

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, August 5, 2002

7:30 PM

City Hall

City Council

Michael O'Brien, President of Council

Robert W. Kelley, Vice President of Council

Karen J. Angelou

L. Nicholas Hogan

John McAlister

Debra A. Payne

David B. Thom

Isobel L. Sherwood, CMC/AEE, Clerk of Council

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

Gahanna City Council met in Regular Session on Monday, August 5, 2002, in Council Chambers of City Hall, 200 S. Hamilton Road, Gahanna, Ohio. President of Council Michael O'Brien called the meeting to order at 7:30 p.m. The invocation was given by Pastor Rod Dempsey, New Life Community Baptist Church, followed by the Pledge of Allegiance led by Council Member Angelou. Agenda for this meeting was published on August 1, 2002.

Pastor Dempsey thanked Council and the administration for all their work last year on the Institutional Zoning category. Also invited Council to attend an open House at 12:15 p.m. on Sunday, August 25th at New Life Church.

Members Present: David B. Thom, Michael O'Brien, Karen J. Angelou, Debra A. Payne, L. Nicholas Hogan, Robert W. Kelley and John McAlister

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

William C. Johnson, 1028 Ridge Crest Drive, stated he came to talk about two things for you to consider; have no suggested language; first one is automotive uses in north and south triangle areas which is basically Hamilton Road and Johnstown Road and within 500' of those; there are 2 automotive uses existing - Monro Muffler and the gasoline station across from it; as you come south along Hamilton Road three attempts have been made to put automotive uses along Hamilton Road; 2 were defeated in Planning Commission and 1 at BZA; ask you to consider passing an ordinance to restrict automotive uses in those areas; submitted 96 letters when I came to you about the BZA appeal; now have 8 more; neighbors opposed to automotive uses in that area; three times automotive uses have been defeated; one was a body shop and one was Firestone where we now have Heartland Bank; most recently the car wash; since it appears we don't want automotive uses in that area perhaps we can simplify the process by making it clear by passing an ordinance; second item wanted to mention was whether it is a good policy to have the zoning administrator as part of the Development Department.

MOTION by Payne, seconded by Kelley, to extend the time for Mr. Johnson by 2 minutes. ROLL CALL: Voting yes: Payne, Kelley, Hogan, McAlister, O'Brien, Thom, Angelou. Motion carried.

Johnson continued that his understanding of the role of Zoning Administrator is to be a gatekeeper; is this appropriate under our zoning law; role of the Development Department is to encourage development; wonder if two come into conflict; as a resident wonder whether having the Zoning Administrator as part of the Development Department leaves her independent enough to fully fulfill her role; nothing against the people - Bonnie Gard or Sadicka White; have nothing but admiration for both; but is the institutional structure appropriate; thank you.

Beth Haas, 959 Avir Court, stated she wished to address the issue of the integrity of the Police Department; on July 15 read compromise to you about enforcement of the law regarding go-peds and offered strategies for the community and the Police Department; have another issue tonight; what began as a simple fact finding mission and an educational lesson about freedom of speech has become an issue of police integrity and misconduct; on July 29 did file a complaint against Police Department, Chief Dennis Murphy, Deputy Chief Larry Rinehart and Lt. Jeff Spence; an internal investigation is currently being done; the day after I addressed Council the Assistant Dean of my college

was contacted and a complaint was filed about me for personal E-mail during company time and company computer; this complaint was not filed with my immediate supervisor but filed at the President's office at OSU; needless to say I was outraged; Lt. Jeff Spence was identified as officer that lodged the complaint; used the color of the law to get to President's office; don't know if he did it on his own or if he was following orders; that has yet to be determined; for someone to not have the social luxury to notify me of my son's conduct but does have the time and social luxury to file a complaint against me with my employer seems wrong; they have no right or authority to go after my employment and to put my work ethics under scrutiny; the communication is between me and the Police Department not the college where I work; never did I state that the university was involved in this; it is not and never will be the business of the Police Department as to how I do my job; have first amendment right to express myself; many of you had chance to read my packet of E-mails; did any of you view me as a threat; made my E-mails public because I had nothing to hide; after Council meeting listened while Chief encouraged his supporters to continue to complain about go-peds; he needed those complaints on record; feel it was out of line for him to rally the citizens; represents the entire community; hope during the police investigation a serious look is taken at complaints; were there 72 different complainants or 6 people filing 12 complaints each.

MOTION by Kelley, seconded by Hogan, to extend the time by 5 minutes for Mrs. Haas. ROLL CALL: Voting yes: Kelley, Hogan, McAlister, O'Brien, Payne, Thom, Angelou. Motion carried.

Haas continued that we fear for our safety; concerned that in a true emergency the police will be slow to react; am constantly looking over my shoulder; have damaged my reputation at work; administrators have knowledge of the complaint; fear my employment; family will lose my income and benefits; work on a research grant; when funding ends so does my position; now been branded so fear it will be difficult to get another grant; have not slept well; our daughter makes sure our house is secure before she goes to bed so she can feel safe; shouldn't have to live in fear; all we hoped to accomplish was a lesson on the legislative system; unfortunately we have gotten the lesson; is wrong for any member of the Police Department acting under color of law in an attempt to force my hand is wrong and had a responsibility to report the abuse to appropriate authorities; our situation is not an isolated incident; hope we have opened the door for others to come forward; can show there has been a pattern of practice; citizens should have freedom to voice opinion; refuse to live in a police state; we are not going to leave; we are parents defending our child's right; we should not have to live in fear of our employment or for the safety of our children.

Harley Haas, 959 Avir Court, stated he would not be redundant; still have issues on motorized scooter ban; few things have come to light; couple of you thought police should be left to enforce; swore when you took your office to back Police Department; must also consider what is right of your constituents; there are other national and state laws with same issues in line; you are one of those branches of government; know politics better than I; separation of power was done intentionally so no one branch or person could accumulate too much power or control; first question is why are police allowed to interpret as they see fit and enforce as they want; who empowered them to launch the media campaign; should at least make sure they are accurate because they use absolute power; should not be allowed to continue a campaign using skewed stats; if Gahanna police are going to enforce 311.03, toy vehicles on streets, shouldn't the parents know about roller blades and other toy vehicles; see a lot of them on the streets; if that's what we are enforcing then need to enforce all of it; if speaking out to public must be done based on facts not opinions; police told us they are using ORC and local ordinances and that all juvenile traffic offenders go downtown for the Franklin County

Prosecutor's office; within the court system been told that they can only enforce one or the other not both; feel it is irresponsible.

MOTION by Angelou, seconded by Kelley, to extend the time for Mr. Haas by 5 minutes. ROLL CALL: Voting yes: Angelou, Kelley, McAlister, O'Brien, Payne, Thom, Hogan. Motion carried.

Haas continued that the problem with the Police Department interpretation is that the Prosecutor's office said it can be governed as a toy vehicle on streets or a motor vehicle on sidewalk but not both; was told their office had more important things to do and hoped a compromise could be reached; currently would look at toy vehicle in street; rather sketchy regarding motor vehicle; if in 90 minutes we could get an answer from Prosecutor's office why couldn't the Police Department; if they did a media campaign based on facts we wouldn't be taking up your time 3 weeks ago and again tonight; would like to work out a compromise for our kids; why still pursue when the Prosecutor's office doesn't want to prosecute; Deputy Chief's answer was that we enforce our own local ordinances; was also told we should contact our representatives; that's why we are here; have tried to address without making as big an issue of it as it has become; 1st E-mail was June 24 to Mrs. Payne for help; received no reply; also contacted Lt. Huffman with the COPS program and never got a response from him; followed up with our Mayor who has been responsive; understand that Powell was also having an issue; believe they are only having an issue because of the media campaign; last thing I saw was they were going to have a public hearing as opposed to putting up a ban; in another article Gov. Taft signed legislation that allowed motorized scooters; he even rode one across statehouse plaza; if we are going to be a leader in cutting edge technology, we must practice what we preach; this is a great method of transportation; legislation takes effect in October; City Council is a place for citizens to speak out; feel it was inappropriate that police officers solicited people to come and encouraged them to speak; same police force that doesn't have the social luxury to contact me about my child does have the time to encourage citizens to come and speak before City Council; seem to be working together in other communities where residents and police work together; up to you and hope you can help for all our community.

Ed Rolley, 828 Arbors Circle, stated he was a missionary for Church of Jesus Christ of Latter Day Saints; grew up out west and had involvement with the community growing up; are 4 of us living here now who would like to do community service; let me know if there is anything we can do. O'Brien suggested they contact Raleigh Mitchell for possible opportunities for community service.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:

Ordinances - To Be Introduced and Assigned to Committee:

Ordinances introduced, by title, by Payne.

ORD-0133-2002

AN ORDINANCE AMENDING ORDINANCE NO. 990164, PASSED BY THE CITY ON AUGUST 16, 1999 AND ORDINANCE NO. 990427 PASSED BY THE CITY ON SEPTEMBER 20, 1999; RATIFYING AN INFRASTRUCTURE AGREEMENT INCLUDED IN THE PRIOR LEGISLATION; TO AUTHORIZE THE MAYOR TO ENTER INTO ADDENDUM TO INFRASTRUCTURE AGREEMENT; AND TO DECLARE AN EMERGENCY

Introduced

ORD-0145-2002

SUPPLEMENTAL APPROPRIATION - City Attorney, Landfill Legal Consultant

Introduced

ORD-0146-2002

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH COMPLETE GENERAL CONSTRUCTION FOR THE HIGH STREET REBUILD, IMPROVEMENT NO 801; TO SUPPLEMENTALLY APPROPRIATE \$296,800 THEREFOR; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0147-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH STILSON CONSULTING GROUP FOR INSPECTION SERVICES FOR THE HIGH STREET REBUILD, IMPROVEMENT NO. 801; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0148-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH STILSON CONSULTING GROUP FOR ENGINEERING SERVICES FOR THE EAST JOHNSTOWN ROAD (US62) WIDENING PROJECT FROM BEECHER TO RIVA RIDGE, IMPROVEMENT NO. 806; TO SUPPLEMENTALLY APPROPRIATE \$39,185 THEREFORE; AND TO DECLARE AN EMERGENCY

Introduced, to Service Committee

ORD-0149-2002

TO AUTHORIZE THE MAYOR TO EXECUTE AN EASEMENT FOR AN ONSITE SANITARY SYSTEM TO WILLIAM F. AND PAMELA J. TYLKA, FOR AN ONSITE SANITARY SYSTEM ON CITY OWNED PROPERTY KNOWN AS HANNAH FARM PARK; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0150-2002

TO ESTABLISH THE RATES OF PAY AND BENEFITS FOR UNCLASSIFIED PERSONNEL OF THE CITY OF GAHANNA FOR THE PERIOD JANUARY 1, 2002 THROUGH DECEMBER 31, 2002; TO REPEAL ORD-0287-2000 AS AMENDED; AND TO DECLARE AN EMERGENCY

Introduced

ORD-0151-2002

TO ESTABLISH THE RATES OF PAY AND BENEFITS FOR COMMAND OFFICERS OF THE CITY OF GAHANNA POLICE DEPARTMENT FOR THE PERIOD JANUARY 1, 2002 THROUGH DECEMBER 31, 2002; TO REPEAL ORDINANCE NO. ORD-0187-2001; AND TO DECLARE AN EMERGENCY

Introduced

ORD-0152-2002

TO ESTABLISH THE RATES OF PAY AND BENEFITS FOR SUPERVISORY PERSONNEL OF THE CITY OF GAHANNA FOR THE PERIOD JANUARY 1, 2002 THROUGH DECEMBER 31, 2002; TO REPEAL ORD-0046-2001; AND TO DECLARE AN EMERGENCY

Introduced

ORD-0153-2002

TO ACCEPT THE FINAL PLAT FOR PROPERTY KNOWN AS STONEGATE AND LOCATED ON OLDE RIDENOUR ROAD; ARMAND F. ARCHER, APPLICANT

Introduced, to Development Committee

ORD-0154-2002

TO ZONE 38.8+/ACRES OF NEWLY ANNEXED PROPERTY AS SF-3 ROD, SINGLE FAMILY RESIDENTIAL OVERLAY DISTRICT; FOR PROPERTY LOCATED ON THE NORTH SIDE OF TAYLOR ROAD IMMEDIATELY EAST OF RICE AVENUE; HOMEWOOD, BY J.C. HANKS, APPLICANT.

Introduced, to Committee of the Whole

ORD-0155-2002

AN ORDINANCE TO SET FORTH A STATEMENT OF MUNICIPAL SERVICES TO BE PROVIDED TO THE AREA CONTAINED IN THE PROPOSED ANNEXATION

OF 2.33+/- ACRES FROM JEFFERSON TOWNSHIP TO THE CITY OF GAHANNA;
REQUESTED BY J. CHRISTOPHER RALSTON, AGENT FOR PETITIONERS
JOSEPH C. AND BONNIE DECARLO; AND TO DECLARE AN EMERGENCY.

Introduced, to Development Committee

E. CONSENT AGENDA:

Minutes - To Approve:

2002-0002

To approve minutes of the following meetings:

1) December 2, 2002 Regular Meeting.

This Matter was Approved, on the Consent Agenda.

Ordinances on Second Reading:

ORD-0134-2002

TO ACCEPT 2.623+/- ACRES FROM JEFFERSON TOWNSHIP TO THE CITY OF GAHANNA, OHIO, KNOWN AS 4491 EAST JOHNSTOWN ROAD, REQUESTED BY THE CITY OF GAHANNA.

This Matter was Adopted on the Consent Agenda.

ORD-0136-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH JOSEPH H. AND MARIE T. BISANG FOR PURCHASE OF PROPERTY FOR SANITARY SEWER EASEMENT FOR IMPROVEMENT NO. 802, PRICE ROAD SANITARY SEWER.

This Matter was Adopted on the Consent Agenda.

ORD-0137-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO REIMBURSEMENT AGREEMENT WITH THE FRANKLIN COUNTY ENGINEERS OFFICE FOR LOCATION AND DATA MANAGEMENT OF THE EXISTING 16" WATER MAIN, NORTH PORTION HAMILTON ROAD; TO SUPPLEMENTALLY APPROPRIATE \$7,400; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted on the Consent Agenda.

ORD-0138-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH EVANS, MECHWART, HAMBLETON & TILTON, INC., FOR ENGINEERING SERVICES FOR THE HAVENS CORNERS ROAD/HELMBRIGHT INTERSECTION TO MOVE THE SCHOOL ZONE TO THE WEST; IMPROVEMENT NO. 794; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted on the Consent Agenda.

ORD-0139-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH MS CONSULTANTS, INC., FOR ENGINEERING SERVICES FOR SANITARY SEWER SYSTEM INVENTORY AND MANAGEMENT SYSTEM DATA ENTRY FOR GASB-34 AND FUTURE GIS; TO SUPPLEMENTALLY APPROPRIATE \$22,000.

This Matter was Adopted on the Consent Agenda.

ORD-0140-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH JOHN ROYER AND DOUG MADDY FOR THE SALE OF CITY OWNED LAND LOCATED AT 57-63 MILL STREET; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted on the Consent Agenda.

ORD-0141-2002

TO ADOPT RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION

OF THE CITY OF GAHANNA, OHIO, AS REVISED JULY 8, 2002.

This Matter was Adopted on the Consent Agenda.

ORD-0142-2002

TO ACCEPT THE STREET PORTION OF IMPROVEMENT NO. 793; AND APPURTENANCES THERETO, KNOWN AS GIANT EAGLE #6051, WIDENING AND TRAFFIC SIGNAL IMPROVEMENT OF HAMILTON ROAD

This Matter was Adopted on the Consent Agenda.

ORD-0143-2002

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH COLUMBUS ASPHALT PAVING, INC. FOR MORRISON ROAD, PHASE I, WIDENING IMPROVEMENT, IMP. NO. 769; TO SUPPLEMENTALLY APPROPRIATE \$211,750 THEREFOR; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted on the Consent Agenda.

ORD-0144-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH EVANS, MECHWART, HAMBLETON & TILTON, INC., FOR INSPECTION SERVICES FOR THE MORRISON ROAD, PHASE I, WIDENING, IMPROVEMENT NO. 769; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted on the Consent Agenda.

Resolutions to Adopt on First Reading:

RES-0077-2002

TO AUTHORIZE THE MAYOR TO FILE AN APPLICATION AND ENTER INTO AGREEMENT WITH THE D.A.R.E. GRANTS ADVISORY BOARD FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE OHIO D.A.R.E. GRANTS PROGRAM

This Matter was Adopted on the Consent Agenda.

Motion Resolution:

MR-0039-2002

A motion resolution to recommend to Planning Commission the acceptance of fees in lieu of park land for the development known as Woods at Shagbark, Hamilton Road; for the revised plan adding an additional two parcels of land to the development.

This Matter was Approved on the Consent Agenda.

MR-0040-2002

Motion Resolution that the City has no objection to the stock transfer of Liquor Permits D2, D2X, D3 and D3A to JTT Brothers Corp., dba Gahanna Grill, 82 Granville Street, 1st floor, Gahanna, OH 43230

This Matter was Approved on the Consent Agenda.

MR-0041-2002

Motion Resolution to Authorize the One Year Renewal of the City of Gahanna's Insurance Package with the Ohio Municipal League Joint Self Insurance Pool; funds appropriated in the 2002 Appropriations.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Vice President of Council Kelley, seconded by Council Member Thom, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Yes 7 Council Member Thom, President of Council O'Brien, Council Member Angelou, Council Member Payne, Council Member Hogan, Vice President of Council Kelley and McAlister

End of the Consent Agenda

F. PUBLIC HEARINGS:

Z-0007-2002

To consider a zoning application on 38.8 acres of annexed property located on the North side of Taylor Road immediately east of Rice Avenue; requested zoning of SF-3 ROD; Homewood, by J.C. Hanks, applicant.

President stated Public Hearing rules for this evening. President opened Public Hearing at 8:03 p.m.

J C Hanks, Homewood Corporation, 750 Northlawn Drive, Columbus, stated they have filed an application for a subdivision we have called Foxwood; impress upon you the scope and effort Homewood has undertaken for this community; tried to meet with interested parties; worked closely with EMH&T, a well respected engineering firm; met with Mayor and staff including police and fire; also met with ODNR; all in an attempt to cover all of our bases; met with Rathburn Woods Civic Association; understand some of them are here to voice opposition; invite their comments and constructive criticism and stand ready to work with them; feel good about this development and are proud of it.

Linda Menerey, land planner, 2564 Andover Road, Columbus, OH 43221, stated there are approximately 72 lots which is less than what we came with in 1995; some specific things we get into because this is a residential overlay; if it was just SF-3 zoning we could do 11,000 s.f. lots and there would be no open space requirement; natural features shown in the ROD overlay; is specific that it allows a mechanism to preserve those features; other differences in term of layout are because we worked with Mayor and other folks with City; in the reserve areas there is an existing pond near Rathburn Woods and plan a larger open space and passive recreation area and expand it to land already owned by the city; there is a button bush swamp; more open space around it and all areas will be viewable from road; will have visibility and access to it; one of the things asked for was connectivity; have windows to these open spaces that are out to the street; there are 43 lots that back or front to preserve areas; SF-3 requires 35' front yards and 25' rear yards; have moved these to a 30' front yard on the lots along Rice Avenue so as to enhance the preservation zone in the rear; Planning Commission asked for additional tree areas up along this second area of the western border; was a lot of discussion about preservation zones and discussion about water and grading on west border; grade changes as lots on Rice Avenue are higher; worked some language into text to allow for drainage to take care of any standing water and help drain the water that may be sitting there; Greg Comfort can address that; there are 3 nice reserve areas; there is 20% open space; reduced number of lots; feel this is a nice development for Gahanna as a whole.

President asked for opponents. Linda Remaker, 370 Spruce Hill Drive, stated she has lived here for 7 years; land in questions has reason to be preserved; with button bush swamp and near wetland qualities, do we want to bulldoze over it like a deserted field; land is unique in its composition; may not be best for building; we would lose valuable green space for good; shouldn't we be concerned about that; earlier this year took petition around Middle School South; overwhelming majority agreed with me and have 237 signatures of students and teachers; am not of voting age yet; keep our concerns in mind; familiar with the story of the lorax by Dr. Seuss; can't afford to let that happen in Gahanna; soon spirals from one to another; in conclusion please carefully consider your vote; tremendous wildlife area and green space; world of progress isn't an issue;

Gahanna's wooded areas set us apart; please keep us that way; thank you.

Linda Gantz, 376 Spruce Hill Drive, stated she has seen this numerous times; how many times has this been defeated; couldn't remember if it was 3 or 4 times; my concerns have remained the same; developer has worked hard to make this land buildable and doable; reason it has required so much work is because the land is just not suitable for cramming houses in; went on canvassing for a petition and each house we went to was not in favor; many of them because of the setback from the street; houses don't present well when set closer to the street; is not that desirable for a family to have very little front yard and a preservation zone in the back; there really isn't enough room for that to happen; with our lots situated the way they are we can combine yards and have a great game going; they won't be able to do this; believe it is developable but keep zoning the way it is and there will be a creative builder that will come in and say we can do this; this area would be ideal for larger home sites; quality of life for those folks building on bigger lots would be desirable; as we have developed we have tended to get larger lots as we go up the hill; is not crucial but for this piece of land to go to these smaller lots it will not be desirable for those people living there; please consider that there are many problems with the land; the swamp is there; the developer has worked very hard but his concession is 2 less houses; respect what they are trying to do; been very nice people to work with; respect their abilities but don't think it is quite enough; don't think it will be a desirable piece of property as they wish to develop it.

John Dreska, 211 Farmwood Place, stated he has spent 4 wonderful years in Gahanna; water flow has substantially increased in creek next to my house; believe it is from Taylor and Taylor Station; oil slicks go down 3 to 4 times a week now; water flows much higher; videotaped 4 years ago; today looked at culvert and right now is just below the road and bridge abutment; lot more water coming in; this has never happened; Gahanna Woods Park and State Nature Preserve are there; buttonbush swamp is there; creek is the border between the two parks; this stream can't hold any more water; thousands more gallons will be created by new homes; pollution from equipment is killing off the wildlife in my side yard; no turtles this year and had 4 last year; only crayfish we see now are dead; no family of ducks this year; only counted 2 bullfrogs this year; am not an environmentalist but somebody has to step up; more development will damage downstream properties; please consider the environmental impact prior to any decisions being made.

Larry Wagner, 1230 Rice Avenue, stated his property abuts this; have several issues; first is soil conditions; this area is peewee silt clay soil; properties do not drain and is not buildable soil; been informed by Homewood that all properties will have basements.

MOTION by Hogan, seconded by Kelley, to extend for 10 minutes the opponents time and correspondingly for the proponents. ROLL CALL: Voting yes: Hogan, Kelley, Thom, Angelou, McAlister, O'Brien, Payne. Motion carried.

Wagner continued he is concerned not only with the basement and soil conditions but have issues with drainage; our pond drains over if we get enormous rains; will go right into these people's back yards; secondly don't feel that private drives are very good match for what we have; to have a private drive where only one side is buildable and other side is not does not seem adequate; feel that with soil conditions and drainage will come mosquitos; we currently have a problem; they are coming from that area and drifting over to ours; lastly against this development because it is not good land to build; like to see you vote no; acquire the land and extend the nature preserve; make us proud; nature preserve is kind of small; make it bigger and more like a Sharon Woods type park; would fit in much nicer.

Paul Remaker, 370 Spruce Hill Drive, stated he moved here in August, 1995 in time for the second Foxwood hearing; speak in opposition; received my views by E-mail; distribute copy of letter; also wish to inform you that this issue is not a "my back yard issue"; petition was circulated around neighborhood in opposition to Foxwood; SF-3 density will have an adverse effect on neighborhood; further believe it will have an adverse impact on overburdened school system; believe SF-3 is not best use of this unique parcel; SF-3 zoning will place a heavy burden on all parties; urge you to vote against; 219 signatures on this petition; the nature preserve shares a border with Gahanna and is a wonderful attribute; dense development; the eco system, runoff of lawn chemicals and ruination of pristine land are all issues with this development; engineering challenges exist; many homes on Rice and Spruce Hill already have problems with water; many yards experience over saturation with seasonal heavy rains; sump pumps run long after rain stops; feel that if the land was viable for building Davidson Phillips would have pursued it when they built Rathburn Woods; hold open hearings to see if this land in question should be used as green space; soil samples have been taken; looked through these results; 29 soil samples or test beds over 11 years; interesting that 15 of those were in the northeast quadrant now listed as open space; 1 soil sample was done on western edge of property on land that will hold a whole row of houses; the pond on Rice Avenue was never expected to take the amount of water it now takes; who will be responsible; lastly with specifics of rezoning believe the western most area will be shortchanged; preservation zone would be in that area; lots are 138' deep and would have a 30' front setback ; there is 12' of public right of way; assume perhaps a 30' wide home and a 12' deck; leaves a backyard of about 41' and still have to take the preservation zone out; that is not attractive for a home in the \$225,000 range; lot 24 particularly is also burdened by the curve of the cul de sac and may not have a back yard at all; generally have been increasing property values as you go east; city follows a pattern and don't think this will follow that pattern; one ingress and egress seems like a problem; private drive is an extra burden for those owners; could add about 100 students to an overcrowded school system; not sure we want to put any more strain on the schools; council members of the City do not need to approve this; land was acquired at ER-1 zoning and developer can submit a plan at that zoning; allowing development will put an additional strain on the schools, will add additional traffic to already identified choke points, and will contribute to the elimination of green space; consider the uniqueness and challenges of the land before making a decision; can only lose with the approval of this request; they have been trying for over 10 years; 3 past votes by previous council's have defeated this request; don't over develop our city; urge you to vote against; thank you..

Paul Slone, 312 Spruce Hill Drive, stated that if Homewood has made a bad business decision it is not up to the City to bail them out; property values have to stay high; if they have done poor homework don't see where it is up to the people already living in the community to take the brunt of that mistake; city council needs to step forward and not approve plans; look at criteria; should be a certain amount of density and if it doesn't meet that criteria then don't approve; have building problems and drainage that is their fault and they need to correct; have been surprised at the close vote; one time it will be pushed through; residents rearranged a lot of things to get here tonight; are times when people are not present when you will be pressured to make a decision; vote no.

O'Brien stated the 10 minutes extension had expired. MOTION by Hogan, seconded by Thom, to extend for an additional 5 minutes. ROLL CALL: Voting yes: Hogan, Thom, Angelou, Kelley, McAlister, O'Brien, Payne. Motion carried.

Bill Connor, 1229 Rice Avenue, stated he grew up in Gahanna; as a kid this area was my

stomping grounds; know what that land is like; can't build on it; despite what builder says you will have problems forever; now is the time for Gahanna to seize; have a 6 month old child; will be great for him to take advantage of that area in a couple of years; Gahanna Woods is nice but it is not quite big enough; expand the park. thank you.

Brian Sullivan, 1212 Rice Avenue, stated he wasn't going to speak tonight; have same views as everyone else; live right next to pond; have been coming to meetings since they started; never heard anything about a walkway; put a lot of money into my landscaping and deck; will have 72 new families going through and making my yard a pathway; pond is a figure 8 so build a bridge where the 8 is so I don't have to share all the traffic.

Greg Smith, 306 Spruce Hill Drive, stated his lot backs up to end of private drive and concern is 30' preservation zone; there is no preservation on the north side of the private drive that backs up to the lots; opposed to this in its entirety but if you do approve extend the 30' preservation on the entire west side.

John Rosan, 192 Farmwood Place, stated he was president of Rathburn Woods Civic Association; given the past role that our organization has played feel it is important to summarize our work with Homewood and more importantly express a handful of substantive recommendations that could be put in place; met in December and again in late January; were 2 main points; comparable stature and blend in with existing homes in Rathburn Woods; substantial concerns on soil quality runoff issues; no doubt that this proposal is the best we have seen; deed restrictions provide for comparable homes; the open issues dealing with soil quality and environmental issues were a concern; my professional background as a CPA did not allow me to make good judgements; that's where City Council enters into mix; 4 items that could help the open issues; first is to make it mandatory that each home have a basement; second would be for the City to assume full burden of preservation zone; third for ODNR to be involved with any adverse impact and four would be for City Council to independently review the soil composition and assure us that this development will not harm our homes.

O'Brien requested that those present opposed to this proposal stand. Clerk noted that approximately 35 people stood.

President asked for rebuttal. Angelou noted with extension there would be a total of 18 minutes.

Hanks stated that Homewood invites the comments from Rathburn Woods and Council; need to work with everybody to make this work; none of these issues are insurmountable; issue of lots being small and homes being smaller; make sure you understand that these lots are as large or larger than Rathburn Woods; these homes will be as big or bigger; no way will it detract from housing values; lot of concern about the soils; don't know anyone better in this area than EMH&T; they are most respected in the profession and we have confidence in them; also have confidence in Menerey's ability to lay out a plan; this is not the same application that came through in the past; are a number of areas where it is different and better; stand ready to work with whomever. situation has changed; Taylor Road has been expanded and that had not happened; now have sewer available to the site which also make things different; there is a comprehensive drainage plan; will not burden but will improve drainage situation for Rathburn Woods as well; heard a lot about mosquitos; research we have done shows that development, mowing of lawns and trimming of trees will improve that as well; ultimately feel that Foxwood will be a great improvement to the area.

Menerey stated she will hit some high points but understand this goes to committee next

week; think it is awesome the first speaker got together her classmates and friends; would have been better to invite the opposition for a complete picture; shed a lot more light on the buttonbush swamp and statement that it is going away; worked extensively with ODNR - Stu Lewis and Nancy Strawser - to make sure that it gets added to Gahanna Woods and State Nature Preserve; on map can see that it extends from the north and will now connect from Havens Corners for the majority of Taylor Station and with the connectivity in this piece down to Taylor Road; point is that this is an extension of that ground; buttonbush swamp is not going to be bulldozed; it becomes an extension of what is there; ground to the south gets combined with city owned land; make sure that is clear; in response to Gantz, the lots, even though ROD, are at least the same size as Rathburn Woods and in many cases larger; in addition to that there is 23% open space which Rathburn Woods does not have; it was not a requirement; concerns were raised about setback; thought we had worked through that but can revisit; what that 5' does is give it to the back yard and front yards are smaller by 5'; mentioned that this was a more creative plan; Homewood does not have an option on this land - we own it; we will develop; the Farmwood Place resident with the drainage concerns should see it improve; drainage is coming through our site and moving it down through to the south; single entry point and private drive worked for the Fire Department; will be a boulevarded entry; Fire Department had input; private drive also worked for them when we got their input on how to maintain and access; didn't have sewer in the past and now have; a lot more open space is on this plan; pewamo soils don't stop at property line; they also extend to Taylor and on Rice Avenue; private drive is not inconsistent with others in the City; last 4 points; we have already agreed to mandatory basements; preservation zone City does control by code; ODNR has looked at this, commented, and given us feedback on buttonbush swamp and have reviewed soil studies; have letter of support from ODNR; we believe we have addressed all those issues as well.

Greg Comfort, EMH&T, 170 Mill Street, stated they have done considerable study on this site in two aspects; lot of concerns on drainage and soils; number of meetings through Planning Commission process; site drains from north to south; primarily work from north down; number of residents expressed concern on standing water; there is existing standing water as it is relatively flat back there; more defined fall off; proposed up here is a series of rear yard drainage with ability to do french drains that would provide rear yard drainage; through drainage system we can accomplish that; generally drains south to pond that will be built; kept drainage away from buttonbush swamp to avoid oil etc. getting in; given a lot of attention to creating system that works; there is a proposed pond in two areas; drains to Taylor Road and drains into system recently upgraded up city; glad to sit down lot by lot and house by house to show each resident how they will be affected; sure City Engineer will be looking at this closely; soil borings were done on this site; are some areas that are unbuildable over by buttonbush swamp; took borings to show those limits and not what was buildable; development would not be a problem; the soils are not atypical of what is in other areas of Gahanna and Columbus; takes good engineering practices to build but don't see an issue with building on this site whatsoever; that enhances the overall quality of the development; workshop next week will bring soil experts in; are there any questions tonight; can get much more specific.

Hanks thanked Council for their time; concludes our comments; continue working through the process.

President closed Public Hearing at 8:54 p.m. Payne requested members of the Rathburn Woods Civic Association to stand. Clerk noted that approximately 40 people stood. O'Brien stated that his type of issue would normally go to Development Committee but because of the public interest and interest of all of Council will assign this to Committee of the Whole so all of Council will be available to hear the presentation next Monday

night..

Angelou questioned the fire truck turnaround on the private drive; don't see it on the map. Hanks drew it on Angelou's copy of the plan; will bring detail to committee; also have letter from Fire Department that states they have no objection; will also bring detail on how that private drive will be maintained. Angelou questioned garbage collection and snow removal. Hanks stated they anticipated questions and concerns; have revised our deed restrictions to allow for a sub-association and will bring highlighted language for your review.

Angelou questioned the northern boundary area for preservation zone; also would like to see a detail of significant changes from previous presentations; looks very similar even though there may be changes; list those changes; understand the ER zoning was a holding zoning when it came in from township; holding until we got to the regular zoning which would be SF-3 or something similar; in fact recall township was ready to put 5 houses per acre and Homewood threatened the City they would deannex so they could build 5 per acre; was frightening to me; all I have at this point.

Hogan asked if the preservation zone would be deeded to City. Hanks stated it is on the plat as a preservation zone like an easement; it is still part of each lot; preservation zone is an area that is preserved from cutting down trees and putting sheds up etc. Hogan questioned if fences were allowed. Hanks stated that it is covered in deed restrictions currently; limited to a very specific kind of fence 3 board or open fence. Hogan asked if they would be permitted to have fences in preservation zones; otherwise would only have a 14' fenced back yard. Hanks stated believe 14' is inaccurate. Hogan asked to be shown in deed restrictions that you would not be permitted to have fences in preservation zone; bring highlighted copies next week.

Thom stated he has seen statement from ODNR; hope it might be possible to have representative here next week. Hanks stated they are here tonight; can have them here next week; also have Comfort and will bring soil experts for further discussion.

Angelou asked if they could see position of test borings on the map; areas that may have had many and areas that don't have that many; how you chose where to do the borings, etc.

Angelou asked if the picture rendering showing the pathway was brought forward at Planning Commission. Hanks stated no it was developed after. White stated the rendering was not but the actual determination was discussed at Planning; pathway takes them to proposed park on east side of development; this was requested. Angelou stated she would like to hear response to gentleman on how this can be better placed so people will not be going into his yard.

O'Brien thanked everyone for their preparation; thanked residents for coming this evening; discuss in Committee of the Whole next week.

G. STANDING COMMITTEES:

Communications & Technology Committee - McAlister: No Report.

Development Committee - Thom: No Report.

Service Committee - Hogan: No Report.

Safety Committee - Angelou: No Report.

Committee of the Whole - Kelley: No Report.

Finance - Payne

Payne reminded Council members to sign the audit letter as Isler requested.

H. CORRESPONDENCE AND ACTIONS:

Clerk - Legal:

- Z-0009-2002** To consider a zoning application on 21.353 acres of newly annexed property located East of Hamilton Road and South of Morse Road; contiguous to The Woods at Shagbark; requested zoning of L-AR; The Stonehenge Company, Mo Dioun by Smith & Hale, Glen A. Dugger, applicant.
President set Public Hearing for September 16, 2002.
- Z-0010-2002** To consider a zoning application on 12.646 acres of newly annexed property located at 1155 East Johnstown Road; requested zoning of Suburban Office; City of Gahanna, by Jennifer D'Ambrosio, applicant.
President set Public Hearing for September 16, 2002.
- CC-0001-2002** To recommend to Council the approval of changes to Section 1129.02, Submission of Plat of Chapter 1129, Zoning Certificates, of the Codified Ordinances of the City of Gahanna.
President set Public Hearing for September 16, 2002.
- CC-0002-2002** To recommend to Council the approval of changes to Section 1129.05, Record of Zoning Certificates on File; Copies of Chapter 1129, Zoning Certificates, of the Codified Ordinances of the City of Gahanna.
President set Public Hearing for September 16, 2002.
- CC-0003-2002** To recommend to Council the approval of changes to Section 1129.06(b), Zoning Certificate Fee of Chapter 1129, Zoning Certificates, of the Codified Ordinances of the City of Gahanna.
President set Public Hearing for September 16, 2002.
- CC-0004-2002** To recommend to Council the approval of changes to Section 1169.02, Written Applications of Chapter 1169, Procedure for Authorizing a Conditional Use, of the Codified Ordinances of the City of Gahanna.
President set Public Hearing for September 16, 2002.
- CC-0005-2002** To recommend to Council the approval of changes to Section 1169.03, Actions of the Planning Commission of Chapter 1169, Procedure for Authorizing a Conditional Use, of the Codified Ordinances of the City of Gahanna.
President set Public Hearing for September 16, 2002.
- 2002-0035** Receipt of Management Letter from Trimble, Julian & Grube, Inc., on audit of the general purpose financial statements of the City of Gahanna for the year ended December 31, 2001; report dated June 19, 2002.
President set Public Hearing for September 16, 2002.

Council:

Hogan presented copies of a number of E-mails between Harley Haas, Beth Haas and himself; also note several E-mails received from Rathburn Woods residents regarding Foxwood.

I. SECOND READING OF ORDINANCES: None.

J. FIRST READING OF ORDINANCES:

ORD-0156-2002

TO AMEND ORD-0287-2000 WHICH PROVIDED RATES OF PAY AND BENEFITS FOR UNCLASSIFIED PERSONNEL OF THE CITY OF GAHANNA FOR THE PERIOD THROUGH DECEMBER 31, 2001, TO PROVIDE FOR THE HIRING OF THE GIS MANAGER AT MORE THAN THE BOTTOM OF THE RANGE; AND TO DECLARE AN EMERGENCY.

In response to question from Hogan on dates in the title of the ordinance, the Clerk verified the dates were correct. In response to question from Kelley, Stinchcomb stated the starting salary is \$4,000 more than the bottom of the range. Angelou stated there are other people that are in areas of expertise that have been with City for some period of time that are below this amount; question the fact they would be making less than this; also note that in columns this position seems to be out of line as it is down with those in a starting salary of \$35,000 instead of \$40,000; are we doing this without knowing anything about this person; do we have a resume. Stinchcomb stated that this position did not require confirmation of Council; will be announcing the candidate later tonight; actually Clerk of Council requested waiver so it doesn't conflict with other salary ordinance introduced tonight. O'Brien stated he supported this change; when the pay scale was set was lone voice asking for higher pay range for this individual; did so because this has to be an engineering type; engineer who has specialized in this area; do support this. Angelou stated she did not mean to state the position was underpaid; was stating that it is in the wrong area of the chart with the ordinance; needs to be moved up in the chart; actually the position takes a background in geography; there is no engineering background required. Stinchcomb stated an engineering degree was not required but preferred; all but 3 were quickly discounted because specific set of talents was needed to put this through; were several candidates that would work for the range; lucky to get the quality of individual we have offered the position to; is more of a geography background than engineering background.

Introduced

A motion was made by Council Member Payne, seconded by Vice President of Council Kelley, to waive second reading. The motion carried by the following vote:

Yes	7	Council Member Thom, President of Council O'Brien, Council Member Angelou, Council Member Payne, Council Member Hogan, Vice President of Council Kelley and McAlister
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A motion was made by Council Member Payne, seconded by Council Member Hogan, that this matter be Adopted as an Emergency. The motion carried by the following vote:

Yes	7	Council Member Thom, President of Council O'Brien, Council Member Angelou, Council Member Payne, Council Member Hogan, Vice President of Council Kelley and McAlister
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K. REPRESENTATIVES:

Community Improvement Corporation (CIC) - Kelley: No Report.

Mid-Ohio Regional Planning Commission (MORPC) - Payne: No Report.**Bd./Ed., Gahanna-Jefferson Public Schools - Angelou**

Angelou noted she has a conflict with another meeting if someone would cover School Board this month. McAlister volunteered to take this month. Thom will take October.

Gahanna/Jefferson Joint Committee - Hogan, Thom

Thom stated meeting was held Tuesday, July 30; had representatives from all entities; most of discussion was on street construction with Mifflin, Jefferson and ourselves; Wetherholt was present to review our program; discussion was held on possibility of surcharge or administrative charge for salt purchases by Mifflin or Jefferson; totally undecided at this point; maintenance agreements with Jefferson and Mifflin are due to come up at the end of the year; all very happy with our joint maintenance agreements; don't expect any problems with that; next meeting is set for Tuesday, October 29.

L. OFFICIAL REPORTS:**Mayor:**

Stinchcomb congratulated Finance Department on successful audit; proven that management of City's funds are in good hands; announce that we have hired Daniel Michalec as our GIS Manager; resume was outstanding; as a student and then later as professional he set up system from scratch at Ohio University; will be starting on August 19; Beth and Harley Haas did present a written complaint to me directly; Safety Director, City Attorney and Mike Underwood have the matter under investigation; we are taking it seriously; will take our time; allow three weeks for initial investigation; will be investigating fully; assure Council that accusations are serious and will deal with it if found to be true.

City Attorney**M. COUNCIL COMMENT**

Angelou noted that a Gahanna resident has received a national award from Big Brothers as a volunteer; believe he lives on Nob Hill and asked Clerk to contact him regarding a resolution thanking him; hope to have at next meeting.

Hogan stated he felt Johnson had an outstanding suggestion regarding the Zoning Department and Development Department; under prior administration when Zoning Officer reported to Mayor we often heard do what I'm told to do; did not it under Civil Service and felt that would have been enough; very tough to report to somebody and disagree with them; make recommendation that you consider putting in Building Department; makes some sense to break them apart; regarding Haas when we received first E-mail didn't believe it; called and asked them to check and then more information came back; called Tom Weber and the Safety Director; let the investigation continue; can't believe our Police Department is doing this; let's hope this isn't the case; deal with it at that point in time.

O'Brien apologized for cell phone going off; thought it was turned off; know it is terribly rude; know that emotions are high but was suggested that this Council should be sworn to uphold the United States and Ohio constitution; we do ; our oath of office states that; feel everyone on this Council means every bit of what they say in that oath; nobody on this Council would knowingly violate our oath of office; elect us to support all laws -

federal, state, and local; not sure that what is being requested is appropriate; ask that the Development Director, City Attorney and Mayor get together and discuss the merits of Johnson's suggestions; explain the importance of leaving where it is and then report to Development Committee at a future date; with regard to automotive use of the triangle; Angelou and I may have been only ones hear from Goodyear and Thom was on Planning; it was the right thing to do; ended up with corporate offices of Heartland Bank; feel we need to look very closely at automotive uses within the triangle beyond the Morse and Hamilton Road intersection; active automotive use other than that corridor may not be appropriate; request made and ask that this be investigated and reported back to Development Committee also. White noted that all automotive uses in the triangle are conditional uses. O'Brien continued that we heard tonight about pollution by construction equipment on Taylor Road; would like a follow up to that; report to Service Committee. Was noted that Board of Health should be contacted about mosquito spraying.

Stinchcomb stated that with regard to the Haas' statements about concern that the Police Department would be slow to react to a real emergency, that is totally unfounded; no basis for the belief that our officers, who are professional, would not react as they would to any citizen in time of need; just want to make that absolutely clear.

Clerk advised Council that Weber is out of town until August 13.

N. ADJOURNMENT: 9:30 p.m. - Motion by Payne.

End of Agenda

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

*APPROVED by the City Council, this
day of 2012.*

Chair Signature