

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, December 15, 2008

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 15, 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 December 12, 2008.

Members Absent: David L. Samuel

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

B. ADDITIONS OR CORRECTIONS TO THE AGENDA:

Motion by Kneeland, seconded by Anderson, to add ORD-0291-2008 to the regular agenda under 1st reading of Ordinances. ROLL CALL: Voting yes: Kneeland, Anderson, McAlister, McGregor, Evers, Ewald. Motion carried.

C. HEARING OF VISITORS:

Mayor presented to Christa Hester a proclamation declaring December 15, 2008, as Christa Hester in honor of receiving a superior award from the Ohio Parks & Recreation Association for her many contributions to our department including serving as an intern, leadership on the Gahanna Youth Council, TeenFest, 1908 Day, Back to School Kick-off Day and Pre-School Party in the Park, all of which contributed to her 2008 Youth Service Community Award.

Mayor presented to Cid Canter a proclamation naming December 17, 2008, as Cid Canter Day honoring 20 years of service on Planning Commission; thanking her for being a true leader in our community.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE: None.**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 and Filed on the Consent Agenda.

Ordinance: Introduce, Waive Second Reading, Adopt as Emergency:**ORD-0284-2008**

TO AUTHORIZE THE MAYOR TO ENTER INTO STEELWORKERS HEALTH AND WELFARE FUND PARTICIPATION AGREEMENT; AS PROVIDED FOR IN ARTICLE XX, INSURANCE OF ORD-0011-2008, WHICH AUTHORIZES THE NEGOTIATED LABOR AGREEMENT WITH THE UNITED STEEL, PAPER & FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL; AND TO DECLARE AN EMERGENCY.

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

ORD-0285-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH RAY J. KING FOR COVERAGE OF PLANNING COMMISSION AND OTHER SERVICES THAT MAY BE NEEDED BY THE CITY ATTORNEY FOR THE YEAR 2009; AND TO DECLARE AN EMERGENCY.

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

ORD-0286-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO PERSONAL SERVICES CONTRACT BETWEEN THE CITY OF GAHANNA AND MEACHAM & APEL ARCHITECTS, INC., FOR PLAN REVIEW SERVICES FOR 2009; AND TO DECLARE AN EMERGENCY.

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

ORD-0287-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO PERSONAL SERVICES CONTRACT BETWEEN THE CITY OF GAHANNA AND ASEBROOK & CO. ARCHITECTS, FOR PLAN REVIEW SERVICES FOR 2009; AND TO DECLARE AN EMERGENCY.

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

ORD-0288-2008

TO ACCEPT DONATION OF A UTILITY TRAILER FROM MARTY WHITE; AND TO DECLARE AN EMERGENCY.

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

ORD-0289-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO REAL ESTATE PURCHASE CONTRACT WITH STONEHENGE LAND COMPANY FOR THE PURCHASE OF 5.60+/- ACRES LOCATED ON NORTH HAMILTON ROAD; TO SUPPLEMENTALLY APPROPRIATE FUNDS THEREFOR; AND TO DECLARE AN EMERGENCY

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

ORD-0290-2008

TO AUTHORIZE THE MAYOR TO ENTER INTO REAL ESTATE PURCHASE CONTRACT WITH STONEHENGE LAND COMPANY FOR THE PURCHASE OF 1.335+/- ACRES LOCATED ON NORTH HAMILTON ROAD; TO SUPPLEMENTALLY APPROPRIATE FUNDS THEREFOR; 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-0278-2008**

SUPPLEMENTAL APPROPRIATION - Stormwater Fund

This Matter was Adopted on the Consent Agenda.

ORD-0279-2008

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

This Matter was Adopted on the Consent Agenda.

ORD-0280-2008

SUPPLEMENTAL APPROPRIATION - Tax Increment Equivalent Fund

This Matter was Adopted on the Consent Agenda.

ORD-0281-2008

SUPPLEMENTAL APPROPRIATION - Street Fund

This Matter was Adopted on the Consent Agenda.**ORD-0282-2008**

SUPPLEMENTAL APPROPRIATION - Capital Improvement Fund

This Matter was Adopted on the Consent Agenda.**Ordinance - To Amend by Substitution and Adopt: as Emergency****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; AND TO DECLARE AN EMERGENCY

This Matter was Amended by Substitution, Adopted, As Emergency on the Consent Agenda.**Motion Resolution:****MR-0057-2008**

Motion Resolution to reallocate Parks Minor Capital funds in Account No. 101.431.5510, previously appropriated for a 3-point hitch planer; to now be used for purchase of a Stihl partner saw for \$842; to be purchased from Buckeye Power Sales Co., Inc.

This Matter was Approved on the Consent Agenda.**MR-0058-2008**

To confirm the Mayor's appointment of Diane Cantrell to the Community Improvement Corporation (C.I.C.) Board of Trustees for a three year term, beginning January 1, 2009 and ending on December 31, 2011.

This Matter was Approved on the Consent Agenda.**MR-0059-2008**

Motion Resolution that this Council has no objection to the D5I and D6 Liquor Permit Transfer from Creekside Entertainment Co., 700 Creekside Plaza, 3rd Floor, to Creekside Conference and Events Limited, dba Creekside Conference & Event Center, 700 Creekside Plaza, 3rd Floor, Gahanna, Ohio, 43230.

This Matter was Approved on the Consent Agenda.**MR-0060-2008**

Motion Resolution that this Council has no objection to the D5I and D6 Liquor Permit Transfer from Creekside Entertainment Co., dba Mezzo, 130 Creekside Plaza & Patio, to Mezzo Restaurants Limited, dba Mezzo Italian Wine & Patio, 130 Creekside Plaza, Gahanna, Ohio, 43230.

This Matter was Approved on the Consent Agenda.**MR-0061-2008**

Motion Resolution that this Council has no objection to the D5I Liquor Permit Transfer from Madero Ltd., LLC, dba Casa Fiesta, 1356 North Hamilton Road, to Los Jalapenos Mexican Grill & Cantina, dba Los Jalapenos Mexican Grill & Cantina, 1356 North Hamilton Road, Gahanna, Ohio 43230.

This Matter was Approved on the Consent Agenda.**MR-0062-2008**

Motion Resolution to set organizational meetings for Year 2009 as follows:

January 6, 2008 - 6:30 p.m. - Civil Service Commission

January 14, 2008 - 6:00 p.m. - Landscape Board

January 14, 2008 - 6:45 p.m. - Planning Commission

January 14, 2008 - 7:00 p.m. - Parks & Recreation Board

This Matter was Approved on the Consent Agenda.

MR-0063-2008

Motion Resolution to waive Council Rules of Procedure to set the Council Organizational Meeting for the year 2009 at 5:45 p.m. on the day set by Charter, January 2.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Vice President of Council Evers, 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 6 President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson and McAlister

Absent 1 Samuel

End of the Consent Agenda

F. PUBLIC HEARINGS: None.

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: No Report.

H. CORRESPONDENCE AND ACTIONS:

Clerk - Legal:

Z-0016-2008

To consider a zoning application to rezone 0.79 acres located at 211 Johnstown Road; current zoning CC; requested zoning SO (Suburban Office); Sunrise Lodge No. 783 F&AM, by Jack L. Allen, applicant. (Advertised in the RFE 11/20 & 11/27/08)

Clerk stated this public hearing would be held January 20, 2009.

Scheduled for Public Hearing

2008-0076

Notice to Legislative Authority of a transfer of a D5I liquor permit from Madero Ltd LLC, dba Casa Fiesta, 1356 N. Hamilton Road, Gahanna, OH 43230 to Los Jalapenos Mexican Grill & Cantina LLC, dba Los Jalapenos Mexican Grill and Cantina, 1356 N. Hamilton Road, Gahanna, OH 43230. Last day to file objections is January 5, 2009.

Received and Filed

2008-0078

Certification from Franklin County Board of Elections of the failure of the charter change on the November 2008 ballot to amend Section 13.03; votes for 7,570; votes against 7,922.

Results certified on December 8, 2008, and received December 10, 2008.

Received and Filed

Council: None.

I. SECOND READING OF ORDINANCES:

ORD-0277-2008

SUPPLEMENTAL APPROPRIATION - Federal Law Enforcement Trust Fund

McAlister stated he had asked for this on regular agenda; another instance where I am not against buying police equipment; however, this program is a failed drug enforcement policy; same concept as prohibition; this crime could be eliminated as it was begun - with the stroke of a pen; didn't work in the '20s; it is a failed policy and we should not be participating; 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:

Yes **5** President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald and Anderson

No **1** McAlister

Absent **1** Samuel

J. FIRST READING OF ORDINANCES:

ORD-0291-2008

TO AUTHORIZE A TEMPORARY APPROPRIATION FROM 2009 IN THE AMOUNT OF 15% OF THE TOTAL 2008 AUTHORIZED SALARIES AND BENEFITS FOR THE PURPOSE OF FUNDING THE JANUARY 2, 2009 PAYROLL

Introduced, by title, by Evers.

Introduced

A motion was made by Vice President of Council Evers, seconded by Anderson, that this matter be Waive Second Reading. The motion carried by the following vote:

Absent **1** Samuel

Yes **6** President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson and McAlister

Evers stated for the benefit of the audience; payroll needs to be met on January 2; we will not pass our appropriations until after that payroll needs to be met; need a supplemental to pay employees on that day; it is for work actually done in 2008.

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

Yes **6** President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson and McAlister

Absent **1** Samuel

K. MOTIONS/RESOLUTIONS: None.

L. REPRESENTATIVES:

Community Improvement Corporation (CIC) - Ewald/Kneeland:

Kneeland stated finished our final meeting of the year several weeks ago; strategic planning sessions were successful; as we move forward CIC members rotate out due to term endings; also Council members change; feel it has been a real successful year.

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

Anderson stated for the record information is available on ODNR community development; competitive grant funding; grants range from \$50,000 up and are due February 2; several sources through ODNR, including Division of Recycling, EPA clean school bus program, pollution control equipment; application is on web site.

Bd./Ed., Gahanna-Jefferson Public Schools - Kneeland:

Kneeland stated it was the last school board meeting of the year; 5th grade children with instruments played; reviewed some of the highlights of the City in 2008 and the things we accomplished; pretty routine meeting.

M. OFFICIAL REPORTS:

Mayor:

The Central Ohio Mayors and City Managers group has met on a quarterly basis for a number of years; Gahanna was pleased to host this group on December 4 with more than 30 people in attendance at the Creekside Conference Center; Lt. Gov. Fisher was present; they had many positive comments to make about the Creekside development and how well we have positioned ourselves for future growth.

Mayor presented to Council President McGregor a city flag; is a tradition started several years ago by former Mayor Jim McGregor; will be engraving name and year for Council president; will have Gahanna flag with that for you; thank you for your hard work this year.

Stinchcomb wished everyone a safe and Happy Christmas and holiday season.

City Attorney:

Weber stated that the infamous HB154 still lives; is the bill that would make major modifications to Mayors Courts throughout the state; thought it had died; learned today it may be brought up in waning days of this general assembly; will keep track; still have some concerns; changes include a change in name to Community Court; that is good because Mayors don't hear Mayors Courts any more; may make them courts of records; more stature and status; bill has been all over the place; dies if not passed in next 9 days.

N. COUNCIL COMMENT:

Ewald stated enjoy the holiday; spend time with your family; ice conditions will increase beginning tonight; drive carefully.

Kneeland thanked all administrative staff; was a difficult year; lot of milestones that occurred including the grand opening of Creekside; Central Park is expanding; need to maintain a positive attitude; people in Gahanna are proud of this community; personally thank you and wish you all a happy holiday season.

McAlister wished everyone a Merry Christmas and Happy New Year.

Anderson congratulated Hester and Canter; thank you for your service, your vision and

your time; to the students in the room, as you see many things that go on tonight, understand a lot of work is done in committee meetings; you might be able to serve one day; use your gifts and talent; there is a reason for the season; know that you have come with your own purpose; encourage you to study anything in your life and pursue to the fullest; has been a wonderful first year; can't believe it is over already; many milestones; hard economic times now; encouraging and inspiring to know we live in such a forward thinking community; as we move forward into the next year I appreciate colleagues helping me through the first year; they assisted someone in transition; look forward to 2009; appreciate all the administration does; know many of you work into the night and on weekends; your careers and your dedication are appreciated; happy holidays; be safe in your travels.

Evers presented McGregor with a memento from the City for her year as President; thank you for your leadership.

Evers continued with congratulations to Christa Hester; had pleasure of meeting Cid Canter about 6 years ago; knocked on her door while campaigning; appreciate the leadership you have shown on Planning Commission and your vision; tonight we had an opportunity to see an intern and a 20 year veteran honored; thank you both; wished everyone a happy and safe holiday season; enjoy your time with your families.

McGregor offered congratulations to Hester; to Cid Canter, thank you; Planning Commission is not like other boards; it is a huge time commitment; 20 years is quite an accomplishment; thank Council Members and administration for keeping me on track; appreciate it.

O. EXECUTIVE SESSION:

A motion was made by Anderson, seconded by Vice President of Council Evers, 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.. The motion carried by the following vote:

Yes	6	President of Council McGregor, Vice President of Council Evers, Kneeland, Ewald, Anderson and McAlister
Absent	1	Samuel

Council rose to Executive Session at 7:55 p.m. Council rose to report from Executive Session at 8:02 p.m. with all members in attendance returning to the dais.

P. ADJOURNMENT: 8:03 p.m. - Motion by Evers.

Donna L. Jernigan, CMC
Senior Deputy Clerk of Council

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

Nancy R. McGregor
President of Council