxpayers; kinds of things I will be looking at as Finance Chair.

Pack said what is the legal business relationship between US Railcar and Value Recovery Group II. Sisto said there are some common members of the two but they are distinct entities; VRG II was a group that was specifically formed; a collation of people with environmental engineering backgrounds for handling closure of solid waste facilities; it also involved land contractors who understand the movement of the earth and the closure of landfills; and there was one common partner; that being VRG Inc.; US Railcar is a separate distinct legal entity, with that one common member VRG Inc., but it also has other members associated with the rail industry; so the two are separate but have some common elements. Pack asked if Sisto was general counsel for VRG II. Sisto said I serve as a principal of VRG II. Pack asked if Mr. Fromm also serves as a principal in VRG II, and Sisto said yes he does. Sisto said to be specific, since you are asking a legal question, Value Recovery Group Inc., of which Mr. Fromm is the Chairman and CEO, is the managing member of VRG II, but there are other members.

Mayor said I urge Council to ask your questions because the deadline for this application is October 31st; to pass this there would probably have to be a special meeting with a waiver and emergency to get it done on time.

Dr. Tom Peet, 6128 Headington Place, Gahanna, said I am a public school teacher and have taught for 37 years; tonight I speak both as a teacher and as a representative of the Westerville Education Association; proponents of SB 5 would have you believe that it is all about the money, and they are right; voting yes on Issue 2 might save you some money in the short run; but that's not the whole picture, and at what cost will this money be saved; fewer firefighters with insufficient equipment so that we will be less safe; fewer police officers so we will be less secure; fewer nurses so we can't access what little health care we have; fewer teachers that will insure over crowded classrooms and a second class education for our children; proponents of SB 5, and particularly our Governor, would have you believe that it is all about public employees paying their fair share of 10% toward their retirement and 20% toward their health care premium cost; but that is a lie; 90% of Ohio's public employees already pay this amount; and 95% of Ohio's public school teachers already do also; proponents of SB 5 say that they have put collective bargaining back in SB 5; but that is a lie; the words may be there but the reality is not; collective bargaining means give and take; not my way or the highway; proponents of SB 5 would have you believe it is about retaining great teachers and getting rid of the bad ones; but that is a lie; it is all about the money; mark my words; they will eliminate experienced teachers like me because I am expensive and retain inexperienced teachers because they are cheap regardless of the quality of instruction; proponents of SB 5 would have you believe that they are giving new tools to local government, and that is true if the only tool you need is a screw driver. Members of Gahanna City Council you have a choice before you; you can do the right thing and defeat this resolution.

Jim Gilbert, 6800 Schrockhill Court, said I am President of FOP Capital City Lodge No. 9; FOP Capital City Lodge No. 9 represents over 4300 law enforcement professionals, comprising 28 Central Ohio Law Enforcement agencies including the Gahanna Police Department. My comments this evening are in regards to the proposed City resolution in support of Issue 2. We recognize that many of you are prepared to reject this resolution; however to emphasize this issue, we are confident that Gahanna's residents will stand in support of their police officers and other public workers when they vote no on Issue 2 on November 8th. In the weeks leading up to this critical election, this resolution serves no legitimate public interest and brings no benefit to the people of

Gahanna; to make the record clear about collective bargaining in Gahanna, bear in mind these facts; Gahanna police officers do, and have, contributed 10% toward their pension; officers who opt into the City Wellness program pay 15% toward their health insurance; as supported by collective bargaining and under the strong leadership of Chief Murphy, the Gahanna Division of Police has developed into an advanced and professional law enforcement agency which keeps this City and its residents safe; collective bargaining has worked to the mutual benefit of the City, our Gahanna FOP members, and most importantly to the benefit of its citizens; the FOP is the hard working men and women of the Gahanna Division of Police; Gahanna's finest. We urge Council to focus its efforts on uplifting the people of Gahanna and its diverse neighborhoods; this resolution discredits the ability of Gahanna's residents to make their own informed decision; show your support tonight and emphatically reject this resolution; stand in support of us; and on November 8th show the courage of your conviction and support every public worker, whether teacher, firefighter, or our men and women who proudly wear the badge of Gahanna police officer; vote no on Issue 2.

Mark Thomas, 1308 Totten Drive, said I am a lifelong resident of Gahanna, and a police officer; please vote no on this resolution.

David Barrick, 269 South Hamilton Road, said I am a firefighter for the City of Columbus; I would like to make two points tonight about SB 5/Issue 2; the first is in regard to I believe it was Mr. Ewald's comments last week; you said you asked for relief from the State on ways to save money, and Issue 2 is what they gave each of the cities; in my personal opinion it is a terrible law; it does not help us for our safety forces; for police and fire or for resources or manpower; we have a responsibility for a bad law to give it back to the State and say we can't work with this; bring us something we can actually work with. The second point I want to make is about an article in the newspaper about the centralization of tax dollars for each of the cities to one central location and then they will dole those tax dollars out; the Mayor and Council members were quoted as saying how opposed they were to this; the same people who are trying to pass SB 5 are the same people that are trying to centralize our tax dollars; in essence this City, this Council, is in the same fight that we are for SB 5. The debate whether you should support SB 5/Issue 2 is not the correct debate; the debate should be whether or not you oppose SB 5 for the exact reason that you oppose the centralization of your tax dollars; need to partner with our police officers, firefighters and teachers; if you partner together you can maintain your tax dollars and we can maintain our collective bargaining.

John Stewart, 855 Bryn Mawr Dr., said I am a write in candidate for Council Ward 4; I just voted today and it is easy to write in a candidate; I am here to speak on behalf of the resolution for SB 5; there are two newspapers who endorsed this; the Cleveland Plain Dealer and the Columbus Dispatch; they say it is a flawed bill in some areas but the needed reforms far outweigh what the flaws are in the bill; I would urge you to vote in favor of the resolution, and if you do not, please specify, for the vote, those elements of the bill that you think should trump the things it does positively to impact the City.

Chip Kinder, 299 Ainsworth Ave., said I am an 8 year resident of Gahanna and a Mifflin Township firefighter for over 10 years; thank you for your time to hear my position on the recent resolution of the Council to support Issue 2; as a citizen of Gahanna and Ohio, I am being directly affected by Issue 2; it would be disappointing to me along with other Gahanna residents if our City would choose to be in support of a bill that so negatively impacts so many of the residents who live here, and people who work for the City in all its different facets; considering the fact that just this year levies were passed for the fire department and the school system that should speak to the fact that the majority of our

citizens are in support of our firefighters and teachers; as a firefighter it feels like a slap in the face, that the City would support a bill that would negatively affect Mifflin firefighters, Gahanna police officers, Gahanna teachers and hundreds of thousands of other public employees across the state; I am aware of the arguments on both sides of the issue, but think that what many don't realize is just how the majority of people who work in these fields will be affected; the least amount of cuts proposed will take from my family roughly what our monthly mortgage payment is; we are a one income family due to the fact that my first son has multiple health issues and my wife had to quit her job to stay home with him; I think that should suffice to say that the passage of this issue will bring a great deal of financial hardship to my family, and I am just one of many families should this issue be passed; it is a sad day if that is what Gahanna chooses to support; considering all of this is hard for me to swallow that the issue is being pushed through by the Governor who lives more than comfortably in his close to million dollar home, and has a salary of roughly \$150,000 a year plus perks, free health care and pension for life; part of an elite small percentage of Americans who make this much money and who have decided that I am making too much money and living too well off the government with my salary, even though I work my full time firefighter position and two part time jobs on the side; this double standard has been increasingly visible in our government and makes me cringe when I see commercials spouting "Shared Sacrifice." I strongly oppose Issue 2 and would respectfully request Council not position itself in support of this deeply flawed bill; support of this issue would potentially sway the vote of the constituents; for the past 8 years I have been proud to be a citizen of Gahanna, however, should the Council approve to support this issue, I would be ashamed of our City Council and have lack of trust in their decision making ability; thank you for taking the time to research and see what this bill truly is, an attack on unions and punishment of thousands of public employees.

Barb Wilhelm, 409 Worman Drive, said I'm here to address your consideration on the resolution to support State Issue 2; although most of you have already indicated that you are not in favor of supporting such a resolution, I feel the need to speak as a matter of public record, as I believe there is much about this bill that the general public is not aware of; those of you who are not supporting the resolution have indicated that your primary reason is because it is a partisan issue and should be left to the voters to decide, and I agree; however I feel the need to say that not only should you not support this bill, but I encourage you to speak out against it; while it is a partisan issue, generally speaking Republicans support it and Democrats denounce it; there is one recurring theme in the bill that I would think all local government officials should be fighting; it would have been sufficient for the bill to disallow negotiation of issues relating to employee benefits; instead it goes so far as to prohibit payment of certain levels of those benefits; in some cases, such as Mifflin Township and the City of Whitehall, pension pick up has been used because it saved the taxpayers money and would cost more to raise the base pay; you should be outraged at the State taking authority and decision making away from the local leaders and interfering with your abilities to manage and govern as you see fit; much like the long held argument regarding State rights and big government; where is the outrage from Republicans and Libertarians regarding this; there isn't any; it isn't being talked about because most people, including many of the legislators who signed it haven't had the opportunity or desire to read all 304 pages of it; the ones most familiar with it are the ones it will affect the most; the people who are opposed; our public servants. Interestingly however, these groups in opposition have not complained about changes in benefits because most of them already pay the levels called for; they have made concession in their contract; they realized the state of the economy and are willing to do their part; the only thing they are fighting for is the continued ability to negotiate for safe working conditions and appropriate staff levels, not just for themselves but for the people they serve; they are simply asking for a say in

the things that will help them to safely and effectively do their jobs. To Mr. McAlister, you stated if you want higher taxes, vote no on Issue 2; I would respond that Issue 2 will not decrease taxes for residents of Gahanna; City employees already pay the suggested levels of insurance and pension benefits so there won't be any change; Mifflin Township employees do not; if they are required to under Issue 2, this will cost taxpayers more money, not less since Gahanna residents pay property taxes to Mifflin Township for fire and EMS services; on a personal note I would say that if Issue 2 passes, it will be so financially devastating to my family that we would no longer be able to afford to live in Gahanna. Finally Mr. McAlister said SB 5 may not be the perfect bill, however, it is the only one we have and if it fails there will not be another one; there's not enough energy left in the General Assembly to fight the special interests who want to keep the status quo; I do hope that isn't true; we are asking for the repeal of this bill so that it can be done properly; we elect and pay our legislators to do what is best for the people, not what is best for their party; not having enough energy is a poor excuse, and Gov. Kasich himself said we haven't even hit 3rd gear; no matter what happens with the bill I feel confident in saying that if you ever find your home burning down, a loved one in a medical emergency or yourself the victim of crime, these men and women would never say to you "I'm sorry I just don't have the energy to help you." Don't we owe them the same?

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

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

Ordinances introduced by title, by Larick.

#### **ORD-0205-2011**

TO EXTEND THE POSITION OF DIRECTOR OF EMERGENCY MANAGEMENT FOR A PERIOD OF TWO YEARS; TO AMEND ORD-0247-2009.

**Introduced**

#### **ORD-0206-2011**

SUPPLEMENTAL APPROPRIATION - Tax Payments TIZ

**Introduced**

#### **ORD-0207-2011**

SUPPLEMENTAL APPROPRIATION - CVB, CIC and OHEC

**Introduced**

#### **ORD-0208-2011**

SUPPLEMENTAL APPROPRIATION - TIZ Escrow Fund

**Introduced**

#### **ORD-0209-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT AGREEMENT WITH FIFTH THIRD BANK, FOR PROPERTY AT 444 HAVENS CORNERS ROAD, FOR RIGHT OF WAY IN ASSOCIATION WITH THE HAMILTON/GRANVILLE INTERSECTION PROJECT; IMPROVEMENT NO. 883; TO SUPPLEMENTALLY APPROPRIATE \$45,000; AND TO DECLARE AN EMERGENCY.

**Introduced**

#### **ORD-0210-2011**

TO ACCEPT MULTI-PURPOSE TRAIL EASEMENT FROM THE NOB HILL CIVIC ASSOCIATION.

**Introduced**

#### **ORD-0211-2011**

TO AMEND CODE CHAPTER 1150, OLDE GAHANNA DOWNTOWN DISTRICT, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

**Introduced**

#### **ORD-0212-2011**

TO AMEND CODE CHAPTER 1197, DESIGN REVIEW, OF THE CODIFIED

ORDINANCES OF THE CITY OF GAHANNA.

**ORD-0213-2011**

TO AMEND CODE CHAPTER 1135, DISTRICTS AND ZONING MAP, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

**Introduced**

**E. CONSENT AGENDA:**

**Minutes - To Approve:**

**2011-0057**

To approve the following set of minutes:

1) October 3, 2011.

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

**Ordinances on Second Reading:**

**ORD-0195-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO PERSONAL SERVICES CONTRACT BETWEEN THE CITY OF GAHANNA AND ASEBROOK & CO. ARCHITECTS, LLC, FOR PLAN REVIEW SERVICES FOR 2012.

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

**ORD-0196-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO PERSONAL SERVICES CONTRACT BETWEEN THE CITY OF GAHANNA AND MEACHAM & APEL ARCHITECTS, INC., FOR PLAN REVIEW SERVICES FOR 2012

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

**ORD-0197-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO PERSONAL SERVICES CONTRACT BETWEEN THE CITY OF GAHANNA AND WILLIAM E. CONROY, II FOR ELECTRICAL INSPECTION SERVICES.

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

**ORD-0198-2011**

TO ENACT CODE SECTION 333.032 ARREST OR CITATION OF DRIVERS BASED ON RADAR, TIMING DEVICE OR RADIO MESSAGE FROM ANOTHER OFFICER, OF CHAPTER 333, OVI, WILLFUL MISCONDUCT, SPEED, OF THE CODIFIED ORDINANCES OF HE CITY OF GAHANNA.

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

**ORD-0199-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH ORCHARD, HILTZ & MCCLIMENT, INC., FOR NPDES STORM WATER SMALL MS4 PHASE II PROGRAM ASSISTANCE

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

**ORD-0200-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH GOLDEN TOUCH CAR AND VAN WASH, INC., FOR A PERIOD OF TWO YEARS STARTING JANUARY 1, 2012 AND CONTINUING THROUGH DECEMBER 31, 2013, WITH AN OPTION TO RENEW FOR AN ADDITIONAL YEAR, FOR WASHING AND CLEANING OF OFFICIAL CITY VEHICLES

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

**ORD-0201-2011**

TRANSFER AND REALLOCATION OF FUNDS - Golf Course

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

**ORD-0202-2011**

SUPPLEMENTAL APPROPRIATION - Early Retirement Incentive



This Matter was Adopted on the Consent Agenda.

**ORD-0203-2011**

SUPPLEMENTAL APPROPRIATION - Holiday Lights Parade

This Matter was Adopted on the Consent Agenda.

**ORD-0204-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH RAYMOND J. MULARSKI FOR PROSECUTION OF CERTAIN CASES RESULTING FROM GAHANNA MAYOR'S COURT AND MAYOR'S DOWNTOWN CASES

This Matter was Adopted on the Consent Agenda.

**Resolutions to Adopt on First Reading:**

**RES-0024-2011**

TO HONOR AND COMMEND STONYBROOK UNITED METHODIST CHURCH ON THEIR 50TH ANNIVERSARY

This Matter was Adopted on the Consent Agenda.

**RES-0025-2011**

TO HONOR AND COMMEND BRENT HOUSE ON ACHIEVEMENT OF THE RANK OF EAGLE SCOUT

This Matter was Adopted on the Consent Agenda.

**Motion Resolution:**

**MR-0055-2011-0055**

Motion Resolution that Council has no objection to the D1, D2 and D3 transfer of Liquor Permits from Li Lei Inc., 135 North Stygler Road, to Mediterra, LLC, 369 Stoneridge Drive, Gahanna, Ohio 43230.

This Matter was Approved on the Consent Agenda.

**MR-0055-2011**

Motion Resolution that Council has no objection to the stock transfer of D5I and D6 liquor permits for Hickorys Restaurant, LLC, dba Hickory House, 550 Officenter Place & Patio, Gahanna, Ohio 43230.

This Matter was Approved on the Consent Agenda.

**Passed The Consent Agenda**

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

**F. PUBLIC HEARINGS:**

**CC-0002-2010**

To recommend to Council amendment to Chapter 1150, Olde Gahanna Downtown District; of the Codified Ordinances of the City of Gahanna.

Anthony Jones, Director of Development said we are here to discuss the results of several months of work by the Planning Commission, the Department of Development and the Council Clerk's office; here to discuss changes to Chapter 1150, Olde Gahanna Districts, Chapter 1197 which is the Design Review, and Chapter 1135 Districts & Zoning Map; here to provide a brief summary of the changes and the vision we have worked out for Olde Gahanna, and what some of those key recommendations were;

summarize what the current code says for chapters 1150 and 1197 as well as discuss what the proposed changes are for those two chapters; then finally make it clear what the Planning Commission and Department of Development recommends Council action to be; take a step back and look at the vision we have helped to establish for Olde Gahanna; the Olde Gahanna Vision plan was passed by City Council on October 5, 2009; that process of getting public input consisted of nine public meetings with over 150 downtown Olde Gahanna stakeholders; we had 16 community reps on our steering committee who worked through a variety of issues and concerns that were brought up; there was significant public debate, disagreement and deliberations; finally the plan that was passed had eight recommendations which I will show you. (Presentation available in the office of the Clerk of Council.)

Weber stated that Council needs to open each public hearing and ask for proponents and opponents.

Samuel stated the public hearing rules that would govern the public hearings tonight.

Samuel opened the public hearing at 7:45 p.m. and asked for proponents; there were none; Samuel asked for opponents; there were none; Samuel closed the public hearing at 7:46 p.m.

**Heard in Public Hearing**

**CC-0004-2011**

To recommend to Council amendment to Chapter 1197, Design Review; of the Codified Ordinances of the City of Gahanna.

Samuel opened the public hearing for CC-0004-2011, at 7:46 p.m., and asked for proponents; there were none; Samuel asked for opponents; there were none; Samuel closed the public hearing at 7:47 p.m.

**Heard in Public Hearing**

**CC-0006-2011**

To recommend to Council amendment to Chapter 1135, Districts and Zoning Map; of the Codified Ordinances of the City of Gahanna.

Samuel opened the public hearing for CC-0006-2011 at 7:47 p.m., and asked for proponents; there were none; Samuel asked for opponents; there were none; Samuel closed the public hearing at 7:48 p.m.

Samuel thanked Planning Commission and the Development Department for their work on these code changes.

**Heard in Public Hearing**

**G. STANDING COMMITTEES:**

**Committee of the Whole - Larick: No report.**

**Finance - Anderson: No report.**

**SPECIAL COMMITTEES:**

**Expenditure Study Committee - Larick: No report.**

**H. CORRESPONDENCE AND ACTIONS:**

**Clerk - Legal:**

**2011-0055**

Notice to Legislative Authority of a transfer of D1, D2 and D3 liquor permits from Li Lei, Inc., 135 N. Stygler Road, Gahanna, OH 43230 to Mediterra LLC, 369 Stoneridge Drive, Gahanna, OH 43230. Last day to file objections is November 7, 2011.

**Received and Filed**

**2011-0056**

Notice to Legislative Authority of a stock transfer of D5I and D6 liquor permits for Hickorys Restaurant LLC, DBA Hickory House, 550 Officenter Place and Patio, Gahanna, OH 43230. Last day to file objections is November 7, 2011.

**Received and Filed**

**Council: No report.**

**I. SECOND READING OF ORDINANCES: None.**

**J. FIRST READING OF ORDINANCES: None.**

**K. MOTIONS/RESOLUTIONS:**

**RES-0026-2011**

Resolution Urging Voters to Vote YES on Issue Two November 8th

Discussion.

McAlister said the reason I brought this forward, and I never realized we would have a full Council chamber here tonight; nice to see people here; like to see people here more often when we are discussing business that affects all of us here in Gahanna; the reason I brought this forward was back on February 22, 2011, Council unanimously passed RES-0001-2011, and it was signed by the Mayor and it was sent to the Governor and the Ohio General Assembly; and it asked them to reexamine and reconsider state laws limiting the ability of local governments to control our personnel costs. McAlister continued to Barb Wilhelm, who spoke tonight, actually the state is not taking away our authority from us, they are actually giving us some authority to control our costs; that resolution stated that the City of Gahanna employs over 270 full and part-time employees to provide core municipal services to its citizens; we have some of those employees in this room right now; I don't think there is a person on this Council or in this Administration, including myself, that has not lauded the performance and ability and good work that all of our employees do, which they do; I've attended police banquets, I've shaken hands; I have friends in the police department and friends in other police departments and this is not about degrading our policemen, not offering any respect to them, or anything like that; I want to make that perfectly clear; really what this boils down to is that the State promotes the myth that everyone can live at the expense of everyone else; we saw a perfect example of that tonight with a man coming in here asking for \$12 million to build his own manufacturing facility; where is the Dept. of Transportation getting this \$12 million; the country is broke; we are going to have to borrow it from somebody; what happens when people don't want to lend the U.S. anymore; then what happens to everybody in this room; so you bring it all down to the local level and we are asking tax payers in Gahanna to raise taxes or dig a little deeper just so our employees can have a \$100 deductible on their health insurance plan; now is there anybody in this room that doesn't work for the City that works for somebody else where you have a \$100 deductible; is it asking too much to raise that deductible on our employees to maybe \$500; the other part of this resolution said that approximately 60% of all expenditures from the general fund are for personnel costs including salaries and benefits, and any increases to the salary and benefits dictated by the collective bargaining process significantly impact the general fund and ability to provide services to its citizens; if we have to cut costs and we don't have an increase in revenue is it better to lay off two police officers instead of one, because we are not allowed to lay off one

that is making a lot of money compared to two that aren't making as much money; the state law did not allow us to do that because of this negotiated contract that was dictated to us. McAlister continued and read from RES-0001-2011; "Whereas, the City is experiencing a declining trend in revenue and is attempting to control its health insurance benefits and the wellness and incentive programs similar to the private sector"; the General Assembly has now given us the legislative tools that we need to control costs and keep taxes low with SB5; I'm saying that if we have already asked for legislative relief, and if it was that important to the City of Gahanna to send them a resolution asking for that relief, how consistent are we being with our tax payers in the City of Gahanna by saying thanks for the relief but no thanks; business as usual, status quo remains and we will either have to lay off employees if things get really tight or we will have to raise taxes; that is why I said if you want higher taxes in Gahanna then vote no on Issue 2; some people are willing to do that; I have been on Council for 10 years and I have fought against things that are going to cost me as a tax payer; it is costing the City \$700,000 a year to pay the loan on Creekside; you either have to face up to the fact that there is a finite amount of juice in the line or we have to pay more.

Samuel said he would like to make a statement; this is not the forum for this; this is City Council; we have people who can read and look at all the information and make a decision on their own; I feel a Council person should be making comments either in letters to the editor or comments; not in the form of a resolution to urge people to do something; again we have educated people who can read and make their own decisions.

Pack said both of my parents were public employees; I've worked in the private sector for 30 years; my corporations have been raided by corporate raiders and gone bankrupt; I've taken a number of pay cuts; I make less today than I did in 2002; I pay higher copays for medical insurance. We, as a Council, asked for relief; economic relief; on behalf of the tax payers of the City of Gahanna with regard to dispute resolutions and the expensive arbitration process; for the most part that was RES-0001-2011; this is what we ended up with; 304 pages; I completed reading 304 pages this morning; I come away with more questions now than I did before reading the 304 pages; questions that go in line with so much misinformation I know for a fact that are coming out of commentaries and our media outlets; that's pretty tough for me to have as many questions as I have now to go on and tell others how to vote; I have particular concerns under SB5/Issue 2 that the most powerful person in our state will not be the governor; it will be the State Director of Administrative Services that will issue edicts of performance evaluations, which brings into more questions for smaller municipalities, such as Gahanna; how do we invoke and exercise these new parameters; if we can't come up with some for ourselves, guess who is going to come up with them; I have concerns on pages 154 and 155 of the full text where it was redacted out; where service credit for our fine men and women in the military, our citizen soldiers, will be unable to use their service credit in the military toward their years of service as being a teacher; I have a question and concern with regard to the impetus away from merit as toward performance where essentially you lose the impetus of seniority; seniority is synonymous with experience and it does make a difference; you start acting on experience; I think this moves more power into the state central government away from local municipalities; I'm still trying to figure out the hieroglyphics of some of what I have been reading; so how can I tell others how to vote; very proud to have a nonpartisan community; I want to keep it that way. I will be voting no against the resolution tonight with the utmost respect for my fellow councilman, Mr. McAlister.

McGregor said I have read quite a bit of it today; I think there are some good ideas in SB5, but I think there are some very bad ideas in SB5; I really wish we were not at this point; wish the Governor and the legislators and the union representatives had gotten

together before they passed this bill and come to an agreement before it got to this point; have good people on both sides and all this animosity; part of the things I read today were about the military where up to 5 years military credit is taken away; performance review for teachers; I can't imagine how they can do it, having taught school myself; even for our Boards and Commissions, if I read it right, would have to have performance reviews; I think when we asked for relief we did not know what the final bill would be; we asked for some help; will not be supporting the resolution.

Anderson said I want to underscore the fact that when we asked for relief we did not know what that relief would be, but we need relief; each and every one of us knows that we are economically challenged; none of us had a crystal ball to see what was coming; you talk to one group of economists and get one school of thought and you talk to another and get another school of thought; sort of like with lawyers; one perspective with one group of lawyers and another with another group of lawyers, and I say that having gone to law school; with that I respectfully defer to the public; I think the public is educated enough and is impassioned to want to dig deep enough to figure out what the true issues are; we have a full blown series of reports that are coming out in the Dispatch, and yes the Dispatch did endorse this, however there are other newspapers that did not, so I think it is incumbent on each of us to do our own homework to figure out what it is that we decide from our own analysis as to how we will vote on this; as McAlister said, and I agree with the fact that money is just being manufactured; as we have seen earlier today we have business owners coming before us asking for help in efforts to stimulate the economy here in Gahanna, which has a ripple affect around the state; you need to know 60% of our income comes from businesses, so economic development is key for Gahanna, but then at what expense; money cannot continuously be borrowed from countries; we are indebted to China; not to mention many other countries as well; I'm of the mind that each and every one of us make our own decision and go to the polls November 8th, or vote absentee, to make that decision, and it is not incumbent on us to suggest to you how you should make that determination; so I will not be supporting the resolution; I think the people need to decide when doing their homework how they will vote; I sat in the atrium at the capitol and watched as people poured in because I was there for another event prior to the first set of hearings, and I also had an opportunity to go into chambers; so I had first hand opportunity to see and feel the passion on both sides of the issue; do our homework and research to decide how to vote on Issue 2.

Larick said with SB5's challenges I do support this resolution in the end all I would simply ask is that each of you read the information that is available; read the bill and make your own decisions with an educated background and in the end make the best decision for you.

Ewald said I had a very spirited discussion with McAlister last week after the meeting, and I have to say that I still agree with Mr. Pack and Mrs. McGregor's reasoning, and I am not going to support it; I agree with my colleagues.

McAlister said I just want to address Pack's comments; the purpose of these comments is either to justify our vote or persuade our fellow members on how we would like them to vote, and I have to tell you, you almost had me; very good reasoning and I have had some very good reasoning from Mark Thomas on the phone; thought David Barrick's comments were very good and well thought out; what it ultimately boils down to is he who lives by politics, dies by politics; for the last 20 some years there has been plenty of money in the till and it has been very politically easy to say more raises, more benefits; seniority; all this stuff that the unions have accumulated over the last 20 years; they have gained politically; I am just saying that the other reason I wanted to introduce this

resolution whether it passes or not was to make sure we had a thorough public forum and discussion of this in City Council chambers and not in the editorial section; everything we do on City Council affects you personally; in 10 years of being on Council I am really kind of appalled at the lack of interest that people take in their local politics; every one of us were sworn to uphold an oath to the Constitution of the United States; many times I have seen that oath violated; I have had to vote no on accepting a \$400,000 federal grant to build a bike path in Gahanna; why should we be taxing the people in Oregon to take their money to build a bike path in our own back yard; the system is upside down; it's screwed up; it's insane, and if you don't hold your local politicians accountable to their oath to uphold the Constitution then you don't have a Constitution; it's just whatever way the wind is blowing; now you have pure democracy and no pure democracy has ever survived more than 300 or 400 or 500 years at the most, and that is the direction we are heading; this is also kind of my farewell speech; I may not have another opportunity.

**A motion was made by McAlister, seconded by Anderson, to adopt RES-0026-2011. The motion failed by the following vote:**

<b>Yes</b>	<b>2</b>	Vice President of Council Larick and McAlister
<b>No</b>	<b>5</b>	President of Council Samuel, Ewald, McGregor, Anderson and Pack

## **L. REPRESENTATIVES:**

### **Community Improvement Corporation (CIC) - Larick/Samuel**

Larick said there was no meeting in October; the next meeting is November 15th here at 6:00 p.m.

### **Mid-Ohio Regional Planning Commission (MORPC) - Anderson**

Anderson said MORPC approved a \$2 billion transportation improvement program also known as TIP; TIP also lists funding for strategies to reduce vehicle travel and studies that may lead to construction in several years; TIP includes analysis of benefits and other efforts on low income residents, minority residents, and the region's air quality; also MORPC adopted objectives to support 6 goals of the 2012 metropolitan transportation plan; the goals promote economic prosperity, to preserve natural resources; energy use and to increase energy production; to increase collaboration among government, to tie investment decisions to outcomes of goals; to create sustainable neighborhoods that support people of all ages and abilities. MORPC also has a call out for volunteers for CAC, Citizen Advisory Committee; next meeting is the second Thursday of next month.

### **Bd. of Education, Gahanna-Jefferson Public Schools - Pack**

Pack said I attended the School Board meeting last week at Clark Hall; beautiful facility; I gave them an update on detention basins and Safe Routes to Schools; information on Clark Hall Commons from our Director of Development which will be going to Planning Commission soon; will be a great area for shops for our young people.

### **Convention & Visitors Bureau (CVB) - McGregor**

McGregor said nothing at this time.

## **M. OFFICIAL REPORTS:**

**Mayor**

Mayor said we had Creepside last week and we passed out 2,000 pieces of candy; very well attended; also Taste of Gahanna which was very well attended; have a number of forums on in the next two weeks; Meet the Candidate Forum; encourage anyone to come out and ask your elected officials and candidates questions that you might have.

**City Attorney**

Weber said he had nothing.

**N. COUNCIL COMMENT**

McAlister said he had nothing to add.

McGregor said today we were able to welcome home our son-in-law from Afghanistan for his two weeks R & R; he is with a mental stress company; he is Army Reserve; his business is occupational therapy; what the Army is doing with his unit is something different; is with a medical stress company out of California and they send small units of therapists to operating bases when casualties or loss occurs; what they are trying to do is give them a venue for talking about incidents that have happened; gives them an opportunity to talk it out right then and there; try to reduce the incidents of Post Traumatic Stress Disorder by the time they get home; he is working with soldiers out in the fields; good to see that the Army is trying to address these problems before these soldiers get home; please remember and pray for all of our soldiers.

Pack said he spoke with Franey and Wetherholt before Council to get an update on detention basins; the Giant Eagle detention basin in particular; long waited for and long needed and glad to report they finished the tree clearing and the enlargement of the detention basin is sorely needed; tax dollars are coming back to you in value to protect your own property through the enlargement of this detention basin; glad to see it go forward and it is well needed; also like to commend McAlister; people came out to hear Council's viewpoints on RES-0026-2011; that is democracy; so many countries would give anything to have what we have.

Anderson said in addition to Creepside and Taste of Gahanna, this past week was the 40th anniversary of Friendship Park; and with that was a display of pictures and articles of the Big Walnut Country Club; the Big Walnut Country Club was one of the first African American country clubs in the United States and right here in Gahanna, Ohio; it was fascinating being out there and hearing people say their grandparents had told them about this and they didn't know it or believe it, and there they were standing in Friendship Park; it was first hand that this was the case that this country club did exist; encourage you to learn more about the Big Walnut Country Club; ours is a city of great diversity, and this is an example and will be put in our history books for time to come; I wanted to delineate that the next candidate forum is tomorrow night at Family Friendship Church at 7:00 p.m.; encourage you all to come out and hear what the candidates have to say; is the Mayoral candidates and the At Large candidates and the City Attorney.

Larick said he would like to thank everyone who came out this evening; chambers are typically empty; good to see people who are engaged even if it is on a singular topic; this is a start; other thing I want to mention is to Service Dept. and City Engineer, had a conversation with an individual over in the Souder Ditch area and I thought he was going to do a dance when I mentioned there is a likelihood that we will have a detention basin up stream from them in the next year or so.

Samuel said he would like to thank Weber for his guidance tonight so we could move along properly; also we had a spirited debate which is an important thing to Council; this was one of the liveliest meetings that I have witnessed in a long time; also COTA decided to keep their main line routes on High Street; they were going to take all the main lines off and run them on Front Street, but the customers spoke up and the decision was made to keep them on High; COTA serves 1.1 million people; transports about 6% of that 1.1 million.

**O. ADJOURNMENT: 8:27 p.m.; Motion by McAlister.**

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

*APPROVED by the City Council, this*  
*day of 2011.*

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**David L. Samuel**  
**President of Council**