

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Monday, September 11, 2000**

**7:00 PM**

**Council Committee Rooms**

## **Safety Committee**

*L. Nicholas Hogan, Chairman*

*Michael O'Brien*

*Donald R. Shepherd*

*Debra A. Payne, ex officio*

*Robert O. Keyes, ef officio*

**Members Present:** L. Nicholas Hogan, Michael O'Brien and Donald R. Shepherd

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**ADDITIONAL ATTENDEES:**

Nick Hogan, Michael O'Brien, Don Shepherd, Tom Weber, Mayor McGregor, Chief Murphy, Officer Apple, Kathy Culp, Donna Jernigan, Wayne Howard, Stacey Bashore, Press.

**PENDING LEGISLATION**

**2000-0038**

NOTICE TO LEGISLATIVE AUTHORITY OF LIQUOR PERMIT TRANSFER FROM FIFTY FIVE RESTAURANT GROUP LTD TO PLAZA TAPATIA OF COLUMBUS INC DBA PLAZA TAPATIRA, 690 MORRISON ROAD, GAHANNA OH.

Chief Murphy said the Police have no objection to this permit.

Recommendation: Motion Resolution, Consent.

**Recommended for Legislation**

**ORD-0223-2000**

TO REPEAL ORD-0189-2000, PASSED AUGUST 21, 2000, "TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH LOADOMETER CORPORATION FOR THE PURCHASE OF WHEEL LOAD WEIGHING DEVICES; AND TO DECLARE AN EMERGENCY"

Hogan said we need more time to look at this. The council was given incorrect information at the time of the vote and wants to look over concerns. Received an e-mail from Kneeland and agrees with 99% of it. Hogan was never of the mindset to do the weighing for fine revenue. It is the city's responsibility to guard roads from added deterioration from overweight trucks. Need to think of the safety issues. The trucking industry needs to know that Gahanna will not tolerate overweight trucks. It is a matter of tearing up the roads. Hogan's question is if the police act as a deterrent to the truck, who slides the scales under the truck, the county or our officer? If there is no possibility of receiving fine money, how do we offset the costs? Do we need a change of code? Hogan is concerned that if one of Gahanna's officers ticket the truck, then that officer will be tied up downtown in court to testify for the citation. Hogan feels the county should issue the citation and let them spend their time at the courthouse. If our officer issues the citation, then we lose him from his shift, or if he is not on shift and has to testify downtown then we may have to pay overtime. Hogan feels it is more prudent for the county or state to weigh the trucks. Hogan asked Officer Apple how could they tell if the truck is overloaded and how long does it take for the traffic stop?

Apple said it depends on the truck. Dump trucks are the majority of the overweight offenders. The traffic stop usually takes 25 minutes from start to finish.

Hogan thought the officer would be tied up for 3 or more hours if they had to wait on the county. He thought our officers would act as the deterrent while waiting for the county to show up, instead of waiting 30 minutes for Officer Apple.

Apple stated the reason they do not want the state or county to become involved is basically because they are unavailable. The state has two troopers for overweight truck violation, Trooper Joseph and an assistant. Trooper Joseph told Officer Apple that he is unavailable and they do not want anything to do with or waste their time with the scale.

The county is helping as far as a professional courtesy to Gahanna. They mostly work on 33 and/or 70, or off Roberts Road. Areas where there is a lot of construction.

Apple stated that even if the county or the state issues the violation, he would still have to testify downtown as to why he initially stopped the truck, whether it was for weight and/or equipment violations, even electrical and mudflaps and sometimes even then the weight issue is tossed out the window. Either way he will have to go downtown. More or less the County was trying to help establish that there are overweight trucks running through Gahanna as a courtesy. Suspected weight is like a DUI, one cue alone and he cannot pull them over. He has to notice several things. An overweight truck will act differently than one that isn't. He stated that there is usually a lot of wear and tear on the truck, if the drivers do not keep up on them. There are a lot of cues that will allow you to stop them, if he sees them he will.

Hogan wants to make sure that we protect the citizens and try to justify spending \$58,000.

Murphy said that all felony cases and DUI's go downtown. It is the benefit to city to have one of our officers downtown if it takes someone unsafe off the road.

Hogan was trying to figure out a better use of our personnel

Murphy stated that some cities have a court liaison officer, where all they do is spend time at the courthouse, but Gahanna is not there yet.

Hogan said a court liaison would be nice, we are chewing up time if there is no possible way to get the revenue back or have the state do the weighing.

Apple stated that even with another officer sometimes it is difficult to determine whether the trucks are overweight. Inside the cab of the truck, the drivers can control the way the weight is distributed on the air axles. Apple mentioned that if anyone has time and would like to come out with him on a couple of traffic stops they are welcome.

Another thing that Apple sees a lot of is overweight mulch carriers. They are big violators, especially with Ohio Mulch down the road.

O'Brien mentioned that he rode with Officer Apple and it was pretty enlightening. It helps to get a grasp as far as the vehicles go. He understood that the use of the county was only a courtesy. He also understands that the court action that Judge Pfeiffer took is going to be appealed. All that aside, he agrees with Kneeland's memo. The revenue from the scales is not the primary concern. He hopes that they will never even have to be taken out of the vehicle. If the word gets out that we do have scales, then the overweight trucks will go somewhere else. The word will spread and this will be good. He appreciates the thoroughness of the police department and understands the confusion with the fines.

Weber stated that this was a fairly recent development. Federal Preemption document. There are a lot of exemptions regarding interstate vehicles, subdivisions are exceptions.

Hogan said he got the information he wanted; was not aware of the courtesy situation.

**Recommended for Indefinite Postponement.**

## **NEW ITEMS:**

## Trash Haulers

Hogan stated that there were a lot of e-mails going back and forth on this. White has talked to Jeff Block. They are going to notify all businesses of all the laws. Police are watching and have cited haulers. But as far as safety and welfare are concerned this is not the highest priority of that time of day.

Mayor said that citizens can use video cameras to document the situation, and they should not be confrontational. The citizen can then file charges with the police and to talk to Ray Mularski. Our prosecutor will prosecute. Police are generally available to respond to these situations.

Hogan explained that some trash haulers have been slamming down dumpsters at 2 or 3 in the morning. He remembers the same complaints from the Villas awhile back that got corrected for the same violation. People have the right to sleep. Trying to find the answer, the section of the Code says it's illegal, police say it is the cost of doing business, zoning says it is out of their jurisdiction. Some suggestions have been made that may help. The suggestions were increasing fines everytime they are fined, pulling permits, requirements to put rubber pads down, use plastic vs. metal dumpsters. Hogan is looking for the best solution and wants input from the police.

Col. Hall asked if anyone has checked who these haulers are.

Mayor said that a letter has gone out to the companies regarding the laws; he remembers the Massey's complaint. The hauling companies are aware and the officers are doing their best. Gahanna is a voluntary community. If an individual files charges, it will strike fear into hauler because he knows he is waking that guy up and he can videotape it. The police must see that the misdemeanor has been committed, if he does not see it he cannot testify.

Weber said we could amend the penalty clauses.

Murphy said it may raise the deterrent if the fines are raised, if someone is caught the officer can do a whole vehicle inspection.

Apple stated that he has had discussions with drivers that tell him they are on a schedule; they have to be off the road in peak rushhour and they have to get it done sometime.

Mayor suggested that we write the companies with these suggestions, let them know it is a no harm no foul law, if it doesn't bother anyone, but it is still illegal.

O'Brien stated that even if the containers are made of styrofoam, there will still be a lot of noise with diesel powered trucks.

Mayor stated that there are a lot of places where there are no homes nearby so there wouldn't be a problem.

O'Brien stated that he has been following this matter. He suggested looking at the code and making changes to make it more painful on the companies. He said that Payne supports this and wants to add it to the agenda. Please review the codes and bring input back to safety committee.

Hogan said we are not going to solve this in this meeting. Committee will review ordinance.

Mayor is following up with Mr. Block and will make sure Mr. Bryan is contacted to go ahead to video tape.

O'Brien stated that he really appreciates Gard and White and their efforts in trying to get this solved.

Shepherd asked what the proper procedure is for the residents. Should they call the police dept.?

Murphy said they should call Mularski.

Mayor mentioned to Mr. Block that Mularski was in Court on Thursday and Mularski can review the facts and show him how to file the complaint.

O'Brien asked if there were permits required for commercial trash haulers; if not maybe the basis for losing such permit could be based on violations.

### **CARRYOVER FROM PREVIOUS MEETING:**

#### **Hannah Property Residence/Carl Norris**

Mayor stated we are not ready for this. Administrative Assistant obtained information that rent is \$1400 a month; fair economic value; security far exceeded that; Isler will try to get that done; Mayor will check on that to make sure.

#### **Code Change - Chapter 505, Animals & Fowl**

Committee looked over Kathy Culp's e-mail of August 30.

O'Brien stated he would like to take the ordinance and go section by section.

Weber stated that there are good points in the e-mail; need time to review and have a work session.

Mayor said he would like D'Ambrosio to be there.

Jernigan stated that D'Ambrosio has basically turned it over to the Council office

O'Brien suggested setting up a special time to go over these items. Take it home and over the next couple of weeks make notes and see where they fit in the code.

#### **2000-0034**

MONITOR:

- 1) Skateboard Park.
- 2) Pizzurro Park
- 3) Morse Rd/US 62 Signage

Skateboard Park-

Mayor stated it is up to the parents at this point; negotiation with swim and racquet club to use tennis courts.

Tim Tam & Venetian Stop Signs-

Mayor said that warrants can be tested in the court of law; if someone is injured there they can sue the city; courts are based on what a prudent man thinks; warrant study does not have to be an engineers study.

**MONITOR ITEMS:**

**Stacey Bashore, Recording**