

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Tuesday, September 7, 1999**

**7:30 PM**

**City Hall**

**City Council**

**GAHANNA'S VISION is . . .**

**Members Present:** Debra A. Payne, Karen J. Angelou, L. Nicholas Hogan, Sherie James-Arnold, Thomas R. Kneeland, Rebecca W. Stinchcomb and Robert W. Kelley

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**GAHANNA'S MISSION is . . .****A. CALL TO ORDER - Invocation, Pledge of Allegiance, Roll Call****B. ADDITIONS OR CORRECTIONS TO THE AGENDA.****990420**

SUPPLEMENTAL APPROPRIATION, Special Council Contingency

**A motion was made by Council Member James-Arnold, seconded by Council Member Kneeland, that this matter be Withdrawn. The motion carried by the following vote:**

<b>Yes</b>	<b>7</b>	Vice President of Council Payne, Council Member Angelou, Council Member Hogan, Council Member James-Arnold, Council Member Kneeland, Council Member Stinchcomb and President of Council Kelley
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**C. HEARING OF VISITORS**

David Goodman, State Representative, said he wanted to update Council on what was going on at the State House; passed education budget; HMO reform; electric deregulation; asked if Council had any questions. President Kelley thanked Goodman for the mailings he sends, and all Council members thanked him for coming.

Windy McKenna, School Board representative, said the next meeting will be Thursday the 9th; are happy to have Marlene Eader as new member. Council members said they like the reader board and asked who to contact; McKenna said she would find out who the contact is and notify Council.

Bill Johnson, 1028 Ridge Dr., spoke concerning the BZA decision to allow construction of a CVS Pharmacy at the corner of Beecher and Hamilton Roads. He addressed an ordinance he is proposing that Council adopt to allow the City to appeal decisions of the Board of Zoning & Building Appeals. Johnson noted Supreme Court Case, Willoughby Hills v. C.C. Bar's Sahara, Inc., where a municipality's charter or ordinances expressly allow the municipality to seek appellate review of determinations made by its board of appeals; municipality has standing pursuant to R.C. 2506.01 to "attack or avoid" such decisions in the common pleas court.

MOTION by Hogan, seconded by Angelou, to extend the time for Mr. Johnson. Motion passed unanimously by Roll Call vote.

He continued that an appeal therefrom may be taken by any proper or interested party. The Planning Commission denied CVS with a 7-0 vote; the Administration is not in favor of CVS, so the BZA vote of 3-2, means that a definite majority of those involved are not in favor of the project; 11 City officials opposed; only 3 for the project. The City will have recourse if the ordinance he is proposing is supported by Council. (Copy of the Ohio Supreme Court decision, proposal for ordinance and Partial List of Code Violations approved by the Board, are attached to the minutes as "EXHIBIT A", and made a part hereof.) Johnson would propose that the ordinance be passed as emergency legislation.

Tim Pack, 1019 Ridge Crest Dr., President of Academy Ridge Civic Association, said that Hamilton Road is their only point of ingress and egress; residential neighborhood. The land was zoned PCC in 1990. The zoning came before this Council and promises and commitments were made. It was questioned what would be done with the rest of the property; environmental and other problems; trash dumpsters. This was taken to the Mayor and he saw the problems; safety and environmental, and others that may come to light. The Mayor made his wishes known to the Planning Commission, Development Director White, and Zoning Administrator Gard, and the Planning Commission voted separately on the four issues and voted them all down unanimously. The counsel for the developers filed an appeal with BZA. Pack continued that they gave as much testimony as they could to the violations as they see them; came back for the second meeting, BZA took a 5 minute recess came back and voted 3-2 to overturn the decision of the Planning Commission, to allow the project; took only one vote.

MOTION by Angelou, seconded by James-Arnold, to extend the time for Tim Pack. Motion passed unanimously by Roll Call vote.

Pack said they were perplexed and shocked by the decision. He obtained copy of City Charter and read the powers and duties of the City Attorney; looking for how to appeal the Appeal Board, and for closure; felt a settlement should have been worked out for all; concerns should be passed on to the City Attorney.

President Kelley said Weber is out of town and he will make sure that these points are passed on to him, and have him report back to this Council. It was suggested that outside counsel be acquired for this and the Mayor said the city does have a Zoning Attorney that Council could access. Kelley said that he will speak with Weber and we will go from there; does not want to proceed with any other counsel until there is time to meet with Weber and obtain his views on this.

Development Director White said that the plan does not meet our standards for the North Triangle Engineering Study for Hamilton Road.

Angelou said we are working with time constraints; what can be done to help the citizens; work with Weber and the Administration.

## **D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE**

Introduced, by title, by Vice President Payne.

### **Ordinances - To Be Introduced and Assigned to Committee**

**990331** TO ZONE 1.1 ACRES, MORE OR LESS, AS SO, SUBURBAN OFFICE; FOR PROPERTY LOCATED AT 4325 EAST JOHNSTOWN ROAD; TREC DEVELOPMENT INC., APPLICANT

**Introduced, to Development Committee**

**990399** SUPPLEMENTAL APPROPRIATION, FEDERAL LAW ENFORCEMENT EXPENSE

**Introduced,**

**990401** TO AUTHORIZE THE CITY ATTORNEY TO PETITION THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO, TO ANNEX CERTAIN 13+/- ACRES FROM JEFFERSON TOWNSHIP KNOWN AS 4433 JOHNSTOWN ROAD; AND TO DECLARE AN EMERGENCY

**Introduced,**

- 990407** SUPPLEMENTAL APPROPRIATION - Part-time Salaries Tax  
**Introduced, to Development Committee**
- 990411** TO CREATE THE FULL-TIME UNCLASSIFIED POSITION OF ADMINISTRATIVE ASSISTANT TO THE DIRECTOR OF PUBLIC SERVICE; TO PROVIDE COMPENSATION THEREFOR; AND TO DECLARE AN EMERGENCY.  
**Introduced, to Service Committee**
- 990412** TO AMEND ORDINANCE NO. 980440, WHICH PROVIDED RATES OF PAY AND BENEFITS FOR UNCLASSIFIED PERSONNEL OF THE CITY OF GAHANNA FOR THE PERIOD JANUARY 1, 1998, THROUGH DECEMBER 31, 2000, TO PROVIDE FOR AN ADMINISTRATIVE ASSISTANT TO THE DIRECTOR OF PUBLIC SERVICE; AND TO DECLARE AN EMERGENCY  
**Introduced, to Service Committee**
- 990413** TO REPEAL ORDINANCE 990223, PASSED JUNE 21, 1999, FINAL PLAT FOR HARRISON POND, THE VILLAGES AT ROCKY FORK, SECTION 10, PART 1.  
**Introduced,**
- 990414** SUPPLEMENTAL APPROPRIATION, Federal Law Enforcement Seizure Fund - Police Equipment  
**Introduced,**
- 990415** TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH NIDA LIGHTING FOR INSTALLATION, MAINTENANCE AND REMOVAL OF LIGHTING TREATMENTS AT CREEKSIDE; TO SUPPLEMENTALLY APPROPRIATE \$19,620 THEREFOR; AND TO DECLARE AN EMERGENCY  
**Introduced,**
- 990418** SUPPLEMENTAL APPROPRIATION, Water, Capital Projects/Equipment and Sewer, Capital Equipment  
**Introduced,**
- 990422** TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO AGREEMENT WITH PEABODY LANDSCAPE FOR THE 1999 WEST GAHANNA ENTRY GATEWAY PLANTING IMPROVEMENTS, IMPROVEMENT NO. 726; AND TO DECLARE AN EMERGENCY.  
**Introduced, to Development Committee**
- 990427** AN ORDINANCE SUPPLEMENTING ORDINANCE NO. 990164, PASSED BY THE CITY ON AUGUST 16, 1999, TO EXPAND THE EASTGATE INDUSTRIAL CENTER TIF DISTRICT TO PROVIDE THAT IMPROVEMENTS TO REAL PROPERTY WITHIN THE AREA AMENDED INTO DISTRICT ARE A PUBLIC PURPOSE; DESCRIBING PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THE ADDITIONAL AREA AMENDED INTO THAT DISTRICT; REQUIRING THE OWNERS OF THE PROPERTY WITHIN THE AREA AMENDED INTO THE DISTRICT TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ACKNOWLEDGING THE EXISTENCE OF A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS; APPROVING AND AUTHORIZING THE EXECUTION OF TAX INCREMENT FINANCING AGREEMENTS AND AN INFRASTRUCTURE AGREEMENT; AND DECLARING AN EMERGENCY.  
**Introduced, to Committee of the Whole**

## E. CONSENT AGENDA

A motion was made by Council Member James-Arnold, seconded by Vice President of Council Payne, to Pass the Consent Agenda. The motion carried by the following vote:

Yes	7	Vice President of Council Payne, Council Member Angelou, Council Member Hogan, Council Member James-Arnold, Council Member Kneeland, Council Member Stinchcomb and President of Council Kelley
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### Minutes - To Approve - August 16, 1999 Regular Meeting

#### Ordinances on Second Reading

990378 AN ORDINANCE TO SET FORTH A STATEMENT OF MUNICIPAL SERVICES TO BE PROVIDED TO THE AREA CONTAINED IN THE PROPOSED ANNEXATION OF 3.7+/-ACRES FROM JEFFERSON TOWNSHIP TO THE CITY OF GAHANNA; REQUESTED BY ROBERT L. & MEGAN A ROSHON; AND TO DECLARE AN EMERGENCY.

**This matter was Adopted as an Emergency**

990380 SUPPLEMENTAL APPROPRIATION - Electricity Creekside

**This matter was Adopted**

990381 TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH JESS HOWARD ELECTRIC FOR THE PURCHASE OF GENERATORS FOR THE POLICE STATION, FUEL STATION, MAINTENANCE GARAGE AND ONE PORTABLE; TO SUPPLEMENTALLY APPROPRIATE \$237,347; AND TO DECLARE AN EMERGENCY

**This matter was Adopted as an Emergency**

990383 TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO AGREEMENT WITH M.S. CONSULTANTS FOR DESIGN, BIDDING AND CONSTRUCTION ADMINISTRATION AND CONSTRUCTION RESIDENT INSPECTION FOR THE CHERRYBOTTOM WATERLINE PROJECT; IMPROVEMENT NO. 741

**This matter was Adopted**

990385 SUPPLEMENTAL APPROPRIATION- Engineer Assistance

**This matter was Adopted**

990387 TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH BURDICK EQUIPMENT COMPANY, INC., FOR A LEAF VAC; TO SUPPLEMENTALLY APPROPRIATE \$12,500 THEREFOR; AND TO DECLARE AN EMERGENCY

**This matter was Adopted as an Emergency**

990388 TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH EVANS, MECHWART, HAMBLETON & TILTON INC. FOR ENGINEERING DESIGN WORK FOR THE MORSE ROAD CULVERT REPLACEMENT; AND TO SUPPLEMENTALLY APPROPRIATE \$26,600

**This matter was Adopted**

990393

TO AMEND SECTION 161.17, EXEMPTIONS, OF CHAPTER 161, INCOME TAX, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**This matter was Adopted**

**Ordinances:**

**To Amend by Substitution; To Adopt:**

990386

SUPPLEMENTAL APPROPRIATION - MAYOR'S COURT MAGISTRATE

**This matter was Amended by Substitution and Adopted**

990389

TO GRANT FRANCHISE TO AEP, COLUMBUS SOUTHERN POWER, TO CONSTRUCT, MAINTAIN AND OPERATE LINES AND APPURTENANCES AND APPLIANCES FOR CONDUCTING ELECTRICITY IN, OVER, UNDER AND THROUGH THE STREETS, AVENUES, ALLEYS AND PUBLIC PLACES OF THE CITY OF GAHANNA

**This matter was Amended by Substitution and Adopted**

**Ordinances:**

**To Introduce, Waive Second Reading, To Adopt:**

990409

SUPPLEMENTAL APPROPRIATION - Water Fund and Sewer Fund

**This matter was Introduced, Second Reading Waived, and Adopted**

990410

APPROVING THE AMENDED FRANKLIN COUNTY SOLID WASTE MANAGEMENT PLAN

**This matter was Introduced, Second Reading Waived, and Adopted**

990416

SUPPLEMENTAL APPROPRIATION, Council, Capital Projects/Equipment

**This matter was Introduced, Second Reading Waived, and Adopted**

**To Introduce, Waive Second Reading, To Adopt As Emergency:**

990400

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH EVANS, MECHWART, HAMBLETON & TILTON, INC., FOR INSPECTION SERVICES OF THE BIG WALNUT BRIDGE MODIFICATIONS, IMPROVEMENT NO. 728; AND TO DECLARE AN EMERGENCY.

**This matter was Introduced, Second Reading Waived, and Adopted as an Emergency**

990419

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH METRO TELECOM SERVICES FOR MOBILE DATA TERMINALS FOR THE POLICE DEPARTMENT; TO SUPPLEMENTALLY APPROPRIATE \$129,931 THEREFOR; TO WAIVE SECOND READING; AND TO DECLARE AN EMERGENCY

**This matter was Introduced, Second Reading Waived, and Adopted as an Emergency**

990421

TO ACCEPT WARRANTY DEEDS FROM EIGHT PROPERTY OWNERS FOR PROPERTY LOCATED ALONG JOHNSTOWN ROAD (U.S. ROUTE NO. 62), FOR RIGHT OF WAY PURPOSES; AND TO DECLARE AN EMERGENCY

**This matter was Introduced, Second Reading Waived, and Adopted as an Emergency**

**Motion Resolution****990417**

MOTION TO AUTHORIZE THE EXPENDITURE OF \$2,083.50 FROM ACCOUNT NO. 651.350.5512, WATER, CAPITAL PROJECTS/EQUIPMENT AND \$2,083.50 FROM ACCOUNT NO. 661.360.5512, SEWER, CAPITAL EQUIPMENT, FOR THE PURCHASE OF THREE COMPUTERS TO REPLACE EXISTING COMPUTERS IN THE WATER AND SEWER DEPARTMENT.

**This matter was Approved**

**End of the Consent Agenda****F. PUBLIC HEARINGS****990331**

TO ZONE 1.1 ACRES, MORE OR LESS, AS SO, SUBURBAN OFFICE; FOR PROPERTY LOCATED AT 4325 EAST JOHNSTOWN ROAD; TREC DEVELOPMENT INC., APPLICANT

President Kelley read rules for Public Hearings, and called the public hearing to order at 8:09 p.m.

John Gleason, representing TREC Development, asked that Council approve the zoning of 1.1 acres as suburban office for 4325 Johnstown Road, and thanked Council for their consideration.

President Kelley asked for other proponents. There were none.

President Kelley asked for opponents. There were none.

President Kelley closed the public hearing at 8:11 p.m.

**G. STANDING COMMITTEES****Communications & Technology Committee - Kneeland****Development Committee - James-Arnold****Service Committee - Stinchcomb****Safety Committee - Hogan****Committee of the Whole - Payne****Finance - Angelou****H. CORRESPONDENCE AND ACTIONS**

James-Arnold presented copies of letter she received from the Republic Party; Gahanna is non-partisan; requested it be copied to anyone who did not receive copy.

**Clerk - Legal****990408**

Planning Commission recommendation to Council for approval of the Gahanna Heartland Concept Plan as revised and dated 8/25/99.

First available PUBLIC HEARING date is October 18, 1999.

### **CDBG, Home Program and Emergency Shelter Grant Meeting -9/9/99**

Cancelled to a later to-be-determined date.

#### **990424**

Motion that Council finds no objection to Transfer of D1, D2, and D3 Liquor Permit to Jordan's Mart & Deli, 471 Morrison Road, Gahanna, and does not request a hearing.

MOTION that Council has no objections to this transfer.

**A motion was made by Council Member Angelou, seconded by President of Council Kelley, that this matter be Received and Filed. The motion carried by the following vote:**

<b>Yes</b>	<b>7</b>	Vice President of Council Payne, Council Member Angelou, Council Member Hogan, Council Member James-Arnold, Council Member Kneeland, Council Member Stinchcomb and President of Council Kelley
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### **Council**

## **I. SECOND READING OF ORDINANCES**

## **J. FIRST READING OF ORDINANCES**

### **Ja. RESOLUTION:**

#### **990434**

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

**A motion was made by Council Member Angelou, seconded by Council Member James-Arnold, that this matter be Adopted. The motion carried by the following vote:**

<b>Yes</b>	<b>7</b>	Vice President of Council Payne, Council Member Angelou, Council Member Hogan, Council Member James-Arnold, Council Member Kneeland, Council Member Stinchcomb and President of Council Kelley
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## **K. REPRESENTATIVES**

### **Community Improvement Corporation (CIC) - Kneeland**

Bob reported next months meeting cancelled; only finance committee meeting.

### **Mid-Ohio Regional Planning Commission (MORPC) - Payne**

Payne submitted the latest update on the activity related to the restrictive right-of-way amendment in State Budget Bill HB283, and Dublin's legal challenge.

### **Bd./Ed., Gahanna-Jefferson Public Schools - Next Mtg.9/9/99 - Kelley, rep.**

### **Gahanna/Jefferson Joint Committee - James-Arnold**

## **L. OFFICIAL REPORTS**

### **Mayor**

McGregor said the closing on the Hannah property will be next week.



**City Attorney****M. COUNCIL COMMENT**

James-Arnold said she is glad to see that Goodman is working with insurance agencies. She is dumb founded that it would fall upon the residents of Academy Ridge to take the CVS appeal to the next level; she looks forward to hearing from Kelley and Weber.

Hogan said he has an article in both papers about the Republican Party wanting to endorse candidates and promising party resources; Gahanna, by Charter, is non-partisan. Thanks but no thanks.

Hogan also urged everyone to attend the Historical Society Flea Market; is the number one money maker for many organizations.

Angelou said this is the 4h year for the Gahanna Concert Series; time to get tickets.

Payne said it was the last holiday of the season and the waterfall was not working at Creekside. It was stated that it was supposed to be fixed today.

**N. ADJOURNMENT**

8:22 p.m.

**Adjourn**

**End of Agenda**

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

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

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**Chair Signature**