

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, August 14, 2000

7:30 PM

Council Committee Rooms

Development Committee

Sherie James-Arnold, Chairman

Karen J. Angelou

Thomas R. Kneeland

Debra A. Payne, ex officio

Sadicka White, ex officio

Members Absent: Sherie James-Arnold

Members Present: Karen J. Angelou and Thomas R. Kneeland

ADDITIONAL ATTENDEES:

White, Weber, Murphy, Choung, Hogan.

PENDING LEGISLATION

[ORD-0190-2000](#)

TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT FOR RIGHT OF FIRST REFUSAL TO PURCHASE FOR RIVER VALLEY DEVELOPMENT TO PERFORM DUE DILIGENCE CONCERNING PROPERTY LOCATED AT 133 AND 121 MILL STREET.

White stated this was a request to enter into optional agreement with River Valley Development Corporation for them to be able to do due diligence; prepare a market feasibility study, etc. for hotel and motel in and around site predominantly owned by City of Gahanna; have a copy of the agreement. Weber stated it says what they are entitled to do. White noted they asked for 6 months but are giving them to the end of the year; did not say anything about the exchange of information; is a straight simple option for 4 months; we will ask for the information; to put it in would make agreement unwieldy.

Angelou requested that correction be made to the addresses as listed in the ordinance; should be 133 and 121 Mill Street.

Hogan requested that this item be placed on the regular agenda; think it will bite us; don't have a contract in front of us; this is a first right of refusal but we have no details whatsoever; feel we are passing legislation blindly; also believe we can't do this; can't take public property and just sell to a particular individual; have to put it up for auction; recent case law was when Easton wanted to take over the Northeast Career Center site; they wanted to build a new school land Columbus had to say we can't do; have to put the land up for auction; is a public property; have a concern; don't know how we can enter into first right of refusal when it is public property and somebody might come in higher.

Angelou stated agreement was written by City Attorney. Weber stated we are just reserving the right; it's at a price that we can establish; is a right of first refusal at a fair market price; we've sold property before; won't take any loss on it; can't do that; Stygler Road property is an example; bought it for the street widening and then sold it after the widening was done; was a city project.

Hogan stated that he has had two attorneys tell him this could turn around and bite us - Glen Dugger and Richard Peck; new case law that is six months old precluded a city from working with a developer to construct a road together; learned about the school over here from Peck; was not specifically referring to this. Weber stated he would do more research on this. Hogan continued that he didn't want to make a promise to the hotel people and then not be able to honor the agreement. Weber reiterated that he would look into it.

White stated this is not the kind of property that needs to be put up for auction; this is not excess property; this is a development that comes under our ability to do

development; we had express purpose for purchasing; there is an express purpose on what person has to accomplish; can dispose of property at whatever price; certainly ramifications if you dispose of for less than the City paid for the land; City can sell as long as it is done in public.

Hogan stated he did not feel the City could show preference for one buyer over another buyer; have to give both equal opportunity. Weber stated any sale would have to be at fair market price; there would be no sweetheart deals.

Recommended for Adoption

ORD-0196-2000

TO ZONE 3.546+/- ACRES LOCATED AT 94 PRICE ROAD AS ER-2, ESTATE RESIDENTIAL; CITY OF GAHANNA DEVELOPMENT DEPARTMENT, APPLICANT

White stated this is the property that remained in Mike Helman's ownership once we bought the balance of his land; since it is now under 5 acres needed to be rezoned to ER-2 to meet code requirements; City did initiate the rezoning on his behalf as a condition of purchase.

Recommended for Adoption, Consent

SR-0006-2000

A RESOLUTION MAKING FINDINGS AND DETERMINATIONS AS PERMITTED IN SECTIONS 3735.65 TO 3735.70 OF THE OHIO REVISED CODE IN EFFECT PRIOR TO JULY 1, 1994, ESTABLISHING MODIFYING, AMENDING AND DESCRIBING THE BOUNDARIES OF A "COMMUNITY REINVESTMENT AREA #1," AMENDING FOR THE GREENBERG TRACT; DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, CREATING A COMMUNITY REINVESTMENT AREA HOUSING COUNCIL; AMENDING SUBSTITUTE RESOLUTION NO. 24-96; AND DECLARING AN EMERGENCY

White stated that Greenberg has successfully recruited the Entenmann division of Best Foods to Gahanna; they will be locating in a nice area off Claycraft Road in front of the brick plant; across from Kenney's project which wraps around Claycraft; is an older section of the Industrial Park; Planning Commission did have him spruce up normal buildings to a lot more than normal and required heavy landscaping; applicant requested tax abatement and we are amending CRA #1 to allow for this additional piece; have discussed 2 or 3 times; was on agenda as a monitor item until we got the survey complete.

Kneeland questioned the issue with school and revenue sharing. White stated these would be part of the tax sharing agreement. Kneeland asked how soon we needed to do something on the tax sharing. White stated we were simply amending CRA #1 to add this property; is one of the older ones; are not creating a new district; this will fall in place; sharing portion of this will be revenue shared at about 50/50 which is standard by ORC. In response to question, White stated there would be approximately 100 employees in 60,000 sf of space at an average salary of over \$25,000; applicant has not done full application yet; probably talking about \$60,000.

Recommended for Adoption, Consent

CARRYOVER ITEMS FROM PREVIOUS COMMITTEE:

Big Walnut Creek Water Quality & Flow Preservation

Clerk's Note: This item was not discussed as Mayor was in Service Committee; neglected to go back to it when Mayor was available. Will be on agenda for 1st reading with return to committee for discussion.

ISSUES from Director of Parks & Recreation:**Transfer of Funds/Academy Lighting**

Mitchell stated lights are on; work is complete or close to it; agreement was presented 2 years ago; misread it and didn't ask for enough money; not asking for any money at this point but to transfer monies from recreation field maintenance; feel we can save \$10,000 in construction of 2 playgrounds; don't need more money; just allocating differently.

RECOMMENDATION: Motion Resolution, consent agenda.

Mitchell continued stating there was money in the Deputy Director account that needed appropriated; some of it had been taken care of with legislation for Car Norris; would like to take the remaining \$8,000 and have transferred; put \$3,300 in Contract Services and remainder into Parks Salaries Seasonal; have one summer park manager filling in for Norris at Golf Course; also for part time managers account we moved one part time manger to replace Hollerich; covering ourselves to get through end of season.

RECOMMENDATION: Motion resolution, consent agenda.

ISSUES From Council Office:**Code Change - Section 1123.40(a) No Build Zone**

Clerk noted memo sent in packet on Friday; Public Hearing had been held on this code change; recommendation had been received from Planning Commission; just never followed through with legislation; would like to put the legislation in place.

RECOMMENDATION: 1st reading, Consent Agenda, no need to come back to committee.

ISSUES From Director of Development:**Annexation Update**

White stated she had wanted to provide an update; direct you to website which is quite extensive; asking that we pass another resolution or call your representative.

Weber noted he had heard something on the news today about Schafrath who has shepherded this bill through the Senate; news story stated he was leaving the Senate and if that happens could be a drastic change on how it gets moved and handled; he had held some more meetings in July and he wanted to move it on this year if possible; hadn't reached an agreement on all the points yet.

White continued that one issue not resolved is on the revenue sharing; implications for revenue sharing almost make it so City wouldn't make an investment; revenue sharing is one of the sections of that bill that is being talked about by both parties to work out. Angelou stated she agreed that we don't want that. White stated that many cities justify because they don't make their boundaries coterminous; they allow the annexed property to stay in current township; they don't feel they would then have that revenue sharing issue; there wouldn't be the loss of their tax base; very few have the same boundaries in terms of township and city; that's why a lot of them didn't feel the same effect we would; we are in the minority that way; last version of the bill was for 5 or 7 years that you would make them whole and then a decreasing amount; that's a long time.

Angelou stated she did not think it was something that would be tolerable for us to support; based on what has been said is Coalition aware of our issues. White stated that for the most part with the polling communities, we are in the minority in making our boundaries coterminous; majority leaves them within their current jurisdiction; made our position known at the last meeting; was a bargaining chip with Township Trustees; impacts our city and few others; that bargaining chip is not something that we can support; the attitude from the Senate Committee is not leaning towards cities; the Coalition put force on when they were ready to go to 15 years terms at whole reimbursement.

Weber stated it is likely to be a more hostile General Assembly next year. Kneeland asked what benefit there was on taxing districts; no economic development is created out of them. White stated there is no taxing authority; benefit comes in distribution they get from tax revenues; they don't get credit if they move out; all City services are provided based on structure of government; green space issue doesn't hold up anymore.

Weber stated that townships are new development centers; thinking is that they are the wave of the future and cities will be wastelands. Kneeland questioned where funds come from to build in infrastructure and maintain. Weber stated he did not disagree but that is the attitude. White agreed that they were not saying its rational thinking but saying thats what it is; when Casto and M/I and such came in and spoke against it they sat up and listened; BIA also had some influence; when developers said it will make a difference and all housing could come to a stand still they began to listen; they were pro city; coming up with a better annexation bill; will go back to table.

White continued that this is not palatable for us at this point but trying to get through as much intact as possible is the goal; when we come to that point for us we will have to look at; maybe it means we don't do the project or accept the annexation; if not economically feasible why would we. Angelou stated we would have all the responsibilities and liabilities and they would get half the revenue for nothing.

White and Weber stated they would continue to monitor the bill.

Contract with Adelphia

White stated that Weber is working with us on that; will use public right of way; once we complete our needs assessment and adopt changes to code then they would come into compliance; if aerial installations would have to go underground, then they would do that; whatever franchise fees and other services that we would so deem would come; subscriptions would have to be negotiated; we are allowing them to build their backbone and locate in right of way; recommendation to Council would be for up to 60 days; have held their application for quite a while.

Kneeland asked if we had a map where they are deploying; noted that the Avatar deployment is being slowed if not stopped because of the inability of vendor to do their duties; if this could provide us some capabilities then we could get them to permit a roll out of a different wireless and we could go with; right now we lack the fiber backbone; would make it a lot more justifiable and conducive. White stated they were going down Granville, Hamilton and around Morrison and up Taylor; will be nothing north on Hamilton or on Stygler; talked to them about that; get some fiber capacity; would be a separate negotiation; shouldn't mix the two issues; wait for the franchise.

Angelou asked how long they would have to go underground. White stated this says 6 months unless they can show us just cause for not; if we were doing a reconstruction on

Hamilton and they were getting ready to go would make sense to do at the same time; also gives us the right if they don't take facilities down that we can take them down and charge them back; they have agreed to all of that; will have to go into our conduit; if after we have our needs assessment and we have a conduit system and only one pipeline they will have to comply.

White continued that they have to give us a separate document from AEP indicating that they can attach to their poles; also Ameritech; want that because that means they have to install a certain way; only so many can go on a pole; are finding that we have a number of telecom carriers that are operating or putting in an installation without permission; noted 4 or 5 already installed that are illegal; we can bring them in and negotiate; the opportunity for increased revenue for city is quite a bit; can negotiate. In response to question, White stated Council can go ahead and authorize the contract so Service Director can enter into an agreement.

White stated we need to bargain for as much capacity as we can; separate franchise agreement; can be in and providing service within 6 months; clock doesn't tick until that is in place; can start talking with them regarding a franchise agreement; whether it is amended is immaterial on the franchise agreement; don't have to wait for that; don't know where we are on Time Warner. Payne noted it is at Cable Advisory Board. White stated she would recommend having a consultant look at it; are adding new services; revenue for which we receive 5%; this is telecommunications not cable; franchise fee plus subscriptions come into play. Payne stated there were certain things we couldn't do with Time Warner; they are regulated through PUCO; they can't because we have our right of way ordinance. White stated that Fishel is looking at it; we will have to have an application; someone has to go out and look at what is existing and make a determination; do have some pass through carriers that can attach and never touch anyone in Gahanna; not out there from starting point; explained to Mayor that we need to contract with engineering service to do; when Service Director looks at it we are certifying they can go up there; noted that a lot are up and don't fit our criteria; there are certain OSHA rules; equipment on one side is required and we have poles with equipment on both sides; finding a lot of that out of this initial assessment; Fishel is doing an actual inventory not just random; should help us with right of way ordinance; will need to amend our right of way ordinance; should have something by the end of this month from Fishel.

Year 2000 First Half Accomplishments

White stated she would sent the report electronically to Council this week.

O'Brien asked if a response had been sent to the letter from Mrs. Allen on Hamilton Road regarding 2 properties on Jahn Drive; 2 fences were built without permits in the public right of way; wanted some action taken; she sent letter to code enforcement and has heard nothing. White stated she would check into it.

ISOBEL L. SHERWOOD, CMC/AAE, Clerk of Council