

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, July 11, 2011

7:00 PM

Council Committee Rooms

Committee of the Whole

Brian D. Larick, Chair

Beryl D. Anderson

Shane Ewald

John R. McAlister

Nancy McGregor

Timothy W. Pack

David L. Samuel

Isobel L. Sherwood, MMC, Clerk of Council

Members Absent: Timothy W. Pack

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

Additional Attendees:

Gen. Jim Williams, Brian Hoyt, Dottie Franey, Troy Euton, Karl Wetherholt, Mike Andrako, Chief Murphy, Isobel Sherwood, Tom Weber, Anthony Jones, Angel Mumma, Mayor Stinchcomb, Tim Spencer from Trivium Development, LLC, Scott Sonnenberg from Eco-Design & Engineering, Press.

ISSUES - From Director of Development:

TIF Agreement - Buckles Tract

Larick called the meeting for Monday, July 11, 2011, to order; said we have a large population of folks in attendance and we appreciate having the public here to witness the dialogue within Council; would remind everyone the discussion is for our purposes; Council may ask for information from someone in attendance and, at that time, they would be allowed to speak with speaker time closely managed.

Jones provided a power point presentation with details of the Tax Increment Financing (TIF) Agreement for the Buckles Tract; a copy is available in the Council office.

Questions and comments:

Samuel asked if the fiber network included in the infrastructure is being installed. Jones said yes; it is going in as the road is being built; the property owner and the client that is interested in this have needs for broadband services.

Anderson said bear with me as I just received this information; can you elaborate on the benefits to the schools. Jones said as part of state regulations for TIFs they must be in agreement; the majority of TIFs require us to make them whole; here they are sacrificing funds in the short term and are agreeable to this; we met with them and they are enthusiastic about the project; so this is a significant move forward.

Larick asked when the PILOT payments will begin if the TIF is established. Jones said the TIF term is for 30 years; the PILOT payments will repay the City for the infrastructure in approximately 4 years; the remaining TIF term will pay for City parkland and our local match obligation; the contract will begin when the TIF is established, the building is built, and the paybacks begin; this client wants in dirt by October and to be in occupancy by next July.

Mayor said I would add that we appreciate the schools' cooperation; taxpayers need to realize that this site is currently taxed at a low level as farm property and the school gets nothing; as we build here and create value we have immediate return; for the next 30 years we get value and they will get most of the property tax; this first development is just 3 acres of the 70 acres approved for development which will be planned revenue sources.

Jones said we are allocating funds for this from the Eastgate TIF; the fiber connections are paid for from capital improvement funds for infrastructure improvements. Mumma said I would remind Council that the funds are from the General Fund; the Eastgate TIF owed \$2 Million to the General Fund; we are not using one TIF fund for another; the Eastgate TIF money goes into the General Fund; then the General Fund covers the costs.

McGregor said the parkland improvements and Tech Center Drive local match are \$1.6 million. Andracko added the water line; all improvements are eligible to be reimbursed as long as it contributes to the success of the TIF district.

McGregor said if you put it in the development, is it limited to that. Jones said yes; there is \$580,000 for the parkland development and the public infrastructure dedicated to just this area and for just those purposes. McGregor asked what if something comes up.

Jones said the language is all encompassing like language to include storm water mitigation; Phases 2 and 3 have not been determined; so this is only for the specific TIF area.

Larick said since this TIF is for the rules, wouldn't it be better to write it as open as possible instead of restrictive. Jones said it is all encompassing which is not restrictive. Ewald asked what the impact on Pizzurro Park that is there now will be; will it be shut down. Jones said there is no impact; they will allow access all the time so there is no disruption at that park. Ewald asked if the land owner is aware of the current use of that park; will it stay a dog park. Mayor said that is undetermined.

McGregor asked if the existing park is part of the TIF. Jones said he would have to clarify; they are eligible so he will check and get back to you.

Anderson asked if there are any negatives to this. Jones said no; there will be no tax abatements for the area to spur investment, but the pay back of real returns is quick; fact is we have done a lot of development plans for the area with what it could look like; all of them have fallen by the wayside; we have a committed user and that will direct the flow of the development; as the first, they will set the precedent. Anderson asked how this impacts the continued development of Phase 1 or Phase 2. Jones said it would impact geographically; go from access points which is not a bad thing. Anderson said so having this TIF does not deter future TIF agreements. Jones said no, not at all.

Ewald said on infrastructure improvements like the road, does it take into consideration landscaping, sidewalks, street lights, and other elements. Jones said the owner would not agree to a development that was not walkable; people need to be able to walk to retailers; would like this to be mixed use. Larick said so you would describe the area from the curb to the inside of the sidewalk as what could be funded by this. Tim Spencer asked about the tenant who will occupy the new build. Jones said we are not able to name them at this time.

Recommendation: 1st Reading; no need to come back; 2nd Reading, Consent.

ISSUES - From Council Meeting:

Junkermann Property Agreement Modification

Jones said we have not finalized the language requested yet; we would like to request that you allow us to finalize the terms and present it at the next committee meeting.

Recommendation: Return to Finance Committee Agenda for July 25, 2011.

McKenna Creek Proposed Detention Basin

Franey said my report has the general information about meetings that have occurred; with the feedback received, and the concerns from the July 5 Council meeting, we have decided to pull the bid and look into the areas outlined; we will contact ODNR (Ohio Department of Natural Resources) to ask about storm water storage; we will revisit the area with the City of Columbus north of Morse Road; we did look into it but will revisit it to see if any changes or proposals from the City of Columbus actually answer questions or refine drainage studies and provide input on that; we have considered offering some storm water credits if they modify the location to hold back water; there are very strict requirements for current development of the area; we will get all of this

and then come back to committee; other options are we could move forward with the basin incorporating some of Scott Sonnenberg's design or hold off for Columbus to make modifications; when we move forward we will ask for emergency to continue to try to meet the time line.

Larick said are we finalizing this even though additional possibilities could exist, and risks for funding or other requirements could come to the surface with delays in time. Franey said the only risk with delay is we will be left in the same state as we are in now. Mayor said we will lose the construction season and it is a significant period of time past next spring when we could again implement. Ewald said how much of a delay can we afford and still do the work this year. Franey said our bid goes out in 3 weeks in order to meet this year. Ewald said we could tell Columbus our time frame. Franey said we are always going to ask for time frames; when we ask them to look at our study, if they say yes, then we ask what is their time frame; it could be in 5 years or right away. Ewald said they may take awhile as they have been reeling from problems with the EPA. Samuel asked if we have met with Columbus before. Franey said we met in the original planning stage; they were courteous but had an enormous amount of work on their plate; we are low in priority. Anderson asked who you meet with at the City of Columbus. Franey said usually Dax Blake who is over storm water issues. Anderson said some of the residents mentioned that sometimes it is not the same route; it might be helpful to know other people; get in a back door. Mayor said this is done with a written request. Franey said we can ask if someone can meet face to face and respond to questions; we are going to convey our time frame. Anderson said what is the maximum amount of time before something negative happens. Franey said we would just lose construction time. Anderson asked if spring is too late for the correction of erosion. Franey said the longer we wait, it is what it is and continues as it is now. Anderson said so the erosion would continue; how long before it gets too aggressive. Franey said I don't know the answer to that. McGregor said it depends on the storms and water flow; it would depend on where they have heavy rainfall; water velocity is also a problem now. Anderson said so the sooner the better. McGregor said we worked on this 5 years ago and there was a lot of opposition at that time; this fix came up as a best option; there is no one thing that is a 100% fix; we should go ahead with this planned fix. Larick said what does this fix do. Franey said it is a reduction of peak flow of water that flows through Shagbark; so you would favor going to bid even if it is not a 100% fix. McGregor said due to the Indiana Bat, we would have until next fall to act if we don't do it now; they are a protected species and we can not do construction during their nesting season which is late summer or early fall. Larick said so time is a driver; this has to occur now. Franey said I understand what you are saying and there is value in considering the other side. Samuel said in our discussions with Columbus we need to be realistic; they have not jumped out and offered to help; I don't want to be pessimistic but I am not sure talks with them will result in any action. Franey said the only answer I have for creating interest is to offer the storm water credits as an incentive for the businesses to do some modification. Larick said so it is a fair statement to say for our time line we have a 3 week window. Franey said yes; we may be able to wait until next committee to get a feel for our Columbus discussion and move forward on the project with the advertising. McAlister said Sonnenberg is here; can he say a few words about his findings. Sonnenberg said the pond is an earthen basin with a bottom of concrete for water inlet to outlet; it would cost approximately \$50,000 to renovate this to remedy the outlet control structure; not a large amount or high cost item to retrofit it. Ewald said I understand the time frame if we put out to bid; can't we go out to bid a second time. Franey said we could reject all bids; award a new bid with a change order. Anderson said I would like to hear why this is the best short term fix. Franey said it will reduce the flow out by 48%; anything done to control the stream flow better than we do now would help the condition; at the rate it comes down now it is getting near structures and if we held back an additional 48% and let it out at a controlled pace we could lessen some of that

damage. Sonnenberg said it is a good short term fix; it will reduce peak flow and peak flooding and lessen erosion on creek banks. McGregor said one issue is peak flows and the other is the volume of runoff; this does not really address the volume of runoff; this is still a best short term fix; this is a good location; we are looking at it; 200,000 cubic feet and one of the issues with the Giant Eagle basin is it contains 80/100,000 cubic feet of storage; the final is 200,000 so the net increase of storage to impact flows is 100/120,000 cubic feet. Anderson said so if Columbus does not agree or won't help and we want to fix it, is this the best effort given what we have. Sonnenberg said I think it is good to proceed with a project like this; it could be less expensive and less damaging from an environmental standpoint so it is worthwhile; the basin as designed with cost benefits is more worth it to the City than a creek redesign would be. McGregor said this is not a short term fix; it is a partial fix; this fix is done to address the erosion; what about the houses and condos downstream that are losing their bank because of water; some have lost 2 or 3 feet of bank; there is such an increase in velocity and volume of water in a storm; while a different solution may be available, this is the one we should do; pervious pavement would help in addition to this project; engineering has worked on it and we need to act. Ewald said I agree with McGregor; the project in front of us has taken some time; could bring it back to next committee but should go forward. Mayor said it is a partial solution but this basin will last a long time; we should do what is in our control; this is crossing 2 jurisdictions; it is not a high priority to Columbus; the businesses met the original requirements; we could possibly offer credits to stimulate them; we will try; here so Council is aware but we already have permission to bid but we're not going to use it; we have decided to hold back until we decide if we should go ahead; we want to talk to Columbus first. McGregor said if we wait another 3 weeks and bring this back to committee, will we still have time to do this in the fall. Franey said we have permission to bid so I could research, come back with a new recommendation; we do not need anything from Council; no formal legislation; once the bid has been awarded then the contract would have to be authorized with emergency. Larick said in 2 weeks. Anderson said thank you for working so hard on this and reaching out to the community.

Franey said in order to bid, we have to advertise it for 2 weeks; it is possible to advertise in a week, and then go back to committee; it would still be soon enough to cancel but would give us a week's advertising to go forward. Ewald said that sounds fair. Larick said it will properly keep the process moving forward. Franey said then we will go ahead and advertise and bring it back to committee with recommendations to cancel or go forward. McGregor said when you talk to Columbus and ODNR, and they say A/B/C, will that change our desire to do this project. Franey said if we go to Columbus and they are in midst of a program to offset, we might reduce the size; odds of that are slim; it is possible they could say the storm water credit isn't appropriate for this area and we would have to make modifications. McGregor said this is an important project and we should do it anyway; we can have a 40 to 50% reduction why hold off on doing this. Mayor said we are giving Council this opportunity based on last Tuesday's meeting; we felt we should discuss the differences; considerable time and money has already been spent; if was not Council's desire to go forward we wanted to hear that; we agree that every firm will probably design a different basin and conditions will only continue ongoing damage. McGregor said we have had an odd year with a lot of water; don't see any point in delaying the bid; it is not a 100% fix but an improvement when they are done.

Samuel said our departments have spent time on a solution that is good for the majority; suggest we move forward like McGregor has said. Larick said Franey is providing a reasonable time frame look at this as well as move forward. Anderson said it is still not clear that this potential effort is the best; it is such an unknown; do we know this is the best short term fix; was the best study done and is this the best fix.

Weber said the bids are already authorized and will go forward; Council can revisit after

Franey does her research at the next committee meeting.

Recommendation: No action required; revisit at Finance Committee on July 25, 2011.

Westside Sewer Project - Bud Cohan

Franey said Mr. Cohan came in for discussion; on Friday, Andrako and the Mayor and I came to agreement with him to rectify his concerns; he is happy with the fix. Mayor said we also met with all his neighbors; would like to compliment the professionalism of the city staff; we believe this issue is resolved.

Recommendation: No action required.

PENDING LEGISLATION:

ORD-0140-2011

SUPPLEMENTAL APPROPRIATION - Parks Contract Services

Sherwood said Council asked for this to come back to Committee.

Euton said we are asking for funding to deal with the most hazardous trees; need to take out the worst ones; we want to offer some assistance to remove the tree and grind the stump.

Larick asked isn't this the property owners' responsibility; don't we take away their responsibility when we identify and remove and maybe replace these trees. Mayor said there is no replacement program; we are removing them and grinding the stump. Larick said if they have a sidewalk that is damaged, the City does not pay to fix it; it is the homeowners' responsibility; why is this different than that. Euton said we came forward because it is every Ash tree in Franklin County and because of the number of calls we are getting; it is not a new problem to us; we compared ourselves to other communities and they are doing a lot more for their residents; it is a big problem all over; this \$18,000 will not solve the problem; this will allow us to provide some assistance to blighted neighborhoods.

Weber said there is a safety issue involved; we wanted to help relieve the burden because of that; we have more influence if we are involved and can be more persuasive about the trees that they do own.

Samuel said if we come up with policy and procedure for this we should make it available on our website so residents understand what we are doing; we could explain what happens to Ash trees if you use no pesticides.

McAlister asked what the cost is per tree. Euton said \$150 to remove the tree and stump; some folks are saying they could get it done for \$75 but we haven't found them; we have a trained arborist to identify the worst situations. McAlister said at \$150 and with 1660 trees are we setting a precedent; it could cost a quarter of a million dollars; the City could put together a package deal and make it available to residents. Mayor said we are working on that; trying hard to facilitate that but since we are not buying anything it is hard to get a deal; the trees are so different; some are 4 inches and some are 10 so that is a vastly different price; we thought if we have some funding for the biggest problems it would help but it is not our responsibility. Ewald said I have no problem supporting legislation when it is a safety issue; one could fall on a car or house, or the street or power lines; it could be very disruptive and the impact could be great. Mayor said and that is why it is different than a sidewalk issue; because of citizen safety, this is much worse. Weber said think if one fell on a child; this is a grave public safety risk. Samuel said are we liable if our arborist fails to identify one and it falls. Weber said I don't think so; the homeowner still has the responsibility; we are not assuming that responsibility. McGregor said weren't we looking for a grant; we could give \$100 to plant a new tree; I am afraid residents won't replace them when we take one out; if we gave them a grant to take it down then get a new one it might help; I am bothered by losing street trees but I know financially we don't have that kind of money. Mayor said we may do something like that going forward. Larick said if we have 1660 Ash trees in the City, this will only

take care of a few hundred for removal. Mayor said this is a pilot project; if revenues improve and we want to do more we can entertain that idea; we do have sister communities paying for it all. Larick said at our last meeting, Collins said he thought it would be about \$450 a tree. Euton said that would have included replacement; this is just for removal.

Recommendation: 2nd Reading, Regular Agenda.

Recommended for Adoption

ISSUES - From Director of Public Service:

Creekside Parking Garage Elevator Inspection Contract

Franey said we have an inspection contract for the elevators at the Police building and City Hall; we had to determine what to do about the elevator at the parking garage where the City is in full control of all the maintenance; we have a proposal from this same company for a 5 year contract at \$270 per quarter, which is the same rate we pay for the others; we are requesting legislation for the Mayor to enter into this agreement. Samuel said there are 2 elevators in the garage; which do we maintain. Franey said it is the one by the jewelry store.

Recommendation: 1st Reading; no need to come back; 2nd Reading, Consent.

ISSUES - From City Attorney:

Charter Change Issues - Resolutions for Board of Elections

Weber said here are the copies of proposed changes for the ballot; you will need to pass them next meeting as they are due at the Board of Elections in August for the November ballot; I will take them down; I have a call in to the Board of Elections about a change in Section 5; this is an administrative function for Council and you have the obligation to pass the Resolutions. Mayor said just to reiterate what it says in our Charter, you are mandated to do this; once the Charter Review Committee has finished, Council has a legal obligation to submit the Charter changes; you do not have to approve of them; that is up to the voters. McAlister said I have a comment; I sat in on a meeting where they were discussing changing ward Council term to 4 years; why would anyone run at large when it costs more; how many times are you challenged in the wards; not often; if voters go for this, they should also raise the salary for the at-large Council members; I am of the opinion that a ward member should have to run every 2 years because of the cost for the at-large position; I hope this doesn't backfire on the City of Gahanna. Ewald said this was on the ballot 10 years ago; there was a desire to stagger the terms; there have been 3 reviews and none can come up with a method that is fair. McAlister said so if they decide to throw it all out, so be it. Mayor said Council maintains control over salaries. Samuel said just like with the staggering of terms, we could have whole new Council elected this fall; this current group was involved in the budget; a new Council in January could have to do the appropriations of the money and not have any idea of the history or the whole process; it takes 2 years to learn about everything; remind people that this is not a part time job; can't think is not going to take a lot of time and then back out when they find out the true time line.

McGregor said do we have to officially agree to these; can't bind us to this vote but in the Charter we are restricted to even years for election; if we could stagger that. Weber said that is state law and that is part of the challenge; some of this was discussed in Charter review; you can present your own changes if 5 of you agree to it. McGregor said then you could have competing issues and what if both pass. Weber said the problem with that is you are out of time; suggestions must take place, then you need to have a

discussion or a committee to determine what issues Council would want to on the ballot. Larick said for a procedural question, we are duty bound to vote for this. Weber said you must put it on the ballot but that does not mean you endorse it; it cannot be modified; you are not allowed to tweak it.

Recommendation: 4 Resolutions, Consent Agenda.

ISSUES - From Clerk of Council:

Liquor Permit - Whiskey Ranch

Sherwood said we have a liquor permit transfer request because of a stock transfer of D1, D2, D3, D3A, and D6 liquor permits for MGM Entertainment Inc., DBA Whiskey Ranch & Patio, 154 N. Hamilton Road, Gahanna, OH 43230.

Recommendation: Motion Resolution, Consent.

Civil Service Appointment

Samuel said I would like to ask for a Motion Resolution to appoint Paul Bittner to Civil Service to replace Katie Essex.

Recommendation: Motion Resolution, Consent.

MONITOR:

2011-0001

Monitor Items:

- 1) Capital Improvement Fund

Council agreed it is OK for Sherwood to remove Capital Improvement Fund as a Monitored issue.

Meeting adjourned.

Della Brandenberger, Reporting