

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Tuesday, February 22, 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 Tuesday, February 22, 2011, at Gahanna City Hall, in Council Chambers, 200 South Hamilton Road, Gahanna. President 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 Cub Scout Pack 898. Agenda for this meeting was published on February 18, 2011.

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

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

Mike Arens, 216 Ainsworth Court, said I am a citizen of Gahanna first and foremost, and the newly elected president of CIC; asking for your support for the lease purchase agreement between the City and CIC; in 2008 the City engaged CIC to purchase the property for the future access right of way and that was unanimously passed by Council; the City appropriated \$200,000 to and granted it to CIC for the down payment to purchase the property at 181 Granville Street; during that time CIC was to leverage the building and use it as a means of job creation and other activities in the mean time; work as an extension of the Department of Development; truly appreciate the support of Council on this.

Patricia Peck, 122 Oklahoma Ave., said I am here to speak to ORD-0018-2011; 181 Granville Street; we received this on our front door in our neighborhood over the weekend and it has brought up many questions; is it to be a one way exit out of Friendship Park; why spending \$146,000 for additional parking for the park and where would it be; the only logical place is where the City now has its equipment; where would equipment go; where will the road be; will it just be cement over stones; is that the road to be going into the park \$146,000; will it be one way into the park and one way out; will there be only one way traffic on Clark, Oklahoma and High Street; if traffic safety is an issue why not improve High and Granville; do something with the Roby insurance building; would like to know the police view of these 2 entrances and exits into park; does the \$146,000 have to be spent tonight; need to find out more before money is spent. (Letter to residents available in the office of the Clerk of Council.)

Matt Leppert, 829 Venetian Way, said tonight you have an opportunity for the final time to purchase 181 Granville; you can also make the good and prudent decision not to purchase it; already spent \$200,000; know you do not want to lose it; but to pay another \$730,000; the plan will not allow any safety or traffic changes to occur for a minimum of 5 years; deal with cheaper ways now; do not endanger more bad money after bad mortgage; title to be with the city was to allow easement that will be there in perpetuity; now worth \$200,000 less; did we still have a good investment; some day after all the other things are done; once the park has doubled the volume; why not wait until you move the maintenance out of there; volume on one way service road to the park to Lincoln Circle; 10 to 20 years from now pull trigger; concerned with sequencing and timing; as stewards of funds you have to be thinking like legal and business people about how spending citizen's money affects the community.

Roger McQuirt, 156 Clark Street, said for the last time we do not want a thoroughfare or bikepath through our neighborhood; do not want to make it a Lincolnshire; Police Department makes its wages on Lincolnshire; not want that in this neighborhood; when you do this every one of you will get phone calls when people go flying down Clark

Street; do not need to tie in dead end streets.

Jeff Kessler, 99 Walcreek Drive East, said I am a member of CIC and the treasurer; asking for your support of the purchase of 181 Granville Street; City engaged CIC to help purchase the property; this is for long term planning for right of way; asking for your support.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:

Ordinances - To Be Introduced and Assigned to Committee:

Ordinances introduced, by title, by Anderson.

ORD-0041-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH THE FRANKLIN COUNTY BOARD OF ELECTIONS FOR USE OF CITY PROPERTY AS POLLING LOCATIONS FOR THE YEAR 2011; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0042-2011

TO APPROVE CURRENT REPLACEMENT PAGES TO THE GAHANNA CODIFIED ORDINANCES; AND TO DECLARE AN EMERGENCY

Introduced

ORD-0043-2011

TO AUTHORIZE THE MAYOR TO VACATE A PORTION OF RAILROAD RIGHT OF WAY ON LOT 29 OF THE INDUSTRIAL ZONE

Introduced

ORD-0044-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT MODIFICATION TO PRIVATE SIDETRACK AGREEMENT BETWEEN THE COLUMBUS & OHIO RIVER RAIL ROAD COMPANY AND THE CITY OF GAHANNA FOR MAINTENANCE AND INSPECTION OF GAHANNA OWNED RAILROAD TRACKS

Introduced

ORD-0045-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH WOOLPERT, INC., FOR PRELIMINARY DESIGN SITE PLANNING FOR THE CITY OF GAHANNA PUBLIC SERVICE AND PARKS DEPARTMENT SERVICE CENTER FACILITY.

Introduced

ORD-0046-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH WOOLPERT, INC., FOR DESIGN OF A TRUCK WASH FACILITY TO BE LOCATED AT THE FUTURE CITY SERVICE COMPLEX SITE.

Introduced

ORD-0047-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF A PORTION OF HAMILTON ROAD BETWEEN CLARK STATE ROAD AND JOHNSTOWN ROAD/U.S. ROUTE 62; KNOWN AS HAMILTON ROAD CENTRAL.

Introduced

ORD-0048-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO EXTEND THE BIG WALNUT TRAIL SECTION 8 FROM THE GALLOWAY RESERVE UNDER THE I-270 BRIDGE AT BIG WALNUT CREEK AND ALONG HAMILTON ROAD TO

TECHCENTER DRIVE.

Introduced

E. CONSENT AGENDA:

Minutes - To Approve:

2011-0010

To Approve the Following Sets of Minutes:

- 1) February 7, 2011 Regular Meeting Minutes
- 2) February 14, 2011 Special Meeting Minutes

This Matter was Approved and Filed on the Consent Agenda.

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

ORD-0036-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT FOR EXCHANGE OF COMMERCIAL REAL ESTATE WITH VALUE RECOVERY GROUP II, LLC; AND TO DECLARE AN EMERGENCY.

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

ORD-0037-2011

TO AUTHORIZE THE MAYOR TO MAKE APPLICATION FOR A 2011 GROW YOUR PARK GRANT AND TO EXECUTE NECESSARY DOCUMENTS IF GRANT IS AWARDED; AND TO DECLARE AN EMERGENCY.

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

ORD-0038-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT AND VECTOR DISEASE CONTROL INTERNATIONAL, LLC, FOR INTEGRATED MOSQUITO MANAGEMENT SERVICES; AND TO DECLARE AN EMERGENCY.

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

ORD-0039-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO A TRANSPORTATION SERVICE AGREEMENT/APPOINTMENT OF AGENT AGREEMENT WITH COLUMBIA GAS OF OHIO, INC., FOR NATURAL GAS GUARANTEED SAVINGS CONTRACT; AND TO DECLARE AN EMERGENCY.

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

ORD-0040-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO MEMORANDUM OF UNDERSTANDING WITH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES FOR SERVICES IN ASSOCIATION WITH THE NATURAL GAS GUARANTEED SAVINGS CONTRACT WITH COLUMBIA GAS OF OHIO; 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-0021-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH SEDGWICK CMS, AS THE PROVIDER FOR THIRD PARTY ADMINISTRATION SERVICES FOR THE SELF INSURED WORKERS COMPENSATION PROGRAM AND STATE FUND CLAIMS; TO TRANSFER FUNDS; AND TO DECLARE AN EMERGENCY.

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

ORD-0022-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH FRANKLIN SOIL AND WATER CONSERVATION DISTRICT FOR GAHANNA WORKING AGREEMENT WITH REGARD TO EPA STORMWATER REQUIREMENTS OF OUR NPDES PERMIT.

This Matter was Adopted on the Consent Agenda.

ORD-0023-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH FRANKLIN SOIL AND WATER CONSERVATION DISTRICT FOR ASSISTANCE WITH ILLICIT DISCHARGE DETECTION AND ELIMINATION, A MINIMUM CONTROL MEASURE FOR OUR MS4 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT.

This Matter was Adopted on the Consent Agenda.

ORD-0024-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH WOOLPERT, INC., FOR THE IMPLEMENTATION OF THE CITY'S NPDES STORM WATER SMALL MS4 PHASE II PROGRAM FOR 2011.

This Matter was Adopted on the Consent Agenda.

ORD-0025-2011

SUPPLEMENTAL APPROPRIATION - Development PERS

This Matter was Adopted on the Consent Agenda.

ORD-0026-2011

SUPPLEMENTAL APPROPRIATION - Sewer, Administrative Charges

This Matter was Adopted on the Consent Agenda.

ORD-0027-2011

TO REAUTHORIZE AND CONFIRM THE PLANNED TRANSFERS AS APPROPRIATED IN ORD-0001-2011.

This Matter was Adopted on the Consent Agenda.

ORD-0028-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH CENTURY EQUIPMENT FOR THE YEARLY MAINTENANCE OF GOLF CARTS UTILIZED BY THE GAHANNA MUNICIPAL GOLF COURSE.

This Matter was Adopted on the Consent Agenda.

ORD-0030-2011

TO AMEND CHAPTER 151, DEPARTMENT OF PARKS & RECREATION, AND CHAPTER 153, PARKS & RECREATION BOARD OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

This Matter was Adopted on the Consent Agenda.

ORD-0031-2011

TO AMEND CHAPTER 136, CITY ENGINEER, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

This Matter was Adopted on the Consent Agenda.

ORD-0032-2011

TO AMEND CHAPTER 137, DEPARTMENT OF PUBLIC SAFETY, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

This Matter was Adopted on the Consent Agenda.

Ordinance: To Amend by Substitution and Adopt:

ORD-0033-2011

TO AMEND CHAPTER 138, DEPARTMENT OF HUMAN RESOURCES, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

This Matter was Amended by Substitution and Adopted on the Consent Agenda.

Motion Resolution:

MR-0007-2011

Motion Resolution to authorize payment to Raymond J. Mularski for services rendered; total \$8,951 for the month of January 2011; due to a miscommunication in not having a valid purchase order; to be paid through purchase order 1100581

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Anderson, seconded by McAlister, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried unanimously.

Members

Shane W. Ewald

Absent:

Members

Beryl D. Anderson, John McAlister, David L. Samuel, Andre Porter, Nancy R. McGregor and Brian Larick

Present:

End of the Consent Agenda

F. PUBLIC HEARINGS: None.

G. STANDING COMMITTEES:

Committee of the Whole - Larick: No Report

Finance - Anderson: No Report.

SPECIAL COMMITTEES:

Expenditure Study Committee:

Porter said we will be meeting soon.

H. CORRESPONDENCE AND ACTIONS:

Clerk - Legal: No Report.

Council: No Report.

I. SECOND READING OF ORDINANCES:

Ordinances Reported Out of Committee:

ORD-0018-2011

TO AUTHORIZE THE MAYOR TO ENTER INTO LEASE-PURCHASE AGREEMENT WITH GAHANNA COMMUNITY IMPROVEMENT CORPORATION FOR PURCHASE OF PROPERTY AT 181 GRANVILLE STREET; AND TO DECLARE AN EMERGENCY.

Porter said based on the fact that I was formerly the President of CIC I will be abstaining on the vote on the following two ordinances due to a conflict of interest.

A motion was made by Anderson, seconded by Vice President of Council Larick, to amend ORD-0018-2011 by substitution. The motion carried by the following vote:

Yes	5	President of Council Samuel, Vice President of Council Larick, Ewald, McGregor and Anderson
No	1	McAlister
Abstain, COI	1	Porter

Samuel asked for discussion.

McAlister said I am going to vote no on this issue; deal is not final until we approve it; fearful we could have another financial debacle on our hands; do not know what this might cost us; I don't approve of the \$730,000 purchase of 181 Granville because of the following reasons given by Matt Leppert in his letter; the Mayor and Council are to be the fiduciary and advocate for the taxpayers of Gahanna in all business dealings; would a smart lender take back a property that now has more vacancy than when sold 2 years ago; it no longer can be resold to any private buyer due to the giant road easement; even if no easement, has plunged in value like all commercial realty; means having to get back into day to day operations and financial risk of surprise repairs which we would be responsible for; and I don't think that if I were the owner I would want to move toward foreclosure; therefore, like Leppert said, the seller is \$200,000 ahead than if he never tried to sell it, but look at the mess he would get back; I think if he really was faced with a tough business choice instead of a city government bail out he would make the smartest and moral choice to modify lending terms instead of wanting the building back; if he does the stupid thing and wants the building the city can rejoice. McAlister said these are Leppert's words not mine, and I agree with him; we are \$730,000 richer and we can still build a road later whether that be 5 or 10 years from now; convinced by Leppert's arguments; it pays to raise your voice to City Council.

McGregor said I have a couple of comments; I looked over the purchase agreement for when CIC purchased the building, and also for the lease agreement that we had; still have some problems with the easement we have; it seems unreasonable that we don't have a specific easement; I can't recall ever buying anything but a specific easement that was tied to a specific right of way; this is just a general easement over the whole property; in the lease purchase agreement I see no mention of a title policy or that there would be a warranty deed with the title insurance; so I have some concerns with those agreements; I did vote for the \$200,000 but I understood we were getting an easement; I guess I never understood that there was a different kind of easement that wasn't specifically tied to a right of way; we have spent \$200,000 but I do not see the wisdom in spending another \$730,000 especially when the property is only valued now at \$730,000; at most \$530,000 because CIC had an agreement with the owner and now we are proposing to purchase it from CIC; the actual appraisal that we paid for is only \$730,000, and even if I was in favor of this I don't see how we can justify spending more than the \$530,000 plus the \$200,000 that we already spent which would be the \$730,000 that the property was appraised for.

Mayor said I have a couple of comments; apologize to Mrs. Peck; we have not seen the letter, and from what I am hearing it may not be full of facts; can't address something I haven't seen. This started out as a right of way purchase; to go back to McGregor's comment; it was passed 7-0 and it was clear in that ordinance it was a down payment for future property; we have purchased property without a clear plan for the future because

things change; Mrs. Peck asked what will happen to all the city equipment; there is a plan and a vision to move that equipment out into the Industrial Park where I believe it belongs next to our service facility that was built 20 years ago and that vision remains; I don't think it was a bad decision; to address Mr. McQuirt's comments, that this plan was always a vision to alleviate the traffic; nothing has been decided about where the road would go; silly for the city to pay money for a plan when we don't own the property yet; things have to go in order; back to Leppert; met for almost 2 hours in your office and I appreciate that time, but it must be noted that you have a conflict of interest because you are a tenant in that building and you enjoy that low rent; glad you are a tenant there; one of the things this ordinance will do is assure the tenants that they have at least 7 years of tenancy, at the minimum; can enjoy that building and grow their businesses; part of what CIC's mission is to help grow businesses. One of the things Mr. Leppert has said about the right of way, and we have this easement and some time in the future we could go ahead and just take the property; there is a problem with that; first of all we cannot exercise the right of way until the mortgage is satisfied; somebody is going to have to pay the mortgage; and why did we do this in the first place two years ago, because we had an opportunity; we had a willing seller; that building was for sale; we had done business with Mr. Yates in the past and he was willing to sell it; he wanted to sell it to the city; he approached us; what the city has not done, in the 20 years I've been here is to take property from an unwilling seller, which is known as eminent domain; that is the problem with your theory; let's say something happens and this goes down tonight, and \$200,000 is wasted in my opinion; and it is not bad money after bad; I still think the vision is sound; if someone else would buy the property or some of Yates' heirs would sell to someone else; then what would happen; then I can see the legal entanglements; the city, if they decided to use that right of way would possibly have to take it by eminent domain and satisfy the mortgage at a much higher cost than it would cost today; I think that is the problem that we have to remember, that none of us have wanted to take property by eminent domain from an unwilling seller; I'm certainly not going to do that. We talk about property values; two years ago the property value was \$970,000; it is a little less now; I see the glass as half full not half empty; property values go up and down, and I do not think that property value will continue to go down; I believe that the property value will go up slowly but surely as Olde Gahanna continues to grow and property throughout this community continues to grow and regain value. The last thing that I want to say is that I have been approached by the president of a local bank in Gahanna, that pending Council action, if that action is positive, has been willing to approach the CIC to refinance the note; this individual has confidence in the property and its value and is willing to refinance it at a lower rate; I believe many of the CIC members know who I am talking about; do not think a prudent business person would approach the Mayor and make such an offer if they did not believe in the value of the property; with Mr. Porter abstaining a 3-3 vote fails; encourage you to think carefully on this vote; especially those of you who voted yes two years ago because this is a major investment and I think the vision is sound; if this goes down it will be a regrettable action and there will be legal ramifications that may cost more than the purchase price if we do not act at this time; concerning the intersection of Granville & High St., through Mr. Ewald's leadership we have been working with the Roby family for many years and working with service and engineering, who are right now looking at a solution with the Roby family to take care of those wings which would be a short term fix; will continue to work for a solution that would help that particular intersection.

Samuel said I see this as a low risk venture; 7 years to pay off; the city would not be involved with any of the management; the people that will be dealing with that are the CIC members made up of a team of people from law background, banking professions, corporate developers and professionals who have donated their time free to the City to work on CIC; if this fails we will lose the CIC in all probability and this City will take

several steps backwards. This whole thing started out in 2008 as direct access to a park; at that time 7 council members went into executive session understanding what was planned in the future; this is low risk and it would be a major step backwards if not passed; this is all about direct access to a premier park so that we have access and egress to make it easier for people to get in and out of there; we do this in other areas of the city; we get easements; we tear buildings down; and all of a sudden for this one property we are having this problem. I will vote yes on this because it is low risk, and on advice from legal counselors, engineers and bankers; they are the experts, not me.

Larick said not having been a part of this when it started a couple of years ago, I have been listening to many compelling arguments from both sides; so I am tasked with understanding what was intended originally without any insight; trying to understand what is happening or what was intended; regardless of the decision, whether it passes or not I understand that CIC is primarily to be an incubator and a growth tool for the city; spent time going through the building; drove through the parking lot; listened to everyone's arguments both against and for; talked to several financial professionals regarding the building; don't think this is a slam dunk in either direction; everyone is making very strong arguments; in the end there is not a huge, distinct position either way that is absolutely right or wrong; with all of that, believe that based on the circumstances, and based on what is most likely to happen as this moves forward, that I will be voting yes.

Anderson said I ditto the comments that have been made; the two previous comments; I would just like to say that even as we weigh all the arguments, not just pros and cons; if you were at the committee meetings last week, so many viewpoints were vetted, and to me, perhaps being a lawyer, I particularly honed in on that to flush out some of the legal ramifications as well; as we look at the finances I think it is important to think about what happens if there is a foreclosure, or what happens if we have to deal with the economics from a legal perspective, and doing that cost benefit analysis; I think that is key to this as well; several good arguments on all sides. I would like to defer to Weber to flush that out as it relates to this particular property and the economics.

Weber said I have a couple of points to make; McGregor raised a couple of points; on the issue of the title insurance, at the end of the 7 years, if this passes, there would be a purchase contract that would still occur and the issue of who would pay for the title insurance would be resolved at that time; but there would be title insurance issued but prior to the conveyance of the property; there was an unrestricted perpetual easement because at the time this was done no one knew the precise use of the property; you can't do a precise right of way when you don't know exactly where you want the right of way; so the perpetual easement was done so as to preserve our rights, unrestricted rights to the property; so that was the reason why there was the perpetual unrestricted easement as opposed to a more specific easement/right of way; those two terms are sometimes used interchangeably. On the issue that was raised, my concern is quite aside from the policy use of how this area gets transformed at the end of the 7 years; I am concerned that if this property would revert back to the Yates family, although we have an unrestricted easement that goes with the property, we don't lose the easement; if it reverts back to the property owner and he is forced to file a foreclosure suit, there could be untold expenses both to CIC and the city; I can't tell you precisely what those costs would be, but if the property goes to foreclosure then there are expenses that CIC would entail, and I quite frankly think that because they are our development agent, Yates and his family would join the city as a party; then we would have those expenses to worry about; then if the property goes back and we want to use our perpetual easement we still have the issue of are we going to have to have eminent domain; go through the expense of that; then buy the property potentially at the value that it is in 7 years which could be a lot more than it

is now; I can't give you a figure, but my concern is not the policy issue, my concerns are the legal issues if we don't do something; there is no perfect solution here; have to consider all of the prospective risk factors and the potential expenses if we don't act now. Anderson said from her perspective that is a high risk.

Ewald said I have dealt with residents in that neighborhood for 8 years and one of the biggest concerns is the intersection at Granville and High; talked to the Mayor, the Parks Director and engineering; this year for the first time we have had some movement for a short term fix for that intersection; it always has been an issue including the ingress/egress on the road and the parking during event traffic. I know there is a concern about the ingress/egress across Clark St. if it were ever to be continued past that point; that was an issue dealt with before my time, but was dealt with by the city over on Armor Hill Dr. adjacent to the football field over by Middle School West; what they did there was separate the parking lot from Armor Hill which dead ends into that; there was a fence put there; that is not something that is out of the question that could be looked at; there has not been any discussion about continuing that through; that was not a concept plan or a vision plan; all that would have to go through Planning Commission; the intent was to get that traffic off of the streets that really can't handle it in coming years once that complex is moved out and the park is expanded. Mrs. Peck pointed out that the road existing now is probably not going to carry that kind of load; not to mention the fact of no signalization at that entry to the back of Lincoln Circle. We entered into this agreement two years ago and it has come back before us; don't think any of us expected it to be back in front of us this soon; what we were trying to do, keep in mind the budget we had to deal with, is project this out long term because it was not a short term project; this is something that is going to go on over the next decade; what has happened is that it has come back to us and we need to make a decision; CIC purchased it for us and we made a commitment that we would be there when that was paid for and they would come back to us; no different than when a homeowner enters into an agreement to buy property and a few years down the road they just really don't want to make the payments on it and say they are just going to turn the keys in; then you are going to lose your deposit; it is going to affect your credit and your credibility; who wants to deal with a city that is going to say yes we will enter into this agreement unless it gets tough and then at that point we are going to back away from it; do not know many businesses that are going to want to relocate here if we make agreements with them and then we renege on them. The second thing is always ingress/egress and that is what this property was originally purchased for by the city on our behalf through CIC to reserve the right of way to get that traffic off those other streets, and that is why I am supporting it tonight.

A motion was made by Anderson, seconded by Vice President of Council Larick, to adopt ORD-0018-2011 as amended. The motion carried by the following vote:

Abstain, COI	1	Porter
Yes	4	President of Council Samuel, Vice President of Council Larick, Ewald and Anderson
No	2	McGregor and McAlister

Weber said the ordinance passes as ordinary legislation, but not as an emergency.

ORD-0029-2011

TO APPROVE THE 2011 BUDGET AND ACTION PLAN OF THE COMMUNITY IMPROVEMENT CORPORATION.

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

Yes	6	President of Council Samuel, Vice President of Council Larick, Ewald, McGregor, Anderson and McAlister
Abstain, COI	1	Porter

J. FIRST READING OF ORDINANCES: None.

K. MOTIONS/RESOLUTIONS:

RES-0001-2011

A RESOLUTION URGING THE OHIO GENERAL ASSEMBLY TO REEXAMINE AND RECONSIDER STATE LAWS LIMITING THE ABILITY OF LOCAL GOVERNMENTS TO CONTROL PERSONNEL COSTS

Porter said I would like to thank McAlister for bringing this forward; think it is important for the city to be proactive in these types of discussions for matters that I think are of integral importance to the City; I will be supporting this and looking forward to following the process as it plays out at the state level.

McAlister said we are the elected representatives of the taxpayers of Gahanna, who are being forced in many respects by state law to pay for \$100 deductibles for employee health insurance plans, when they themselves are probably carrying a \$1,500 deductible on their health insurance plan. We definitely need to raise our voices as citizens, taxpayers, council members, to send this message to the state legislature and the governor saying basically enough is enough; why should I be taxed to pay someone else's health insurance that is 5 times richer than my own; that is the message I think we are sending here.

Ewald said I want to thank McAlister for working on the language for this resolution; he has been a tireless advocate of making sure people are treated fairly, but at the same time he has understood that this is something that needs to be accomplished at the state level; happy to join with him in support of this resolution.

Mayor said I would also like to thank McAlister; the Administration worked with him on putting some examples in the language. I also want to take this time to thank Angel Mumma and Kristen Treadway who testified last Thursday with their concerns regarding the collective bargaining process; not anti union, not anti collective bargaining, but questions that we have had regarding the process from their experiences having just gone through three negotiations with three unions in the last two years; appreciate them being brave enough to go down there and offer their testimony on behalf of the citizens of Gahanna.

Anderson said I want to thank McAlister again and say that I will be in support of this as well as the next resolution; I found it quite interesting being down at the statehouse; I got a chance to sit both in the atrium and also walk in the main part of the rotunda area to see what was going on, and then was able to get into the hearing room as testimonies were put forth by the witnesses; just to see and feel the passion on both sides of this issue; there are needs for us to come together, not to totally eliminate collective bargaining, but for each side to look at what can be brought to the table so that we can come to a common resolve; to find some ground where we are willing to move forward; because cities do not have the money to move forward with the cost that is being raised with wages, and it is challenging to go through collective bargaining; it is challenging to go through any process that requires negotiation on both sides; and as this spirals, not just in the state of Ohio, but in Wisconsin and around the nation, I know that we will

come to some resolve, but am glad to know that Ohio is on the map and Gahanna has had a chance to have some input, which shows that Gahanna is relevant, that Gahanna cares about this, and we also have people here in our own Administration that can lend their support as Senate Bill 5 is being considered; also thank Mumma and Treadway for their bravery and courage being down there.

Samuel said the unions were intended to help people with their safety and welfare, but I think they have sort of stepped across a line right now and I support entirely what McAlister is trying to do here with this resolution.

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

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

RES-0002-2011

A RESOLUTION URGING THE OHIO GENERAL ASSEMBLY TO REEXAMINE AND RECONSIDER STATE LAWS REGARDING PREVAILING WAGES

McAlister said you cannot address what is covered in first resolution without also addressing this prevailing wage law; there is not a business in the City of Gahanna that is going to go out and bid on a capital project of \$25,000 or more and by state law they are now forced to pay 10, maybe 15, maybe 20% more than what they could get it done for, yet that is the position the state law puts our cities in; granted if it is specialized construction, like the parking garage, and there are only two or three companies that can even do that type of work and they are all paying a union wage or prevailing wage; but there are many projects in this city that we could probably get done for a lot less money if we weren't laboring under this yoke of prevailing wage law that exists in the state of Ohio; hope we will pass this resolution tonight and send it on to the state legislature.

Larick said one of the things that is such a challenge for a city is that we have our own limitations for income, but we are required to acquiesce to wages and pay scales that are not necessarily market level; they are arbitrarily at a higher level even though you may have the ability to have a perfectly qualified, perfectly skilled set of labor; that certainly makes challenges and many municipalities in the state are experiencing the same challenges; cost that could potentially be reduced; to help control costs and allow us to live within our means, so I too thank McAlister for both of these resolutions.

Anderson said I just want to remind people that Senator Jones said that Senate Bill 5 is a starting place; the conversation has begun; moving forward from that as we put this forth, this is yet another signal that Gahanna is relevant and that Gahanna is part of the conversation to move the dialogue and the bill forward.

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

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

L. REPRESENTATIVES:

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

Mid-Ohio Regional Planning Commission (MORPC) - Anderson

Anderson said she would defer to Mrs. White. White said they met last Thursday and a number of things were discussed; Testimony on JobsOhio which is the Governor's initiative for Department of Development for the state; talked about the estate tax and

local government funds; discussed Regional Policy plan; announcement was made that Gahanna will get funding of \$14 million from MORPC for the improvement of the middle part of Hamilton Road; can thank Wetherholt and Andrako and Service Department for their hard work in obtaining the funds; our MORPC dues are about \$14,000 so that is about 10,000 times our investment; that is huge for the city; also Chester Jourdan, MORPC Executive Director, has really taken MORPC to the forefront of the country and recently spoke in India.

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

Ewald said I did attend the last meeting; they are looking at use fees for playing sports and the primary discussion centered around the levy coming up in May and also the finances if and when it passes.

Convention & Visitors Bureau (CVB) - McGregor: No report.

M. OFFICIAL REPORTS:

Mayor:

Mayor said last Thursday at luncheon, Samuel and I represented the City and attended the MADD award ceremony because one of our officers, Ann Joden, received an Officer of the Year Award; she was the only female honoree to be recognized by MADD; she was there with her supervisor Sgt. Jim Graham; we appreciate what our officers do every day to take drunk drivers off the street; we appreciate her being nominated by her peers and being recognized in that forum; very proud of her and her accomplishments.

City Attorney: No report.

N. COUNCIL COMMENT:

McGregor said I would like to thank Council and other administrative staff who came to my dad's funeral visitation and those who sent cards and flowers; just want to express my appreciation.

McAlister said I would just like to thank people who came out to the meeting tonight; good to have other people here.

Porter said in my brief time on Council I have enjoyed working with everyone here; there has been significant debate on several issues; for us to continue to be the extraordinary Council that I think we are, we must continue those types of things; I am encouraged by what I have seen thus far on Council, as well as from the administrative staff.

Anderson said congratulations to Mumma and Treadway for their testimony regarding Senate Bill 5; congratulations to Engineering and Service regarding your \$14 million acquisition for Hamilton Road. Thank you to the administration for all you do. Also Saturday at 9:00 a.m. there is a forum, "Blacks in Gahanna," to talk about issues as they relate to policy and government as well as education in Gahanna.

Samuel said he would like to recognize COTA; on February 7th they were more than just a bus company; Traditions care facility on Stygler Road had a fire and there were cold temperatures and snow showers; officials on the scene made a decision to evacuate 100 people from the facility; over 30 to be transported required the use of mobility devices; COTA dispatched 30' coach and other vehicles to the scene; everyone was quickly and safely transported to alternative accommodations among five different facilities. A big

thank you to COTA.

O. EXECUTIVE SESSION:

A motion was made by Ewald, seconded by Vice President of Council Larick, 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; and to go into Executive Session under authority of Section 5.40(c) to confer with the City Attorney concerning disputes involving the City, and/or appointed or elected officials or employees, which are subject to pending or imminent court action . The motion carried by the following vote:

Yes	7	President of Council Samuel, Vice President of Council Larick, Ewald, McGregor, Anderson, McAlister and Porter
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Samuel said Council will not take action after Executive Session.

Council entered Executive Session at 8:17 p.m. Council rose to report from Executive Session at 9:24 p.m. with all members returning to the dais.

P. ADJOURNMENT: 9:25 p.m.; Motion by McAlister.

Donna L. Jernigan, MMC
Senior Deputy Clerk of Council

*APPROVED by the City Council, this
day of 2011.*

David L. Samuel
President of Council