

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, June 7, 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, June 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 Vice President Ewald followed by the Pledge of Allegiance. Agenda for this meeting was published on June 3, 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:

Council President Kneeland appointed Dave Samuel to the Tax Incentive Review Council for this year.

C. HEARING OF VISITORS:

Kneeland read and presented to Gregg Morris a resolution for his service to the community as Superintendent of Gahanna Jefferson Schools for the past 14 years.

Morris thanked Council for kind words; am a little speechless; this has been my honor to serve this community for 14 years; it is my 4th superintendency; this has been especially wonderful; for an individual to be able to work with everyone in communities like this is special; don't know what better work someone could have; know of no other school district and city that works better together than this one; has been my honor to be a part of this community.

Sharon Montgomery, 572 Bonnington Way, thanked Council for discussing driving while texting again; especially thank McAlister for getting it back on agenda; April 19 asked you to have two-way communication about this complex and important safety issue; asking that again; Gahanna wisely seeks input on many issues from citizens with a range of perspectives; please do that for this issue; at May 24 committee, McGregor wondered if having a law against specific behavior of texting might be worth it for educational value; absolutely; one of the many benefits from making this behavior illegal as opposed to just relying on generic full attention law we have; Anderson sought Murphy's comments; chose to let Spence speak who reiterated common concerns about enforcement; those concerns should be seen as problems to solve, not reasons for inaction; police should already have solved them as they patrol I-270 through Gahanna and bus and truck drivers have been under a federal ban on texting since last fall; also concerned about getting a search warrant for a driver's phone records if the driver denies texting caused his erratic driving; a specific law against texting will stop the majority of the drivers from doing it; for those who persist then deny handle it like drunk driving; when you stop an erratic driving who then appears drunk, you presume he is drunk; he can rebut this presumption by allowing one of the sobriety tests; similarly you can presume an erratic driver who appears sober and has a communication device with him was using the device; burden then falls on him to produce his own phone bill which shows when he called or texted; Ewald likened this to a speeding ticket for which driver has to prove his innocence; despite our cherished tradition of innocent until proven guilty, there is ample precedent for this presumption; Spence said having a law with zero enforcement is not good; he's absolutely correct; the solution here is to enforce where he seems to be saying the solution is not to have the law; urge each of you and every citizen still unsure about the need for this law to substitute "drunk driving" for "texting" or "phoning;" in every question you ask or concern you raise; that should make it clear; was discussion about more education; that will help but it isn't enough by itself;

education says you shouldn't text or phone while driving because the risk of crashing is so high; human nature says "it won't happen to me"; must have a law that says you're not allowed to do it because the risk is so high; not only is the risk as high or higher than drunk driving, the drivers who text or phone are more culpable than drunk drivers; legal culpability is based on knowledge and intent; when a drunk decides to drive, his judgment is already impaired when he makes that decision; a phoning or texting driver's judgment is not impaired when he makes the decision; he knows the risk and intends to take it; Ewald suggested a creative new solution - using the generic full attention law but increasing the fine when the inattention was caused by texting; if police won't enforce a texting law, that is certainly an idea worth exploring but it should be a last resort; we're one of the 100 best places to live and have departments winning state and national awards; we are not a city that settles for less than the best; we shouldn't settle for less than the best solution to this serious safety issue; there is much more we need to talk about; I'm not the only one who hopes you'll provide that opportunity; the other victim in the student video you saw in April collected 167 signatures at the high school's health fair on April 21; I have those signatures for you tonight.

In response to question from McAlister, Sherwood stated this item was set to come back to committee next week.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:

Ordinances - To Be Introduced and Assigned to Committee:

Ordinances introduced, by title, by Samuel.

ORD-0112-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH AFS WEB FOR REDESIGN OF THE CITY OF GAHANNA WEBSITE.

Introduced, to Regular Agenda

ORD-0113-2010

TO ADOPT RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION OF THE CITY OF GAHANNA, AS REVISED MAY 21, 2010.

Introduced

ORD-0114-2010

TO AMEND SECTION 537.12, MISUSE OF 9-1-1 SYSTEM, OF CHAPTER 537, OFFENSES AGAINST PERSONS, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Introduced

ORD-0115-2010

TO AMEND SECTION 715.06 FALSE ALARM PROHIBITED; AND TO DELETE SECTION 715.09, EXEMPTIONS, OF CHAPTER 715, ALARM SYSTEMS, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

Introduced

ORD-0116-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO LPA AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FRA-GAHANNA INFRASTRUCTURE; FOR IMPROVEMENTS IN THE VICINITY OF SEVERAL GAHANNA SCHOOLS; PID88483.

Introduced

E. CONSENT AGENDA:

Minutes - To Approve:

2010-0029

To approve the following sets of Minutes:
1) May 3, 2010.

2) May 17, 2010.

This Matter was Approved and Filed on the Consent Agenda.

Ordinances on Second Reading:

ORD-0093-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT AGREEMENT WITH TERRENCE A. GEE, 426 DEBRA LANE, FOR PERMANENT RIGHT OF WAY NEEDED FOR THE WEST GAHANNA SANITARY SEWER PROJECT; IMPROVEMENT NO. SA944; AND TO DECLARE AN EMERGENCY.

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

ORD-0094-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT AGREEMENT WITH KEITH T. & NANCY JEAN GAYER, 414 DEBRA LANE, FOR PERMANENT RIGHT OF WAY NEEDED FOR THE WEST GAHANNA SANITARY SEWER PROJECT; IMPROVEMENT NO. SA944; AND TO DECLARE AN EMERGENCY.

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

ORD-0095-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT AGREEMENT WITH STEVEN M. BOWMAN, 402 DEBRA LANE, FOR PERMANENT RIGHT OF WAY NEEDED FOR THE WEST GAHANNA SANITARY SEWER PROJECT; IMPROVEMENT NO. SA944; AND TO DECLARE AN EMERGENCY.

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

ORD-0096-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT AGREEMENT WITH LEON COHAN JR. OR PATRICIA A. COHAN, 251 SHARA PARK PLACE, FOR PERMANENT RIGHT OF WAY NEEDED FOR THE WEST GAHANNA SANITARY SEWER PROJECT; IMPROVEMENT NO. SA944; AND TO DECLARE AN EMERGENCY.

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

ORD-0097-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT AGREEMENT WITH SHAWN R. EVANS, 388 SANDRA COURT, FOR PERMANENT RIGHT OF WAY NEEDED FOR THE WEST GAHANNA SANITARY SEWER PROJECT; IMPROVEMENT NO. SA944; AND TO DECLARE AN EMERGENCY.

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

ORD-0098-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT AGREEMENT WITH MARY D. SALLS, 441 WEST JOHNSTOWN ROAD, FOR PERMANENT RIGHT OF WAY NEEDED FOR THE WEST GAHANNA SANITARY SEWER PROJECT; IMPROVEMENT NO. SA944; AND TO DECLARE AN EMERGENCY.

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

ORD-0099-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT AGREEMENT WITH RICHARD D. CAVENDISH, 222 BALLARD DRIVE, FOR PERMANENT RIGHT OF WAY NEEDED FOR THE WEST GAHANNA SANITARY SEWER PROJECT; IMPROVEMENT NO. SA944; AND TO DECLARE AN EMERGENCY.

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

ORD-0100-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT AGREEMENT WITH VERNON F. & MARGARET SWINGLE, 507 CHERRY ROAD, FOR PERMANENT RIGHT OF WAY NEEDED FOR THE WEST GAHANNA SANITARY SEWER PROJECT; IMPROVEMENT NO. SA944; AND TO DECLARE

AN EMERGENCY.

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

ORD-0101-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT AGREEMENT WITH CURTIS BOOTH, 212 BALLARD DRIVE, FOR PERMANENT RIGHT OF WAY NEEDED FOR THE WEST GAHANNA SANITARY SEWER PROJECT; IMPROVEMENT NO. SA944; AND TO DECLARE AN EMERGENCY.

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

ORD-0102-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT AGREEMENT WITH SAGER W. TALLMAN, 202 BALLARD DRIVE, FOR PERMANENT RIGHT OF WAY NEEDED FOR THE WEST GAHANNA SANITARY SEWER PROJECT; IMPROVEMENT NO. SA944; AND TO DECLARE AN EMERGENCY.

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

ORD-0103-2010

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH G & G ENTERPRISES FOR THE SHULL AVENUE/CARPENTER ROAD WATERLINE IMPROVEMENT PROJECT; IMPROVEMENT NO. ST951; AND TO DECLARE AN EMERGENCY.

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

ORD-0104-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH WATCON CONSULTING ENGINEERS & SURVEYORS FOR CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES FOR THE SHULL AVENUE/CARPENTER ROAD WATERLINE IMPROVEMENT PROJECT; IMPROVEMENT NO. ST951; AND TO DECLARE AN EMERGENCY.

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

ORD-0105-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH THE GAHANNA JEFFERSON SCHOOL DISTRICT; FOR THE PROVISION OF SCHOOL RESOURCE OFFICERS TO THE GAHANNA-JEFFERSON SCHOOL DISTRICT.

This Matter was Adopted on the Consent Agenda.

ORD-0106-2010

TO ACCEPT QUITCLAIM DEED FOR 0.267 ACRE PARCEL OF LANDLOCKED LAND ADJACENT TO US 62 FROM DONALD LEATHERY; PARCEL NO. 025-001811.

This Matter was Adopted on the Consent Agenda.

ORD-0107-2010

TO AUTHORIZE THE MAYOR TO ENTER INTO LPA AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FRA-270-36.94; TO REHABILITATE A SECTION OF I-270 FROM HAMILTON ROAD TO BROAD STREET; PID NUMBER 86067.

This Matter was Adopted on the Consent Agenda.

ORD-0108-2010

TO ACCEPT THE DONATION OF \$922 FROM THE GAHANNA PARKS & RECREATION FOUNDATION; AND TO SUPPLEMENTALLY APPROPRIATE SAID DONATION TO A RECREATION ACCOUNT

This Matter was Adopted on the Consent Agenda.

ORD-0109-2010

TO ADOPT THE 2010 UPDATE TO THE GAHANNA BIKEWAY MASTER PLAN

This Matter was Adopted on the Consent Agenda.

Resolutions to Adopt on First Reading:**RES-0007-2010**

TO HONOR AND COMMEND GREGG MORRIS FOR YEARS OF SERVICE AS SUPERINTENDENT OF SCHOOLS FOR THE GAHANNA-JEFFERSON SCHOOL DISTRICT.

This Matter was Adopted on the Consent Agenda.

Motion Resolution:**MR-0022-2010**

Motion Resolution that the City objects to the issuing of the new C1 and C2 Liquor Permit for FPC LLC, DBA Big Daddy's Drive Thru, 1115 North Hamilton Road; and requests a hearing.

This Matter was Approved on the Consent Agenda.

MR-0023-2010

Motion Resolution to suspend the rules of Council to allow for two Finance Committee meetings in the month of June instead of a Committee of the Whole and Finance Committee.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Anderson, seconded by Larick, 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

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:

Kneeland noted that MR-0023-2010 passed tonight suspending the rules to allow 2 Finance Committee meetings this month instead of a Committee of the Whole and Finance.

H. CORRESPONDENCE AND ACTIONS:

Clerk - Legal:: No Report.

Council: No Report.

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.

Motion by Ewald, seconded by Samuel, to adopt. Discussion held on postponing for 2 weeks at applicant's request.

A motion was made by Larick, seconded by McGregor, that this matter be Postponed to Date Certain to the Regular 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

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

Kneeland stated meeting is tomorrow.

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

McGregor stated meeting is Thursday.

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

McGregor stated she will be covering the meeting on Thursday.

Convention & Visitors Bureau (CVB) - Kneeland:: No Report.**M. OFFICIAL REPORTS:****Mayor:**

Stinchcomb stated she has had great response concerning the Citizens Financial Advisory Committee; asked for council members and public to recommend names for people to serve; happy to announce that we have 40 names submitted for consideration; contacting each person to submit a letter of interest; need to decide how many we can have serve; good problem to have; intent is to have it meet twice a month for several months; hope to have several suggestions in the September time frame; at 5:00 p.m. today we had a dedication of the murals at Creekside park; thank schools and Parks & Recreation Department; also want to mention that we had a very thoughtful and honorable Memorial Day ceremony; recognize Tom Kneeland for the 10th anniversary of the Veterans Memorial dedication; Kneeland was emcee and Matt McGregor did an excellent job as speaker.

City Attorney: No Report.**N. COUNCIL COMMENT:**

McGregor stated she was not able to go to mural dedication; did go look at them Saturday; was a great job.

Larick stated he went to graduation this weekend; welcome our new adults to the

community; is a very accomplished group of recent graduates.

Anderson echoed comments of the Mayor about the murals; went to dedication; encourage everyone to take a look; appreciate the talent of our young people; remind people of the Blues & Jazz festival on Fathers Day weekend; book your calendar now; looking for a great turnout.

Samuel stated it has been hopping at Creekside; enjoyed Paws at the Park on Thursday; also this past Saturday at the rotary stage area was packed; had a great time.

Ewald thanked Montgomery for coming in; had discussion about now tweeting updates in City of Columbus on road conditions. Hoyt stated it was State of Ohio that is doing it. Ewald noted we're asking to cut down on phone usage while we are tweeting updates.

Kneeland stated he appreciated all the support the Veterans Memorial Committee gets from Parks Department; can't put that event on without all the support we get from the department; flawless ceremony; Matt McGregor did an awesome job.

O. EXECUTIVE SESSION:

A motion was made by Samuel, seconded by Anderson, to go into Executive Session under authority of Section 5.40(a) of the Council Rules of Procedure to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee, official, licensee or regulated individual unless such public employee, official, licensee or regulated individual requests a public hearing. The motion carried by the following vote:

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

In response to question from Kneeland, Mayor asked that Weber, Teal, Braun, and Treadway attend the Executive Session. President stated there would be no action taken out of Executive Session.

Council rose to Executive Session at 7:50 p.m. Council rose to report from Executive Session at 8:28 p.m. with all members returning to the dais.

P. ADJOURNMENT: 8:30 p.m. - Motion by Samuel.

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

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

Thomas R. Kneeland
President of Council