

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Monday, July 19, 2010**

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

**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 Monday July 19, 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 Dave Samuel followed by the Pledge of Allegiance. Agenda for this meeting was published on July 16, 2010.

**Members Absent:** John McAlister

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

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

Scott Mounts, Gahanna Jefferson Board of Education, stated he wanted to give a quick update on the status of Clark Hall; building erection has started and is going quickly; in August the steel structure should be completed; first course of asphalt will be put down in August in order to make parking spaces available for students when school starts; first floor will start in September and with the roof; estimate is March or April 2011 for completion; proceeding rather well so far; with regard to board business, primary concern right now is whether to place a levy on ballot for November; board is meeting tomorrow night to discuss millage; \$4 million has been cut from budget since May; teachers have agreed to extend their contract for 1 year creating a 0% increase in salary; expect 2012 to 2015 increases should be slight; staff reductions are taking place; didn't come prepared with exact numbers but approximately 40 reductions have been made, most through attrition; will have larger class sizes; all that's happening; pleased with what the Superintendent and Treasurer have done so far; that's all I have. Samuel asked who is the new Business Director replacing Dan Rotella. Mounts replied Kristin Groves, who was Principal at Lincoln Elementary. Anderson asked if through the attrition and personnel reductions are some teachers sharing between facilities. Mounts stated there have been reassignments in teaching staff; some consolidated classes at the high school. Anderson stated she had asked previously about the number of women and minority contracts and hasn't had a response. Mounts stated he thought the information had been sent to her; will follow up.

Sharon Montgomery, 572 Bonnington Way, addressed Council on distracted driving; was disappointed when I found out how you were planning on addressing the issue of texting or phoning danger; was prepared to accept it as a first step and move on to my "how do we make the law work" speech; but after attending committee meeting last week, realized I had an obligation to all victims and all the people who don't want to become victims, to make one more effort to point out dangers; realized last week that the decision to stick with the generic full attention law is based in large part on the opinion that all driver distractions are equally dangerous; this is a popular opinion but not supported by facts; in summer of 2008 personally tallied up the findings of nearly 50 research studies; the National Safety Council and Nationwide Insurance sponsored an international symposium that fall bringing together experts in a variety of fields to examine 17 years of research on this; research has been done by direct driver observations, driving simulations, behavioral studies and brain scans; evidence was so strong that the National Safety Council changed its position from essentially just recommending drivers not drive while phoning or texting, to committing itself to helping pass laws in every state against using hand-held and hands-free phones while driving; agree completely with other comments made last week; trying to be too specific makes

enforcement more difficult and engages you in a losing battle to keep pace with changes in technology; there is a middle ground; since we know unequivocally that the mental distraction of a conversation using a mobile communication device is more intense and longer lasting, thus more dangerous, than other driver distraction the solution is to simply restrict the unnecessary use of these devices while driving; that's broad enough to make enforcement easier but specific enough to make a clear statement that this particular behavior has such a high risk for causing harm that we cannot allow it; an uncle who was a police officer used to say, when he saw a driver ignoring some driving instruction sign "well the sign didn't have his name on it"; he was only partly joking; we have to be clear in telling people what behaviors are acceptable and not acceptable; we have no problem being that clear when we ask people not to annoy us in public settings with their cell phones; we need to be that clear when telling them not to kill us; have another crash report with a disturbing example of the culture of acceptance we have created for this behavior; on July 1 a bicyclist crossed a 4 lane road in the crosswalk that was part of a bike path; traffic in three of the lanes stopped to give the rider his right-of-way; let me read to you part of the statement written by the driver in the 4th lane -"I was driving home from work on County Line Road. On my cell phone talking". Then a couple of sentences later, "Twelve year old boy rode out in front of me in crosswalk and clipped the front right side of my car. I think! I remember him landing on the grass." Did you hear what he wrote; talking on his phone; the boy hit him not he hit the boy, he thinks; could he be more open about his phone use, more evasive about his own guilt, or more unsure of what even happened; someone on the Discovery Channel once said "History will judge us by what we allow to endure"; will we allow not just the injuries and deaths, but this cavalier attitude to endure; not if I can help it; you're not voting on this tonight; it's not too late to make it more effective; thank you for allowing me to participate in some of your committee meeting discussions and for your patience and attention as I keep explaining more of what I've learned in nine years of working on this problem.

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

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

Ordinances introduced, by title, by Ewald.

#### **ORD-0131-2010**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH EMERGENCY COMMUNICATIONS NETWORK, INC., FOR CodeRED HIGH SPEED OUTBOUND NOTIFICATION SYSTEM FOR A PERIOD OF THREE YEARS; AND TO DECLARE AN EMERGENCY.

**Introduced**

#### **ORD-0132-2010**

TO AUTHORIZE ADDITIONAL FUNDING FOR COLUMBUS ASPHALT PAVING, INC. EAST JOHNSTOWN ROAD WIDENING IMPROVEMENT #840; DUE TO UTILITY RELOCATION; ORIGINALLY AUTHORIZED BY ORD-0081-2009; AND TO DECLARE AN EMERGENCY.

**Introduced**

#### **ORD-0133-2010**

SUPPLEMENTAL APPROPRIATION - Street Light Electric Account

**Introduced**

#### **ORD-0134-2010**

TO AMEND CODE SECTION 331.34(d), FAILURE TO CONTROL; WEAVING; FULL TIME AND ATTENTION OF CHAPTER 331, OPERATION GENERALLY.

**Introduced**

#### **ORD-0135-2010**

SUPPLEMENTAL APPROPRIATION- Railroad Maintenance

**Introduced****ORD-0136-2010**

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT WITH TIM DONUT US LIMITED, INC., FOR PROPERTY AT 365 AGLER ROAD, FOR RIGHT OF WAY NEEDED FOR THE US 62/STYGLER ROAD INTERSECTION PROJECT; IMPROVEMENT NO. 935; AND TO DECLARE AN EMERGENCY.

**Introduced****ORD-0137-2010**

TO AUTHORIZE ADDITIONAL FUNDING FOR AEP., I-270 RAMP MODIFICATION PROJECT, IMP NO. 797; DUE TO UTILITY POLE RELOCATION; ORIGINALLY AUTHORIZED BY ORD-0231-2009; AND TO DECLARE AN EMERGENCY.

**Introduced, to Finance Committee****E. CONSENT AGENDA:****Minutes - To Approve:****2010-0036**

To approve the following set of Minutes:

1) July 6, 2010.

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

**Ordinance: Introduce, Waive Second Reading, Adopt as Emergency:****SR-0002-2010**

RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO APPROPRIATE REAL ESTATE IN CONNECTION WITH THE US 62 & STYGLER ROAD IMPROVEMENTS; IMP 935; FOR PROPERTY KNOWN AS 365 AGLER ROAD AND OWNED BY TIM DONUT US LIMITED, INC.; BY THE CITY OF GAHANNA, OHIO; AND TO DECLARE AN EMERGENCY.

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

**Ordinances on Second Reading:****ORD-0121-2010**

TO AUTHORIZE THE MAYOR TO ENTER INTO CHANGE ORDER AGREEMENT WITH KOKOSING CONSTRUCTION COMPANY, INC., FOR SANITARY SEWER EXTENSION; US 62 & STYGLER ROAD IMPROVEMENT PROJECT; IMPROVEMENT NO. 935; TO SUPPLEMENTALLY APPROPRIATE \$41,878; AND TO DECLARE AN EMERGENCY.

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

**ORD-0123-2010**

TO AUTHORIZE THE MAYOR TO ENTER INTO MODIFICATION, ASSIGNMENT AND ASSUMPTION AGREEMENT WITH BATTLE CREEK HEALTH SYSTEM TO ASSUME OUR EMPLOYEE ASSISTANCE PROGRAM EFFECTIVE AUGUST 10, 2010; AND TO DECLARE AN EMERGENCY.

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

**ORD-0124-2010**

TO ACCEPT THE ANNEXATION OF 0.12+/- ACRES CONSISTING OF ROADWAY RIGHT OF WAY FROM JEFFERSON TOWNSHIP TO THE CITY OF GAHANNA, OHIO, LOCATED AT 3891 CLOTTS ROAD AND 730 CLOTTS ROAD; REQUESTED BY THE CITY OF GAHANNA.

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

**ORD-0126-2010**

TO APPROVE THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL

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

**ORD-0127-2010**

TO AUTHORIZE THE RELEASE OF A MASTER LEASE AGREEMENT AND A CITY LEASE AGREEMENT BETWEEN THE COMMUNITY URBAN REDEVELOPMENT CORPORATION AND THE CITY OF GAHANNA; FOR PROPERTY KNOWN AS RESERVE B AND LOCATED ON LANDRUM COURT IN THE TIZ; TO BE TRANSFERRED TO DONATOS PIZZA REALTY, LLC

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

**ORD-0128-2010**

TO AUTHORIZE THE RELEASE OF A MASTER LEASE AGREEMENT AND A CITY LEASE AGREEMENT BETWEEN THE COMMUNITY URBAN REDEVELOPMENT CORPORATION AND THE CITY OF GAHANNA; FOR PROPERTY KNOWN AS 977 GAHANNA PARKWAY (LOT 17 OF THE TIZ); TO BE TRANSFERRED TO ADB AIRFIELD SOLUTIONS LLC

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

**ORD-0129-2010**

TO AUTHORIZE THE RELEASE OF A MASTER LEASE AGREEMENT AND A CITY LEASE AGREEMENT BETWEEN THE COMMUNITY URBAN REDEVELOPMENT CORPORATION AND THE CITY OF GAHANNA; FOR PROPERTY KNOWN AS 1000 MORRISON ROAD (LOT 24 OF THE TIZ); TO BE TRANSFERRED TO JESCOH ENTERPRISES

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

**ORD-0130-2010**

TO AUTHORIZE THE RELEASE OF A MASTER LEASE AGREEMENT AND A CITY LEASE AGREEMENT BETWEEN THE COMMUNITY URBAN REDEVELOPMENT CORPORATION AND THE CITY OF GAHANNA; FOR PROPERTY KNOWN AS 845 CLAYCRAFT ROAD (LOT 26 OF THE TIZ); TO BE TRANSFERRED TO JESCOH ENTERPRISES

**This Matter was Adopted 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	6	President of Council Kneeland, Vice President of Council Ewald, McGregor, Anderson, Samuel and Larick
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Absent	1	McAlister
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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:**

Ewald stated he received a letter from Becky Cornett; will make it available to Council office to distribute to all of Council.

**I. SECOND READING OF ORDINANCES:****ORD-0110-2010**

TO REZONE 2.368+/- ACRES OF PROPERTY AS L-AR, LIMITED OVERLAY/MULTI-FAMILY RESIDENTIAL; SAID PROPERTY LOCATED AT 4251 EAST JOHNSTOWN ROAD; BUCKEYE COMMUNITY HOPE FOUNDATION, APPLICANT.

Kneeland acknowledged receiving an e-mail from the applicant, Roy Lowenstein of Buckeye Community Hope Foundation, withdrawing his application; based on discussion with Weber, we need to extend the time to act as we are past our initial 90 days and then we can make a motion to postpone indefinitely; since legislation was introduced action does need to be taken.

**A motion was made by Samuel, seconded by Anderson, that pursuant to Charter Section 11.06 we extend the time to act on ORD-0110-2010 for 60 days. The motion carried by the following vote:**

**Absent        1     McAlister**

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

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

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

**Absent        1     McAlister**

**J. FIRST READING OF ORDINANCES: None.****K. MOTIONS/RESOLUTIONS: None.****L. REPRESENTATIVES:****Community Improvement Corporation (CIC) - Ewald/Kneeland:**

Ewald stated he will make monthly updates available to Council; reviewed signage for property across from Key Bank; talked about building concerns; in other items Bob Moorehead is moving and will no longer be serving on CIC; he serves as treasurer; do appreciate his service; with regard to fiber committee they gave a report at the meeting; that contract should be finalized this week; working on CIC branding; thank City for providing some raw material. Kneeland stated that with Bob Moorehead leaving there are 2 fairly large vacancies; need someone with a deep financial background; asking for some names; if anyone has someone in mind please have those names forwarded to the Mayor so we can move forward as soon as possible.

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

McGregor stated she went to meeting on July 8; one discussion went on quite a while; passed a resolution to send to House and Senate regarding bills that limit recovery for water companies; American Water Company serves Blendon, Sharon and Madison townships and other communities around Franklin County; people have been complaining for several years about their rates; they improve the infrastructure and put all expense on people who use the water; they have a fairly high profit margin; their rates are 3 times what we pay; these bills limit the amounts; long discussion whether we should support this amendment; they are a private water company and they do have expenses that municipal companies don't have; working on sorting it out; is affecting the ability of people to sell their houses because of their water rates. Kneeland noted that MORPC seems to be taking a change in direction in strategic and philosophical modes of operation; embraced more county and less city vision. McGregor stated they are expanding their entire work process. Kneeland noted a large focus on green projects. McGregor stated they are expanding to a lot of areas; there is a lot of money to do some housing things from the recovery act.

**Bd. of Education, Gahanna-Jefferson Public Schools - Larick:**

Larick noted that there was discussion in the presentation of Clark Hall that the exterior should be done in November; tomorrow is the meeting to attempt to pin down and get clarity on levy and amount it would be; will be at 6:30 p.m. in the administrative offices.

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

**M. OFFICIAL REPORTS:**

**Mayor:**

Stinchcomb noted we are celebrating Parks & Recreation month. Collins noted that we culminated our celebration on Saturday with the Cultural Arts Festival; was a Concert on the Creek that night; invited our local representatives to see the return that comes from investment in Parks & Recreation; Mark Bell from Pat Tiberi's office was present as well as Nancy Garland; great things happened downtown last weekend; recognized our representatives for their support of Gahanna; Mark Bell presented a proclamation recognizing Parks & Recreation for our efforts in Gahanna; this is a new way to share our story and to get more people involved.

**City Attorney: No Report.**

**N. COUNCIL COMMENT:**

Samuel stated the Rockefeller Institute will be lobbying state legislators to increase sales tax by 1/4% to aid public transit; the good news is that COTA now has 6 hybrids in operation; were made in the US.

Kneeland stated that on July 28 Planning Commission, Council and members of the administration will have a joint summit so to speak; will talk about current financial issues so they are aware; also in attendance will be Weber, Mayor and some of her staff; general discussion on operational issues; will be here at 6:00 p.m. next Wednesday; will have agenda out by the end of this week.

Ewald noted a project that has not come forward yet formally to the City is for a developer to place 100 units at Carpenter and Hamilton as Section 8 housing; don't have all the specifics; not officially filed with the City at this point; did get an e-mail from a resident; there is a neighborhood meeting on Wednesday evening at 7:00 p.m. at Peace

Lutheran Church.

**O. ADJOURNMENT: 7:55 p.m. - Motion by Anderson**

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

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

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**Thomas R. Kneeland**  
**President of Council**