

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, April 15, 2013

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

7:00 PM

City Hall

City Council

*Stephen A. Renner, President
Ryan P. Jolley, Vice President*

Beryl D. Anderson

Karen J. Angelou

Brian D. Larick

David L. Samuel

Brandon Wright

Isobel L. Sherwood, MMC, Clerk of Council

A. CALL TO ORDER - Invocation, Pledge of Allegiance, Roll Call

Gahanna City Council met in Regular Meeting on Monday, April 15, 2013, at Gahanna City Hall, in Council Chambers, 200 South Hamilton Road. President of Council Stephen A. Renner called the meeting to order at 7:00 p.m. Invocation was given by Council Member Jolley followed by the Pledge of Allegiance led by Council Member Samuel. Agenda for this meeting was published on April 12, 2013.

Members Present: Stephen A. Renner, Ryan P. Jolley, Brian D. Larick, Karen J. Angelou, David L. Samuel, Beryl D. Anderson and Brandon Wright

B. ADDITIONS OR CORRECTIONS TO THE AGENDA - None.**C. HEARING OF VISITORS - None.****D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:**

Ordinances introduced by title, by Jolley.

Ordinances - To Be Introduced and Assigned to Committee:

ORD-0077-2013 TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH AMERICAN STRUCTUREPOINT, INC. FOR HAMILTON ROAD BRIDGE OVER IR 270; TO SUPPLEMENTALLY APPROPRIATE A PORTION OF THE FUNDS THEREFOR; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0078-2013 TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH THE CITY OF COLUMBUS FOR WATER QUALITY LAB TESTING; AND TO DECLARE AN EMERGENCY.

Introduced

E. CONSENT AGENDA:**Minutes - To Approve:**

2013-0012 To approve the following set of minutes:
1) April 1, 2013

This Matter was Approved and Filed on the Consent Agenda.

Ordinance: Introduce, Waive Second Reading, Adopt as Emergency:

ORD-0079-2013 TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH S. VITALE PYROTECNICO INDUSTRIES INC., FOR FIREWORKS FOR THE CITY OF GAHANNA 2013 FOURTH OF JULY FIREWORKS DISPLAY; TO SUPPLEMENTALLY APPROPRIATE \$19,380; 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-0070-2013 TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH DECKER CONSTRUCTION

COMPANY FOR FARMWOOD PLACE STREET INFILTRATION PILOT PROJECT;
IMPROVEMENT NO. ST 982.

This Matter was Adopted on the Consent Agenda.

ORD-0071-2013

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE
MAYOR TO ENTER INTO CONTRACT WITH CHEMCOTE, INC., FOR THE 2013
STREET PROGRAM; IMPROVEMENT NO. ST 1004; AND TO
SUPPLEMENTALLY APPROPRIATE \$57,645.

This Matter was Adopted on the Consent Agenda.

ORD-0072-2013

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH OHM
ADVISORS FOR DESIGN SERVICES FOR THE HAMILTON ROAD OVER I-270
BRIDGE ENTRY FEATURE; TO SUPPLEMENTALLY APPROPRIATE \$15,000;
AND TO DECLARE AN EMERGENCY.

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

ORD-0073-2013

TO REPEAL CHAPTER 914, TREE REPLACEMENT, OF THE CODIFIED
ORDINANCES OF THE CITY OF GAHANNA; AND TO DECLARE AN
EMERGENCY

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

ORD-0075-2013

TO ACCEPT GENERAL WARRANTY DEED AND QUIT CLAIM DEED FOR
23.014 ACRES ALONG RIDENOUR ROAD, NOW KNOWN AS LOWER
MCCORKLE PARK, FROM THE GAHANNA INVESTMENT CLUB, INC.

This Matter was Adopted on the Consent Agenda.

ORD-0076-2013

TO ACCEPT LIMITED WARRANTY DEED FOR 7.915 ACRES ALONG
RIDENOUR ROAD, A PORTION OF WHICH IS PART OF THE GAHANNA
MUNICIPAL GOLF COURSE, FROM GEORGE AND VIVIAN PARKER

This Matter was Adopted on the Consent Agenda.

Motion Resolution:

MR-0018-2013

Motion Resolution that this Council has no objection to the new D3 Liquor Permit
application for Wine Guy Gahanna, LLC, dba The Wine Guy, 1st floor Patio only, 500
Creekside Plaza, Gahanna, OH 43230.

This Matter was Approved on the Consent Agenda.

MR-0019-2013

Motion Resolution to confirm the Mayor's appointment of Scott W. Davis to an
unexpired term on the Tax Incentive Review Council expiring December 31, 2014.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

**A motion was made by Samuel, seconded by Anderson, 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 Renner, Vice President of Council Jolley,
Larick, Samuel, Angelou, Anderson and Wright**

End of the Consent Agenda

F. PUBLIC HEARINGS: None.

G. STANDING COMMITTEES:**Committee of the Whole - Jolley - No report.****Finance, Service & Safety - Larick**

Larick said we did discuss the Reserve Fund in Committee; will work on legislative rules for structure and rules for repayment and bring to Committee of the Whole.

Development & Parks - Wright - No report.**H. CORRESPONDENCE AND ACTIONS:****Clerk**

S-0001-2013 To recommend to Council the adoption of the Hamilton Road Corridor Plan.

Received and Filed

Z-0001-2013 To consider a Zoning application to zone 3.9 +/- acres located at 5593 Havens Corners Road; current zoning ROD/SF3 (Residential Overlay District/Single Family), requested zoning ROD/SF3; Brookewood Construction Company, Inc., Doug Maddy, applicant.

Public Hearing will be May 20, 2013.

Scheduled for Public Hearing

V-0004-2013 To consider a Variance Application to vary the following sections of the Codified Ordinances of the City of Gahanna: Section 1107.01(a) to vary the requirement for curb and gutter; Section 1107.01(b) to vary the requirement for sidewalks on both sides of the street; for property located at 5593 Havens Corners Road; Brookewood Construction Company, Inc., Doug Maddy, applicant.

Public Hearing will be May 20, 2013.

Scheduled for Public Hearing

2013-0013 Notice to Legislative Authority from the Department of Liquor Control of a new D51 liquor permit for Ciao Vino Italian Kitchen LLC, DBA Ciao Vino, Suite 130, 121 Mill Street, Gahanna OH 43230. Last day to file objections is 5/13/2013.

Received and Filed

2013-0014 Notice to Legislative Authority from the Department of Liquor Control of a new F9 liquor permit for the Gahanna Parks & Recreation Foundation, 117 Mill Street, Gahanna, OH 43230. Last day to file objections is 5/13/2013.

Received and Filed**Council****H1. EXECUTIVE SESSION:**

A motion was made by Vice President of Council Jolley, seconded by Larick, to go into Executive Session under authority of Section 5.40(b) of the Council Rules of Procedure to discuss purchase of property for public purposes or the sale of public property through competitive bidding or public auction. The motion carried by the following vote:

Yes 7 President of Council Renner, Vice President of Council Jolley, Larick, Samuel, Angelou, Anderson and Wright

Council rose to Executive Session at 7:04 p.m.; Council rose from Executive Session at 7:27 p.m. with all members returning to the dais.

I. SECOND READING OF ORDINANCES:

Ordinances Reported Out of Committee:

ORD-0074-2013

TO AUTHORIZE THE MAYOR TO MAKE APPLICATION FOR AND ACCEPT ASSISTANCE FROM THE CLEAN OHIO CONSERVATION PROGRAM FUND ADMINISTERED THROUGH THE OHIO PUBLIC WORKS COMMISSION; FOR A GRANT ON A CONSERVATION WATER QUALITY PROJECT; AND TO DECLARE AN EMERGENCY.

A motion was made by Samuel, seconded by Larick, that this matter be Adopted as an Emergency. The motion carried by the following vote:

Yes 7 President of Council Renner, Vice President of Council Jolley, Larick, Samuel, Angelou, Anderson and Wright

J. FIRST READING OF ORDINANCES: None.

K. MOTIONS/RESOLUTIONS: None.

RES-0007-2013

RECOGNIZING ARBOR DAY

A motion was made by Larick, seconded by Wright, that this matter be Adopted. The motion carried by the following vote:

Yes 7 President of Council Renner, Vice President of Council Jolley, Larick, Samuel, Angelou, Anderson and Wright

L. REPRESENTATIVES:

Community Improvement Corporation (CIC) - Larick/Renner

Larick said the next meeting will be Tuesday, April 23rd at 6:00 p.m. here at City Hall. Angelou said we received the annual report in the slide presentation but there is no reference to the \$350,000 that was given to the CIC; I was wondering if in the final report we would hear about that. Larick said he would speak with the past President about it.

Mid-Ohio Regional Planning Commission (MORPC) - Angelou

Angelou said the meeting was last Thursday; I want to remind everyone that they are having an open house on April 17th from 3 to 7 p.m.; anyone interested in going I have a parking pass so you have a place to park; there is a little bit of road closure in the area; the presentation on the TIF will be at 6:00 p.m.; did go over the final draft of the Transportation Improvement Program; May 15 - 18th the 16th Annual Black Enterprise Entrepreneurs Conference will be held in Columbus Ohio; very lucky to get this conference; Magic Johnson and other famous speakers will be here; bring a lot of people into our area; I will pass this around in case anyone is interested in going; I'm also going to put information in the office and will send you three presentations; one had to do with the Delaware Area Transit Authority; the 2010 Census said that Delaware is big enough to get part of the transportation funds; they will now be sharing funds with COTA; we also had a presentation on the 2014 Planning Work Program; also the MORPC final draft of the TIF which is 2014 to 2017; this really tells you exactly what

this Planning Work Program is and what the TIF is, and how it gets there; think it will be very beneficial to everyone involved; they are great presentations; at the policy committee we actually had our introduction to the draft 2014 Planning Work Program; it talks about leveraging about \$200 billion for various things; talking major funding and how we go about doing it; will be acted on at the next meeting along with the draft Transportation Improvement Plan; this particular meeting of the Commission we did authorize the Vanpool Subsidies for two years; this is taking about \$80,000 of CMAQ (Congestion, Mitigation & Air Quality) funds per year to authorize vanpools which will then leverage more money coming into our transportation from the Federal government; also passed the authorizing of the Executive Director to enter into an agreement to develop a Climate Adaptation Plan in response to projected changes in precipitation from climate change as part of preparing Central Ohio for the Hydrological Consequences of Climate Change Study; it has been noted that there is some amount of climate change and this will look to how we can deal with the ramifications of the climate change; had election of officers; State of the Region is going to be a week from Thursday and they want photos of the region and Jones is taking care of that; want Gahanna to be well represented; also heard from Jim Shimmer about the Franklin County Alternative Energy zones; also heard from the City of Whitehall, My Home Program where they have made \$150,000 available through Huntington Bank for people wishing to purchase homes in their City.

Bd. of Education, Gahanna-Jefferson Public Schools - Jolley

Jolley said the meeting was last Thursday; there are a lot of resignations of long time teachers retiring effective May 31st; a week before schools out due to changes made by the legislature to the State Pension System; school systems all across the state are scrambling to make sure they have enough substitutes to cover the last few days of school; there is some shuffling around of administrators and principals changing places; the Board passed a resolution in support of Music in the Schools for the month of March; great presentation given by Kevin Dengel, the Orchestra conductor; the Jazz Band is going to be traveling to Cleveland and Washington DC; the Orchestra is traveling to Chicago; MSE is sending 6 and possibly 7 students to the state competition Power of the Pen which is a great achievement; Blacklick students are collecting hand sanitizer to send to Pakistan; apparently it helps to ward off polio.

Convention & Visitors Bureau (CVB) - Jolley

Jolley said the Board met to discuss the Executive Director candidates, but due to a number of other personnel changes we have had recently on the staff of the CVB we have not made any final determinations; the Annual Meeting of the CVB is this Thursday at 7:30 a.m. at the Creekside Conference Center.

Central Ohio Transit Authority - Samuel

Samuel said the next meeting is April 24th.

M. OFFICIAL REPORTS:

Mayor

Mayor said we are not able to show the video clip - Streets 25 Year Outlook, due to some sound problems here in the Chambers; we were not able to get it to broadcast so we will show it to you at committees next week; we are very pleased with it; Franey, Andrako and Wetherholt did a great job; Collins passed out a memo to you and I want him to explain the situation since apparently some of you received calls from constituents about it. Collins said we had a minor sewer line backup at Headley Park

over the weekend; our staff along with help from the Service Department and an outside contractor addressed the issue quickly; dealt with it and cleaned it up; it was not a case where we needed to close the fields or the park; all procedures were handled correctly; there was unfortunately a miscommunication that went out to some of our soccer members that stated that the EPA and the City closed the park or the fields, and that was not the case; there simply is a procedure in which the EPA helps outline the things that we need to go through with those types of cleanups, and of course we followed the procedure and we did not close the fields; there was never a case where anyone's health or safety was in jeopardy; we closed off the area that was affected and went through the correct procedure and everything is up and running as normal.

City Attorney

Ewald said I do have an update on the review of the ward restructuring; I have been working closely with the Board of Elections and Council leadership and do have a proposal which will be coming forward to you this week; my goal is to work with the GIS department and have larger maps for you in your packets; any questions please contact me. Angelou said if we are to use census blocks and our charter says we use registered voters, our Charter would supercede what we are being told by the State; am I correct. Ewald said we could definitely claim that in court, but I can tell you looking at how other City's have approached it they've complied with the census blocks and no one has challenged that yet. Angelou said so we need to address the charter issue, because our charter says one thing and we are doing something else. Ewald said the Board of Elections does use registered voters when they work within the census blocks, but that is a federal and state requirement; the census blocks are laid out on a national level. Angelou said still we are a chartered community and our chartered community says to use registered voters and that is what we were doing; it says nothing about census blocks, so I am thinking that the charter needs to address that inconsistency. Ewald said it is really not an inconsistency on our part, it's a requirement that is placed on the Board of Elections, not on the City of Gahanna; it is not a requirement that we are required to follow, however the Board of Elections has to authorize our ward restructuring under Ohio law and they are required not to violate census blocks by dividing them into multiple precincts. Angelou said but they (Board of Elections) didn't have the problem, and each time we have moved forward with this before the State has given a waiver. Ewald said but the State has refused to give a waiver in this case. Angelou said was their rationale given to the Board of Elections and not the City. Ewald said I have not received the written official response from the State of Ohio; I was told they deal directly with the Board of Elections, and the Board of Elections has not conveyed that to me; but waiver request was turned down and then the Board of Elections rescinded our ward redistricting. Angelou said again I think we should be making our charter reflect what we are supposed to be doing; do a change in our charter that actually reflects what we are going to be doing so that we do not have this problem in the future. Ewald said that is certainly in Council's purview to do.

Jolley said I share my colleagues frustration with the process, but as a point of clarification there is no actual inconsistency between our charter and what we are required to do; our charter is distinguishing between say using the number of total residents versus using the total number of registered voters; there is simply an additional requirement that the census block lines be adhered to; had we known that we could have met the charter requirements by continuing at looking at registered voters, which is what we are doing now, and also conform to the census lines, so there is no inconsistency with what our charter does and what has come down from the State; it is just something that we were not aware of or we would have addressed it; from a legal standpoint there is no inconsistency in the charter.

Anderson said is there a time frame as to when we will get that information from the Board of Elections with the rationale. Ewald said I can ask them. Anderson said I think within that we will get some clarification and if we want to make it more plain and clear in the charter, that rationale might help us out if we choose to make an adjustment; right now it is not clear. Ewald said I had a verbal response but I will try to get it in writing.

N. COUNCIL COMMENT

Angelou said we will all be praying tonight and for days in the future for Boston; I have a friend Tina Husted, who was running in the Boston Marathon today; hope and pray she is okay; I guess we need to say you can never be too careful.

Larick said my thoughts go out to those who live in Boston; Jennifer Teal's husband was there and some friends of mine and I understand they are all safe.

Samuel said in walking Creekside I noticed we are getting a new restaurant; is supposed to be open in May, Ciao Vino; have menu on the window; looks pretty good; things are coming back to Creekside.

Jolley said my thoughts are with those in Boston; I have a number of family and friends who live there and were there for the Marathon; everyone I know is safe and sound; thankful for that.

Renner said I also want to echo the sentiments of my colleagues keeping the people of Boston in my thoughts; when something like this affects one American it affects us all; on another note, we have all been championing the Gahanna school district and saying very positive things; I can say that the Gahanna schools are the best; my son was able to go to the National Math Pentathlon in Indianapolis this weekend; he competed with 533 other students; was a great event; he came 1 point away from placing; Gahanna is certainly one of the best places to be.

Anderson said I echo the sentiments regarding the Boston Marathon; I went to Wellesley College, in Wellesley Massachusetts, which is the half way point for the marathon; I remember being out there with water and sponges for the runners; as we come together and look at these acts of inhumanity, let us think more deeply as to how we are connected versus disconnected, and hope, not only for the people in Boston for healing, but that a greater healing can happen throughout our nation and the world with regard to how we treat one another.

O. EXECUTIVE SESSION:

A motion was made by Angelou, seconded by Vice President of Council Jolley, to go into Executive Session under authority of Section 5.40(c) 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 Renner, Vice President of Council Jolley, Larick, Samuel, Angelou, Anderson and Wright

Council rose to Executive Session at 7:57 p.m.; Council rose from Executive Session at 8:35 p.m.; all members returned to the dais; there was no report.

P. ADJOURNMENT: 8:36 p.m.; Motion by Samuel.

Donna L. Jernigan, MMC
Senior Deputy Clerk of Council

*APPROVED by the City Council, this
day of 2013.*

Chair Signature