

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Monday, March 21, 2011**

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

**7:00 PM**

**City Hall**

## **City Council**

*David L. Samuel, President of Council*

*Brian D. Larick, Vice President of Council*

*Beryl D. Anderson*

*Shane Ewald*

*John R. McAlister*

*Nancy McGregor*

*Andre Porter*

*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 March 21, 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 Brian Larick followed by the Pledge of Allegiance led by Sadicka White, retiring Director of Planning & Development. Agenda for this meeting was published on March 18, 2011.

**Members Absent:** Beryl D. Anderson

**Members Present:** David L. Samuel, Brian Larick, Shane W. Ewald, Nancy R. McGregor, John McAlister and Andre Porter

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

McGregor said concerning MR-0011-2011, I had asked that it be put on Regular Agenda so that we can have some discussion about sending the fence code to Planning Commission.

**A motion was made by McGregor, seconded by McAlister, to move MR-0011-2011 to Regular Agenda, Item K. The motion carried by the following vote:**

<b>Yes</b>	<b>6</b>	President of Council Samuel, Vice President of Council Larick, Ewald, McGregor, McAlister and Porter
<b>Absent</b>	<b>1</b>	Anderson

**C. HEARING OF VISITORS: None.****D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:****Ordinances - To Be Introduced and Assigned to Committee:**

Ordinances introduced, by title, by Larick.

**ORD-0061-2011**

TO AMEND CODE SECTION 121.01, PLACE OF MEETINGS, OF CHAPTER 121, COUNCIL, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA; AND TO DECLARE AN EMERGENCY.

**Introduced, to Finance Committee**

**ORD-0062-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT FOR RENEWAL OF AT&T ILEC ISDN PRIME SERVICE WITH DS1 SERVICE, TELEPHONE SERVICE AGREEMENT; AND TO DECLARE AN EMERGENCY.

**Introduced**

**ORD-0063-2011**

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH MCMILLEN PAVING FOR THE 2011 STREET IMPROVEMENT PROGRAM, IMPROVEMENT NO. 963; AND TO DECLARE AN EMERGENCY.

**Introduced**

**ORD-0064-2011**

TO ADOPT THE MODIFIED CITY OF GAHANNA OFFICE & INDUSTRIAL INCENTIVE PROGRAM GUIDELINES PREPARED BY THE DEPARTMENT OF DEVELOPMENT.

**Introduced****ORD-0065-2011**

TO ADOPT THE RECOMMENDATION OF THE ADVISORY BOARD FOR THE OFFICE & INDUSTRIAL INCENTIVE PROGRAM GRANTING APPROVAL FOR CYPRESS CARE SOLUTIONS; AND TO REPEAL ORD-0125-2010.

**Introduced****E. CONSENT AGENDA:****Minutes - To Approve:****2011-0013**

To approve the following set of Minutes:  
1) March 7, 2011 Regular Meeting Minutes

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

**Ordinance: Introduce, Waive Second Reading, Adopt as Emergency:****ORD-0060-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO NEGOTIATED LABOR AGREEMENT TITLED "AGREEMENT BETWEEN OHIO PATROLMEN'S BENEVOLENT ASSOCIATION DISPATCHER UNIT AND CITY OF GAHANNA, OHIO, JANUARY 1, 2010 - DECEMBER 31, 2012"; TO REPEAL ORD-0081-2007; AND TO DECLARE AN EMERGENCY.

**This Matter was Introduced, Second Reading Waived, and Adopted as an Emergency on the Consent Agenda.**

**Ordinances on Second Reading:****ORD-0050-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH THE GAHANNA CONVENTION AND VISITORS BUREAU FOR THE 2011 CALENDAR YEAR FOR THE PROMOTION AND PUBLICITY OF THE CITY OF GAHANNA; AND TO DECLARE AN EMERGENCY.

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

**ORD-0051-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH WATCON CONSULTING ENGINEERS & SURVEYORS, FOR ENGINEERING AND SURVEY WORK FOR THE SOUDER DITCH WATERSHED.

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

**ORD-0052-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO DEED OF CONSERVATION EASEMENT WITH THE FRANKLIN SOIL AND WATER CONSERVATION DISTRICT FOR THE SYCAMORE RUN RETENTION BASIN; PREVIOUSLY KNOWN AS THE HAMILTON CENTRAL BASIN.

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

**ORD-0053-2011**

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT WITH JACK AND SUE WILLIAMS, FOR PROPERTY AT 5061 SHAGBARK ROAD FOR THE PURPOSE OF OBTAINING SANITARY SEWER EASEMENT FOR THE TRIANGLE WEST SANITARY SEWER, IMPROVEMENT NO. 740; TO SUPPLEMENTALLY APPROPRIATE \$27,000; AND TO DECLARE AN EMERGENCY.

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

**ORD-0054-2011**

SUPPLEMENTAL APPROPRIATION - PERS

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

**ORD-0055-2011**

TO CREATE THE FULL-TIME UNCLASSIFIED POSITION OF HUMAN RESOURCES SECRETARY; TO ESTABLISH DUTIES AND RESPONSIBILITIES; AND TO DECLARE AN EMERGENCY.

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

**ORD-0056-2011**

TO CREATE THE FULL-TIME UNCLASSIFIED POSITION OF FINANCE COORDINATOR; TO ESTABLISH DUTIES AND RESPONSIBILITIES; AND TO DECLARE AN EMERGENCY.

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

**ORD-0057-2011**

TO AMEND ORD-0002-2011, WHICH PROVIDED RATES OF PAY AND BENEFITS FOR UNCLASSIFIED PERSONNEL OF THE CITY OF GAHANNA FOR THE PERIOD JANUARY 1, 2011, THROUGH DECEMBER 31, 2011, TO PROVIDE FOR THE HIRING OF A HUMAN RESOURCES SECRETARY, THE PLACEMENT OF AN INTERNAL EMPLOYEE IN THE NEWLY CREATED POSITION OF FINANCIAL COORDINATOR, AND TO REDUCE THE CLASS ALLOCATION OF THE CLERK OF COURT POSITION; AND TO DECLARE AN EMERGENCY.

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

**ORD-0058-2011**

TO ADOPT THE RECOMMENDATION OF THE ADVISORY BOARD FOR THE OFFICE & INDUSTRIAL INCENTIVE PROGRAM GRANTING APPROVAL FOR MOMENTIVE SPECIALITY CHEMICALS, INC.; TO REPEAL ORD-0102-2007.

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

**Postponed to Date Certain: April 4, 2011**

**ORD-0059-2011**

TO AUTHORIZE THE MAYOR TO EXERCISE THE OPTION TO PURCHASE 110 MILL STREET FROM MILL STREET DEVELOPMENT LLC; TO SUPPLEMENTALLY APPROPRIATE \$345,000 THEREFOR; AND TO DECLARE AN EMERGENCY.

**This Matter was Postponed to Date Certain to the Finance Committee on the Consent Agenda.**

**Motion Resolution:**

**MR-0010-2011**

Motion Resolution to authorize the Director of Public Service to go out for bids for the Big Walnut Trail, Sections 1 and 2.

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

**MR-0012-2011**

Motion Resolution to appoint Ron Barrick to the Senior Center Advisory Board for a second 2 year term.

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

**Passed The Consent Agenda**

**A motion was made by McAlister, seconded by Ewald, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

<b>Yes</b>	<b>6</b>	President of Council Samuel, Vice President of Council Larick, Ewald, McGregor, McAlister and Porter
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Absent 1 Anderson

**End of the Consent Agenda**

**F. PUBLIC HEARINGS:**

**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:**

**Z-0001-2011**

To consider a Zoning application to zone .222 acres located at 470 Havens Corners Road; current zoning RID (Restricted Institutional District), requested zoning CC (Community Commercial); Fifth Third Bank, applicant. (Advertised in the RFE on 2/10/11 and 2/17/11)

Samuel set the public hearing for Z-0001-2011, 470 Havens Corners Road/Fifth Third Bank, for Monday, April 18, 2011.

**Scheduled for Public Hearing**

**Council: None.**

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

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

**K. MOTIONS/RESOLUTIONS: None.**

**MR-0011-2011**

Motion Resolution to send the Fence Code to Planning Commission for review of Chapter 1171.

Larick said I received correspondence from a resident that asks that the fence code be reviewed; especially regarding properties that have side doors off their home; in looking at what is in our code today I think it is relevant to take a look at the code and have Planning Commission look at it.

McGregor said I have been looking at statistics of fence variances; we have a process if a person wants a fence for special circumstances; over the last eleven years there have only been ten fence variances granted, and three in the last eight years; does not make sense to ask Planning Commission to review the code when there is a variance process that has not been used; just one person, not twenty people; not enough of an issue to cause the whole Planning Commission to go through this process at this time.

Ewald asked Mayor Stinchcomb and Weber how long it has been since the fence code litigation. Mayor said it has only been 3 or 4 years since we revisited that. Ewald said the entire code was reviewed at that time; my concern is that we are revisiting an issue

that the City purposely tightened down to prevent future litigation; could very well be opening up a can of worms if we start making exceptions, which is what got us in trouble the last time; I would ask Council to postpone this and review before we start sending it back on a case by case exception; we do have a process and we spent almost a year going through the fence code the last time. Larick said the intent is not for this to be an exception but to be an evaluation of the fence code to understand how the fence code is written and how it impacts any of the properties in the City that have side access; it doesn't address the ability for someone to put in a fence in that circumstance; there are quite a few houses like this in the City.

McGregor said I don't think we should send this back to Planning Commission when it is just one request; the resident has not even gone through the process.

Ewald said he agrees, this person has not exhausted the process; there is a process to go through, and they have chosen not to do that; I agree with McGregor that maybe once they go through that process, if it doesn't work out the way they think it should, at that point we could bring it back and review it; would ask Weber to give his opinion; not an issue to send it back to Planning Commission to review; I just want to be careful how we do it because if we end up creating an exception we are going to go down the same road we did five or six years ago. Weber said Council making a recommendation on a specific fence code section, is that what we are trying to do here, or the whole fence code.

Larick said the intent was to simply address the situation where properties have side access to their home.

Mayor said I would echo what Ewald and McGregor both said; I agree fully and understand it is a citizen issue, but we have revisited the fence code painfully several times in my twenty years; is a very difficult issue to deal with; I would say as McGregor said, if we had a situation where we had three or four or ten, or a lot of people that had an issue then that certainly is an indication that we need to revisit the whole code, but I would agree that there is a good process in place; if there is a cause or condition for this person to have an exception, the process would allow them to do that, and at some point if they would be denied or we found that this was a problem, on a repeated basis, then to me that would mean that the entire code, or at least that situation needed to be reviewed; I just think that is a huge process, not only for Planning, but also for Council; we really did an exhaustive study just a couple of years back.

Porter asked if the review could be limited to this section specifically and asked that the process be described. Weber said anything in Chapter 11 has to go to Planning Commission; Council would have to recommend that Planning review code to see if the section is too vague, or unenforceable or unfair; then Planning would have to do the research and make a ruling and send it back to Council; then Council would have to review the recommendation and pass legislation if you agreed; it would also have to be advertised; we can discuss it again next week and limit it to circumstance. Mayor said not open up the entire code; would like to have White address this.

White said it is permissible by fence type, so the applicant did not put up the approved fence type that would allow them to enclose that door; type of fence must have 50% opacity; they put up a privacy fence and the view cannot be completely obscured from road; the ruling by the Zoning Administrator can be appealed to BZA; the applicant can take that ruling to BZA and appeal there; question would be has the Zoning Administrator misinterpreted the code, or did the code not apply; or they could apply to Planning for a variance to allow the fence. Larick said the request is not specific to that

reason; many properties have side doors; made sense to me to have a decision.

Porter said since it is a request from a Council member, I am inclined to have Planning Commission look at it; issue of flexibility; limit it to one part of the fence code; give specific direction; limit the task and then I would be in favor.

McAlister said he agrees with Ewald and McGregor; could we poll Planning Commission members to see if this is something they would want to look at. Weber said they would have to have the item before them; if you are going to do this have some specificity; why not have one further discussion in committee; find out what problem really is; postpone until we can have a discussion in committee.

Larick said that is a fair statement. Ewald said he agrees with Weber; should bring it back to committee for discussion; if we bring it back limit the scope.

It was agreed to have discussion at the April 11th committee meetings. McGregor said when it comes back I would like to see what the entire process would be to send it to Planning Commission for their review and then back to Council.

**Referred to Committee of the Whole**

**A motion was made by Vice President of Council Larick, seconded by Ewald, to postpone MR-0011-2011 to the April 18, 2011 Regular Council meeting, with discussion to be held in Committee of the Whole on April 11, 2011 meeting. The motion carried by the following vote:**

<b>Yes</b>	<b>6</b>	President of Council Samuel, Vice President of Council Larick, Ewald, McGregor, McAlister and Porter
<b>Absent</b>	<b>1</b>	Anderson

**L. REPRESENTATIVES:**

**Community Improvement Corporation (CIC) - Larick/Samuel: No Report.**

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

Samuel said the State of the Region Luncheon will be held on April 21st; keynote speaker is Jerry Wray, Director of ODOT.

**Bd. of Education, Gahanna-Jefferson Public Schools - Porter.**

Porter said he attended two meetings; the first was simply a report by Mark White about the levy to be on the ballot in May; gave details; second meeting was the regular meeting and they discussed cuts in staff, teachers and administration; the school district is feeling the pain of the economy; also presented pay to play.

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

McGregor said they did meet and elected officers and had the presentation of the budget.

**M. OFFICIAL REPORTS:**

**Mayor**

Mayor said you have information on recreational vehicle parking at your place for your review; several emails about this; Gahanna Youth Council is collecting and selling old

prom dresses; have made \$520; this helps fund youth events; will be selling them again this Saturday.

**City Attorney**

Nothing.

**N. COUNCIL COMMENT**

McGregor thanked White for leading the pledge tonight at her last meeting before retiring; thanks for all of your work.

McAlister said I would like the administration to bring to committee information about transfer of ownership of Creekside; Hogan had some valid points that I would like to see answered; especially about the owner of the buildings getting patio space and charging tenant for that patio space but we are only getting \$2 a foot; update on where does Creekside stand with banks; selling it to another buyer; where are we.

Mayor said we are very early in the process; the receiver was just appointed; have only had initial discussion; concerning the points Hogan made, the answers are in the developer's agreement. McAlister said we have several new members on Council and it was a 4-3 vote on the developer's agreement; think it is time to revisit.

Weber said the receiver is doing his due diligence; studying what the private/public partnership really is; that is where he is right now; no decisions have been made and no buyer yet; he has been very active the last couple of weeks.

Porter said White was one of the first people I met when thinking about coming to the city; she welcomed me; wish you the best in your future and thank you for your hard work; you certainly are a sales person for the City of Gahanna; like to be included in any kind of gathering for White; also wish her successor the best. Porter said I need to make a personal statement now; appreciate being able to serve as council member with this body; wonderful community and I have learned a lot in my short time; have had a chance to listen to people's concerns; people are passionate about this community; proactive thinkers; great Council; as you may know, the governor has appointed me to serve on the Public Utilities Commission of Ohio and that service does not allow me to hold both positions; will continue to support the city and work for it; I will be resigning as of April 10, 2011; thank you.

Ewald also thanked White for her service; brought some challenging pitches to us; some did not come to fruition, but most did; can see your fingerprints on the City.

Larick thanked Chief Murphy for having Lt. Spence work with him explaining the equipment the PD uses; great learning experience; also like to thank White for her service to the City over the last 14 years; found out we lived within a couple of miles of each other 25 years ago in another area of Ohio.

Samuel said he would second everything said about White; we will miss you; good luck and thank you for your service.

**O. ADJOURNMENT: 7:32 p.m.; Motion by Larick.**



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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**