

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Monday, December 1, 2008**

**Council May Meet in Caucus Beginning at 7:00 p.m.**

**7:30 PM**

**City Hall**

## **City Council**

*Nancy R. McGregor, President*

*Thomas C. Evers, Vice President*

*Beryl D. Anderson*

*Shane Ewald*

*Thomas R. Kneeland*

*John R. McAlister*

*David L. Samuel*

*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, December 1, 2008, in Council Chambers of City Hall, 200 South Hamilton Road, Gahanna, Ohio. President of Council Nancy R. McGregor called the meeting to order at 7:30 p.m. Council Vice President Evers delivered the Invocation followed by the Pledge of Allegiance. Agenda for this meeting was published on November 26, 2008.*

**Members Present:** Nancy R. McGregor, Thomas C. Evers, Thomas R. Kneeland, Shane W. Ewald, John McAlister, Beryl D. Anderson and David L. Samuel

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

*MOTION by Evers, seconded by Anderson, to move RES-0021-2008 from the Consent Agenda to Motions/Resolutions on the Regular Agenda. ROLL CALL: Voting yes: Evers, Anderson, Ewald, Kneeland, McAlister, McGregor, Samuel. Motion carried.*

**C. HEARING OF VISITORS:**

*Margaret Montgomery, 1746 Taylor Station Road, Blacklick, OH stated Council needs to codify the dog park rules; know there are ordinances that cover what goes on; don't think they are strong enough for you to manage the dog park to the extent that people are safe there; we had an incident down there on Saturday; we go to the dog park every day; we have 3 dogs and 1 visiting dog all under 20 lbs.; one is 3-1/2 lbs; another lady was there who had a large dog over 25 pounds who should not have been in small dog area; husband said nicely this is a small dog area and if your dog got out of control could really hurt my Yorkie; lady said a couple of expletives and stated you aren't going to win this one and refused to leave; my husband is retired secret service, knows the law; there have been a number of dangerous incidents with canines injured; have witnessed some at Hannah and some at Pizzurro; love the dog park; it is a wonderful amenity; don't want to see you get rid of it; but dog park needs to be strictly monitored; need to look at laws on the books and make them codified so police have the power to ticket or arrest; can use nuisance laws, etc., however, not every police officer wants to do that even when necessary; sure you get a lot of flak but you need to do something to get the people who use it under control. With no opposition from Council members, President extended the time for this speaker. Montgomery continued that Officer Aey responded; was very nice; the fact that he could not ticket distressed me and results in my being here; police do a great job ; think they should enforce the dog park rules; make the rules codified so you can get some easy money for Gahanna; thank you for letting me talk; glad to see my former coworker Beryl up there; thank you.*

**D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:****Ordinances - To Be Introduced and Assigned to Committee:**

*Ordinances introduced, by title, by Evers.*

**ORD-0277-2008**

SUPPLEMENTAL APPROPRIATION - Federal Law Enforcement Trust Fund

**Introduced, to Regular Agenda**

**ORD-0278-2008**

SUPPLEMENTAL APPROPRIATION - Stormwater Fund

**Introduced**

**ORD-0279-2008**

TO REAUTHORIZE AND CONFIRM THE PLANNED TRANSFERS AS APPROPRIATED IN ORD-0001-2008

**Introduced**

[ORD-0280-2008](#)

SUPPLEMENTAL APPROPRIATION - Tax Increment Equivalent Fund

**Introduced**

[ORD-0281-2008](#)

SUPPLEMENTAL APPROPRIATION - Street Fund

**Introduced**

[ORD-0282-2008](#)

SUPPLEMENTAL APPROPRIATION - Capital Improvement Fund

**Introduced**

[ORD-0283-2008](#)

TO ENACT CODE CHAPTER 1173, RESIDENTIAL PORTABLE TEMPORARY STORAGE UNITS AND CONSTRUCTION WASTE RECEPTACLES, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**Introduced, to Finance Committee**

**E. CONSENT AGENDA:**

**Minutes - To Approve:**

**2008-0001**

- 1) December 1, 2008 Regular Meeting Minutes
- 2) December 1, 2008 Special Meeting Minutes
- 3) December 8, 2008 Special Meeting Minutes

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

**Ordinances on Second Reading:**

[ORD-0267-2008](#)

TO AUTHORIZE THE MAYOR TO ENTER INTO FIRST AMENDMENT TO CROSS ACCESS EASEMENT FOR THE ST. MATTHEW ATHLETIC FIELDS LOCATED ADJACENT TO BIG WALNUT CREEK AND THE CITY OF GAHANNA PROPERTY ON PARKLAND DRIVE

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

[ORD-0268-2008](#)

TO AUTHORIZE THE MAYOR TO ENTER INTO MASTER FIBER SWAP AND USE AGREEMENT BETWEEN THE VILLAGE OF NEW ALBANY AND THE CITY OF GAHANNA.

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

[ORD-0269-2008](#)

TO AUTHORIZE THE MAYOR TO MODIFY THE SCOPE OF DESIGN SERVICES WITH W.E. STILSON CONSULTING GROUP, TO MEET EPA WATER QUALITY REQUIREMENTS AND TO ADD A SIDEWALK ON ONE SIDE OF THE STREET; TO THE EAST JOHNSTOWN ROAD WIDENING PROJECT; BEECHER TO YMCA PLACE; AND TO DECLARE AN EMERGENCY.

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

[ORD-0270-2008](#)

TO ZONE 27.9+/- ACRES AS M-1, MANUFACTURING; FOR PROPERTY LOCATED AT 5847 TAYLOR ROAD AS PART OF CENTRAL PARK AND ADDITIONAL ADJACENT PARCELS; VALUE RECOVERY GROUP II, LLC, OWNER.

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

[ORD-0271-2008](#)

TO AMEND CODE SECTION 1163.07, PARKING SPACES FOR PEOPLE WITH DISABILITIES; OF CHAPTER 1163, PARKING REGULATIONS, OF THE

CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

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

**ORD-0272-2008**

SUPPLEMENTAL APPROPRIATION - Parks, Land Acquisition

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

**ORD-0273-2008**

TO ACCEPT STORM WATER SEWER EASEMENT FOR PROPERTY LOCATED NEAR TECH CENTER DRIVE FROM MERITEX PROPERTIES, LLC; AND TO DECLARE AN EMERGENCY.

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

**ORD-0275-2008**

TO AUTHORIZE THE MAYOR TO ENTER INTO CHANGE ORDER AMENDMENT WITH DHB NETWORKS, LTD., TO EXTEND THE FIBER OPTIC CONSTRUCTION PROJECT

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

**Ordinance - To Amend by Substitution and Adopt:**

**ORD-0246-2008**

TO AUTHORIZE THE MAYOR TO ENTER INTO PURCHASE AGREEMENT WITH CDW-G FOR THE PURCHASE OF AUTOMATED VEHICLE LOCATORS FOR THE MARKED POLICE FLEET; TO WAIVE BIDDING PROCEDURES THEREFOR; TO SUPPLEMENTALLY APPROPRIATE FUNDS THEREFOR; AND TO DECLARE AN EMERGENCY.

**This Matter was Amended by Substitution, Adopted, As Emergency on the Consent Agenda.**

**ORD-0276-2008**

TO AUTHORIZE THE MAYOR TO ENTER INTO REAL ESTATE PURCHASE CONTRACT WITH ELLEN L. LEPERA, TRUSTEE, FOR THE PURCHASE OF 1.9176+/- ACRES LOCATED TO THE REAR OF 496 EAST JOHNSTOWN ROAD; TO TRANSFER FUNDS THEREFOR; AND TO DECLARE AN EMERGENCY

**This Matter was Amended by Substitution, Adopted, As Emergency on the Consent Agenda.**

**Statutory Resolutions on Second Reading:**

**SR-0004-2008**

RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO APPROPRIATE REAL ESTATE FOR FUTURE PARK DEVELOPMENT; FOR PROPERTY LOCATED ALONG A TRIBUTARY OF THE BIG WALNUT CREEK FROM GAHANNA WOODS PARK TO PIZZURRO PARK.

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

**SR-0005-2008**

RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO APPROPRIATE REAL ESTATE FOR THE PURPOSE OF A RETENTION BASIN; FOR PROPERTY LOCATED WEST OF HAMILTON ROAD ACROSS FROM TRESHAM ROAD; AND TO DECLARE ANY EMERGENCY.

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

**SR-0006-2008**

RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO APPROPRIATE REAL ESTATE FOR RIGHT OF WAY PURPOSES FOR THE HAMILTON ROAD CENTRAL PROJECT, AND APPURTENANCES THERETO; IMPROVEMENT NO. 785; AND TO DECLARE AN EMERGENCY.

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

**Motion Resolution:**

**MR-0056-2008**

Motion Resolution that this Council has no objection to the transfer of D1, D2, and D3 liquor permits from Creekside Entertainment Co., 500 Creekside Plaza 1st Floor/Patio only, Gahanna, OH 43230 to Wine Guy Wine Shop LLC, dba The Wine Guy, 500 Creekside Plaza 1st Floor/Patio only, Gahanna, OH 43230.

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

**Passed The Consent Agenda**

A motion was made by Kneeland, 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 McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson, McAlister and Samuel
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**End of the Consent Agenda****F. PUBLIC HEARINGS:**

*President read Public Hearing rules that would apply to the Public Hearing this evening.*

**CC-0006-2008**

To consider the enactment of Chapter 1173 - Residential Portable Temporary Storage Units and Construction Waste Receptacles - of the Codified Ordinances of the City of Gahanna.

*President opened Public Hearing at 7:38 p.m.*

*Sadicka White, Director of Development, stated she was speaking on behalf of the administration; proposing new Chapter 1173, a change to the code to provide for more precise guidelines with regard to portable residential storage units; came before you a while ago and there were some concerns with language and criteria; was remanded back to Planning Commission; sum and substance is that section was added regarding delivery date; allowed for portable on demand storage to be delivered without a permit and without payment; that was a major concern; also Police Department can say it can be in the street based on topography or other issues; gives clarification on actual storage units as opposed to construction units; was before Planning Commission and they have recommended to Council for adoption; covered all items that were raised during the initial presentation with these storage units; one question by Planning Commission was are we overrun with this issue; answer is no we are not; since this kind of use and business has come into fruition and people are using them to store their excess home inventory wanted to address before it became a huge issue; we will have regulations in place that will help us if we get a complaint; will be mostly looking at this on a complaint basis.*

*President closed Public Hearing at 7:42 p.m.*

**Heard in Public Hearing**

**G. STANDING COMMITTEES:**

**Development & Parks Committee - Ewald: No Report.**

**Public Service & Safety Committee - McAlister: No Report.**

**Committee of the Whole - Evers: No Report.**

**Finance - Kneeland:**

*Kneeland stated we will be reviewing appropriations next week; should have them; please review and if you have any questions it is best to send those as soon as possible to the administration so we don't get bogged down with research issues at committees.*

**H. CORRESPONDENCE AND ACTIONS:****Clerk - Legal:**

**2008-0071** Notice to Legislative Authority regarding Liquor Permit Renewal Objections. Deadline for filing objections is January 2, 2009 and must include a resolution specifying reasons for objecting.

**Received and Filed**

**2008-0072** Notice to Legislative Authority of a Transfer of D1, D2, and D3 liquor permits from Creekside Entertainment Co, 500 Creekside Plaza 1st floor/patio only to Wine Guy Wine Shop LLC, dba The Wine Guy, 500 Creekside Plaza, 1st floor/patio only, Gahanna OH 43230. Last day to file objections is December 22, 1008.

**Received and Filed**

**2008-0073** Notice to Legislative Authority of the transfer of D5I and D6 liquor permits from Creekside Entertainment Co., dba Mezzo, 130 Creekside Plaza & Patio, Gahanna, OH 43230 to Mezzo Restaurants Limited, dba Mezzo Italian & Wine & Patio, 130 Creekside Plaza, Gahanna, OH 43230. Last day to file objections is December 22, 2008.

**Received and Filed**

**2008-0074** Notice to Legislative Authority of the transfer of D5I and D6 liquor permits from Creekside Entertainment Co., 700 Creekside Plaza, 3rd Floor, Gahanna, OH 43230 to Creekside Conference and Events Limited, dba Creekside Conference & Event Center, 700 Creekside Plaza, 3rd floor, Gahanna, OH 43230. Last day to file objections is December 26, 2008.

**Received and Filed**

**Council:**

*McGregor stated that committee meeting on December 8 will start at 6:15 p.m. and we will be meeting in one committee.*

*McGregor appointed Dave Samuel to the Olde Gahanna Vision Committee and Beryl Anderson to the committee for the oversight for the RFPs for the revolving loan grants.*

**I. SECOND READING OF ORDINANCES:****ORD-0172-2008**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH ADVANCED CIVIL DESIGN, INC., FOR ENGINEERING DESIGN SERVICES FOR LINCOLN CIRCLE ROADWAY IMPROVEMENTS; AND TO DECLARE AN EMERGENCY.

**A motion was made by Kneeland, seconded by Vice President of Council Evers, that this matter be Amended by Substitution. The motion carried by the following vote:**

<b>Yes</b>	<b>7</b>	President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson, McAlister and Samuel
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*McGregor said she does appreciate the efforts of Council to try to improve the situation; sometimes we just have to admit it is just not possible to improve; will be about \$75,000 to improve the area with planning and construction; people will not be happy because the post office is still going to be in the same place; will be losing 9 parking spaces; reduced number of spaces originally; will have to go back and have another variance for this parking lot; businesses I spoke with around the neighborhood were not in support of this plan; would also add an extra curb cut which would not only add to the turbulence of the area but increase possibility of pedestrians and vehicles interacting; the intersection has been said to be dangerous; I don't believe it is based on police reports; have been 2 accidents in 6 months, one at each end of Lincoln Circle; the issues we are dealing with have been caused by the post office locating where they are with not enough parking; don't think this will be seen as a solution; it is a Band-Aid; people will still complain and it will probably exacerbate the problem.*

*Anderson stated there are many issues; have also talked with several constituents and they agree; this will not have a major impact; post office will be at same place; have concern about traffic exiting; see both pros and cons; overall sentiment is against the changes to the post office area as presented; with that rationale and representing my ward, will be voting against.*

*Ewald stated he will be in favor tonight; in going through this process also heard from residents; know of one business owner behind who is against; City should not have granted the variances; ingress and egress on a public street is our concern; we are modifying for public access; there is support for remedying the situation to the extent we can; will be supporting.*

*Kneeland stated that to go one step further on that topic, changes are at hand; one thing of note, know McGregor met with businesses but we met with Rosenthal who is owner of property; because of his interaction we came up with a good design base; I don't have same concern; totally unusable as it sits today; other comment I have heard from citizens when told we couldn't move them. was what can you do to help; believe through this effort we can help alleviate some of the congestion; residents continue to call us on this issue.*

*McAlister stated he had made his mind up at committee; have full faith and confidence with Ewald heading this up; person who owns is in support; he will be affected the most by changing the parking situation; those who are his tenants will be affected; will be supporting.*

**A motion was made by Kneeland, seconded by Vice President of Council Evers, that this matter be Adopted as Amended. The motion carried by the following vote:**

<b>No</b>	<b>2</b>	President of Council McGregor and Anderson
<b>Yes</b>	<b>5</b>	Vice President of Council Evers, Kneeland, Ewald, McAlister and Samuel

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

## **K. MOTIONS/RESOLUTIONS:**

### **RES-0021-2008**

TO AUTHORIZE THE MAYOR TO FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE COPS GRANT PROGRAM

*McAlister asked if this is money that comes from federal government. Bell answered yes. McAlister stated he has tried to be as consistent as possible this year to upholding*

*my oath; could not find one sentence in the constitution authorizing Congress to support local municipalities and their police force; is unconstitutional; will be voting no.*

**A motion was made by Vice President of Council Evers, seconded by Kneeland, that this matter be Adopted. The motion carried by the following vote:**

<b>Yes</b>	<b>6</b>	President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson and Samuel
<b>No</b>	<b>1</b>	McAlister

## **L. REPRESENTATIVES:**

### **Community Improvement Corporation (CIC) - Ewald/Kneeland:**

*Ewald stated meeting is tomorrow at 5:30 p.m.*

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

*Meeting will be the 2nd week in December.*

### **Bd./Ed., Gahanna-Jefferson Public Schools:**

*Clerk stated Kneeland is the representative to the meeting on December 11.*

## **M. OFFICIAL REPORTS:**

### **Mayor:**

*Mayor stated she would reiterate on appropriations to call if you have any questions; did receive them in your packet on Wednesday; we are ready to answer any questions or do any research; please call any of us to get your questions answered; this is a complicated process and a complicated budget.*

*Stinchcomb continued that she also wanted to extend thank you to Gahanna Events, city staff, community volunteers for the 10th annual Holiday Lights festival; was fun to ride the float and see people standing 8 to 10 deep on the parade route; glad weather held off a little bit; was a very successful event; lot of circulation of people in Olde Gahanna; early reports of lots of cash registers ringing; citizens were very pleased; so gratifying to me to see city employees volunteering their time; is an event that takes 12 months to plan.*

### **City Attorney:**

*Weber stated he received correspondence from OML stating that HB 154, the Mayors' Court bill, may still have a vote in the waning days of this General Assembly; also is a companion Senate bill that may have a vote; the OML said some amendments are included not sure what about yet; general assembly has to end at the end of the year and start over; will monitor but it is not yet dead.*

## **N. COUNCIL COMMENT:**

*Ewald echoed Mayor's comments; lot of city employees down there; spearheaded our efforts; record turnout; people were 10 rows deep; saw chairs out as early as 1:00 p.m.*

*Samuel stated he would second comments on Holiday Lights; surprised at all of the volunteers who come in at end to help clean up; reminder to young people in audience;*

*what you are seeing is a lot of things tonight we did research on before tonight; get involved in the community; encourage you to apply for boards and commissions; thank Mrs. Montgomery for comments on dog park; sure we will look at that.*

*Kneeland stated ditto on Holiday Lights; the growth factor seen over the 10 years is amazing; dedicated group of volunteers including average Joe Citizen who wants to get involved; takes a high level of leadership and coordination by our staff with CVB and GEI who put their hearts into this event.*

*McAlister stated he would echo Samuel's comments; also if Police Department can't ticket for gross violations on rules posted, if there is no recourse to police we need to look into this; know we have a full agenda but don't want to drop this.*

*Stinchcomb stated we do have laws we can enforce; will look at dog park rules; talked to Mrs. Montgomery before the meeting; in an extreme situation we could cite in cases that would be of serious nature; can discuss.*

*Anderson stated that along with that thinking with the issues of the dog park, consider surveillance; when you get into a "he said, she said" situation it can get bad; perhaps even some sort of monitoring, not only at this park but at other parks also; need to hear or see the other side of the story as well; we do know each other; but going back to issue of children; Holiday Lights parade was great; fun being on the float; enthusiasm of the people of Gahanna and surrounding areas is fantastic; also saw participation on many levels from students to senior citizens as well as staff; played my flute earlier in the day on the stage; always a pleasure for people to share their particular gifts; as we reflect on the holidays think of things outside ourselves; look to the sky tonight and see Jupiter, Venus and the moon in alignment; learn something as well as see something awesome to take in; 2052 before it happens again.*

*Evers stated that with regard to Holiday Lights, thank sponsors, volunteers, staff, CVB, Gahanna Events and all participants and anyone else who was involved; had marching bands from around state; floats from all over central Ohio; looking at what this started out as 10 years ago, can only applaud all involved.*

*McGregor stated that tons of time are volunteered; was not able to participate last year due to pneumonia, this year bronchitis; hope next year to be able to participate; glad everyone had a good time.*

## **O. EXECUTIVE SESSION:**

*MOTION by Evers, seconded by Anderson, to go into Executive Session under authority of Section 5.40(a) of the Council Rules of Procedure to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee, official, licensee or regulated individual unless such public employee, official, licensee or regulated individual requests a public hearing. ROLL CALL: Voting yes: Evers, Anderson, Ewald, Kneeland, McAlister, McGregor, Samuel. Motion carried.*

*Council rose to Executive Session at 8:06 p.m. Council rose to report from Executive Session at 8:24 p.m.*

## **P. ADJOURNMENT: 8:25 p.m. - Motion by Evers.**

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

*APPROVED by the City Council, this  
day of 2008.*

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**Nancy R. McGregor**  
**President of Council**