

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Monday, September 10, 2001**

**Immediately following previous committees or**

**8:30 PM**

**Council Committee Rooms**

## **Committee of the Whole**

*Michael O'Brien, Chairman  
Karen J. Angelou  
L. Nicholas Hogan  
Thomas R. Kneeland  
Debra A. Payne  
Donald R. Shepherd  
Rebecca W. Stinchcomb, ex officio*

**Members Absent:** Thomas R. Kneeland

**Members Present:** Debra A. Payne, Rebecca W. Stinchcomb, L. Nicholas Hogan, Donald R. Shepherd, Karen J. Angelou and Michael O'Brien

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**ADDITIONAL ATTENDEES:**

Press; Isobel Sherwood; Angel Mumma; Sadicka White; Raleigh Mitchell; Sharon Montgomery; Col. Hall; Gen. Williams; Karl Wetherholt; Jim Strong; Gene Speich; Terry Brown; Michael Schirtzinger; James Crabtree; Rod Dempsey; Steve Resch; Jim Wootton; Gregg Morris; Stephen Hielkema; Roger Wagner; Bobbie Busb; Windy McKenna; Bob Mehl; Robert Owens; Eddie Estep

**PENDING LEGISLATION:**

**ORD-0143-2001**

TO AMEND CHAPTER 1135, DISTRICTS AND ZONING MAP, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**Recommended for Postponement to a Date Certain**

**ORD-0144-2001**

TO AMEND SECTION 1136.04, CONDITIONAL USES, OF CHAPTER 226, ER-1 ESTATE RESIDENTIAL DISTRICTS OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**Recommended for Postponement to a Date Certain**

**ORD-0145-2001**

TO AMEND SECTION 1137.04, CONDITIONAL USES, OF CHAPTER 1137, ER-2 ESTATE RESIDENTIAL DISTRICTS OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**Recommended for Postponement to a Date Certain**

**ORD-0146-2001**

TO AMEND SECTION 1139.04, CONDITIONAL USES OF CHAPTER 1139, SF-1 RESIDENTIAL DISTRICTS OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**Recommended for Postponement to a Date Certain**

**ORD-0147-2001**

TO AMEND SECTION 1141.04, CONDITIONAL USES OF CHAPTER 1141, SF-2 RESIDENTIAL DISTRICTS OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**Recommended for Postponement to a Date Certain**

**ORD-0148-2001**

TO AMEND SECTION 1143.04, CONDITIONAL USES OF CHAPTER 1143, SF-3 RESIDENTIAL DISTRICTS OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**Recommended for Postponement to a Date Certain**

**ORD-0149-2001**

TO AMEND SECTION 1145.02, CONDITIONAL USES OF CHAPTER 1145, R-4 RESIDENCE DISTRICTS OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**Recommended for Postponement to a Date Certain**

**ORD-0150-2001**

TO AMEND SECTION 1147.04, CONDITIONAL USES OF CHAPTER 1147, MR-1 RESIDENCE DISTRICT OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**Recommended for Postponement to a Date Certain****ORD-0151-2001**

TO AMEND SECTIONS 1150.03, DOWNTOWN SINGLE FAMILY 1150.04, DOWNTOWN MULTI-FAMILY OR DOWNTOWN SUBURBAN OFFICE; 1150/05, GENERAL DOWNTOWN COMMERCIAL; 1150.06, DOWNTOWN CREEKSIDE OF CHAPTER 1150, OLDE GAHANNA DOWNTOWN DISTRICT OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**Recommended for Postponement to a Date Certain****ORD-0152-2001**

TO AMEND SECTION 1151.03, CONDITIONAL USES OF CHAPTER 1151, PLANNED DISTRICTS OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**Recommended for Postponement to a Date Certain****ORD-0153-2001**

TO AMEND SECTION 1153.01, SO SUBURBAN OFFICE AND INSTITUTIONAL DISTRICT OF CHAPTER 1153, GENERAL COMMERCIAL DISTRICTS OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**Recommended for Postponement to a Date Certain****ORD-0154-2001**

TO ENACT CHAPTER 1154, RESTRICTED INSTITUTIONAL DISTRICT, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

O'Brien stated that these issues are not on the fast track; we are on an information tract; starting to get information back; want to hear the concerns; most questions can be answered; we are prepared to continue into other meetings if we still have questions; we will set up another night. White went over the legislation that was sent out to the institutions section by section. White stated that the basic purpose of the zoning will provide for the orderly growth and development of the city; need to have compatible and uniform areas; permitted uses means automatically permitted; conditional use does not mean ordinarily allowed; it is not allowed; it can be if it meets standards in some instances; may not be compatible; Planning Commission makes a determination; then they are granted a conditional use; limited to a very few; we want to provide equitable fair uniform treatment; we need development standards; we have attempted to be as equitable and uniformed; have utilized commercial standards in the past; we did not include a minimum lot area; a lot of communities have done that; allows for separation between residential use and institutional use; we look at site plans; this legislation will give us something to go by with standards that are generally minimum; we want to get the best development we can for the City of Gahanna; churches, schools and public offices would be required to do a final development plan; we have required industries to do final development plans; we believe this will accommodate all of our institutional uses; want everyone to continue to survive and thrive; be able to provide orderly growth and development. Hogan asked what about existing institutions not meeting these standard. White stated they would be grandfathered; standards for future development would change; we do allow for variances; restrictive conditions will be taken into consideration; we are not trying to stop development. O'Brien asked what right of appeal would the institutions have. White stated that if a final development plan failed, we have a Board of Zoning Appeals; they can overturn the Planning Commission's decision. Angelou asked why was the restricted institution zoning developed at this time. White stated that when you look at institution and residential they are not compatible; we have nothing by which we can consistently regulate the growth and development. Angelou asked a question about wording. White stated she would check into it. Payne asked currently when churches or schools come in with expansions do we end up with a lot of variances. White answered that it depends; Planning Commission has to have several workshops to work it out; they can end up with variances.

Steve Hielkema with Good Samaritan stated that he has looked at Westerville and

Worthington's legislation; have they been researched; especially when they talk about setbacks; what are some of the requirements in that type of setting; what also is the difference between commercial and residential; between a church and a 7 Eleven. White stated that the setbacks are around the same per community; when we talk about commercial we try to keep that as far away from residential; buildings are taller and bigger; people can look down on homes; headlights shine in; set back allows for at least that sight distance to diminish.

Jim Strong with New Life Community stated he met with Tom Weber; thought that commercial standards for abutting residential was 25 feet in proposed legislation; now you are proposing 50 feet; not sure why you chose not to advise; newspaper accounts said when you introduced setbacks they would be above residential and below commercial. White stated that this will be a point of clarification; we are saying 25 feet with commercial; these are minimum requirements; we attempt to get more. Jim Strong asked why is it being doubled for churches; this is not an overwhelming structure on residential. White stated that in most instances we are not talking commercial against commercial; looking at commercial against residential; looking at institutions in all instances; need to have them compatible within residential because the residents have spoken loud and clearly; have to look at what's being proposed; these two uses are not compatible; that is what we are trying to say here; trying to allow growth and development. Strong stated that New Life had a proposed youth building; negotiated with neighbors to 40 feet; that was acceptable; set back of 10 more feet would push us back. White stated that we are not here to target anyone; looked at standards that we feel with the use; not individual use. O'Brien asked what about in the case of a flood plain; would that be a reasonable variance. White stated that would be a possibility; don't make those reasonable decisions; we try to direct applicant. Mayor stated that the process is not smooth now; this will allow the institutions to be in less confrontation.

Rod Dempsey with New Life stated that White was quoted in Rocky Fork Enterprise; this category is designed to protect the residential area; the goal here is to protect the residents; when you are talking about 7 acres we are severely limited. White stated that we would stand beside that; we are here to serve the residents; the other uses are to serve the residents; any building, even if it is our building, if it encroaches upon residents it impacts them adversely; Gahanna is only going to grow so big; we are open to suggestions; please feel free to contact us; we would be more than happy to analyze.

Eddie Estep with Shepherd Church of Nazarene asked if the rezoning will be at the City's expense. White answered yes; we can do an initiative zoning across the board; we could if all the institutions come in and we agree; we may have to do it site by site.

Steve Resch with Walnut Creek stated that there needs to be an understanding in order to enact amendment; a lot of other codes were very well defined; it seems ambiguous to say a religious organization; tighter definition would benefit. Sherwood stated that the section mentioned was put out by the federal government; it is our standard for commercial code; this is what our zoning administrator uses.

Angelou asked why were libraries not included in permitted uses; it is under generalized. White answered that libraries are more of a commercial development.

Windy McKenna with Board of Education asked about the set back of 25 or 50 feet; can the unused space be used for some sort of a playground. White answered that it possibly could; we would have to look at the area; playgrounds per say haven't been regulated as a structure.

Jim Strong with New Life stated that we feel Planning Commission is highly subjective; they question the intent of why we want to build something; would like to see it much more structured; feel churches are being disenfranchised. Mayor stated that we are trying to find a process that heads off that kind of conflict.

McGregor stated that churches that are wholly surrounded by neighborhoods can be a problem; Christian Center over on Rocky Fork is completely surrounded by residential; if that was thought that it could be rezoned to commercial it could be a problem; churches are good to be around; should be permanent; should be no question they should stay in some sort of that capacity; thank heavens the Masons were good about finding a good buyer; the Christian Center hasn't come up yet; most church properties if sold become another church like Peace Lutheran's old one; Peace Lutheran outgrew and moved on; feel it is reasonable to try and preserve church property for similar institutions; those are our goals.

White stated that commercial against residential has a formula; the setback based on height and width times the length; then you take a fourth of that; for the most part it is far more than 25 to 30 feet; we intended for the residential set back to be 50 because of the impact of the institution; most institutions are larger; 2 to 3 stories taller; if you look at that particular part much more stringent.

O'Brien stated that we are going to postpone this legislation; will get the schedule worked out.

Rod Dempsey with New Life asked what responsibility did the developers have of the building around the churches; did they explain to the buyers; New Life has had a 10 year plan; new residents are saying what to preclude; do we penalize people who did what they were supposed to.

James Crabtree with Gahanna Church of Christ asked about septic tanks and leech beds; this is a concern at my congregation; like to see that brought into this.

Schirtzinger stated he would like to see City Council come to a compromise. O'Brien thanked everyone on behalf of Council; worked well tonight; will have a group of documents to help the City to bring community together rather than to have dissension; we will bring this back in 2 weeks.

**Recommended for Postponement to a Date Certain**

## **ISSUES:**

### **E-Mail Guidelines - Electronic Records**

Montgomery stated she has attended seminars for this; records commission chose not to take the easy way out. Sherwood stated that the commission consists of Weber; Isler; Mayor; myself; Montgomery as records clerk; and citizen member is Robert Smith; this is what Montgomery and Lee put together; felt it was important for Council to give input; there has to be a difference between public and personal; anything that you send to me I print out and keep the hard copy; if you get something on official city business and you delete it is an official record. Montgomery stated that state law defines what a public record is. Payne asked is it anything that documents the activities. Sherwood stated that any email from a constituent is a public record by state law. Montgomery stated that this has been taken directly from state's guidelines; got them adopted by the state; recommending that all government do the same. Payne asked if we are responsible for keeping track of public record. Sherwood stated that you can copy me and I will keep track. Hogan asked if something could be set up on the email that would send a

copy to Sherwood automatically. Sherwood stated that she imagined that it could; will need to talk to network director. Montgomery stated that it is the content of the message that makes it public record. Stinchcomb stated that we need to talk about this again; when is there any confidential communication. Payne agreed that we need to hold this and have the network administrator and Weber attend.

RECOMMENDATION: Bring back in two weeks

## **GIS Proposal**

Mayor stated that this is an unusual engineering issue; this one must be an attractive contract; very interested in trying to obtain the contract; we need staff to be immediately available to our staff; that weeded out some of the applicants; proprietary software got us down to the two; we're supportive of the two fine firms recommended. Angelou asked if we have any amounts at this point; probably know this could be more expensive; Finance is the one who needs this soon. Jackson stated that copies of all proposals were in council office; we sent a summary to everyone; actual proposals are in council office; we could have the two companies give a presentation. Mayor stated that we would like to request a dollar proposal. Jackson stated they would have to do an assessment of what each department needed; then get into it and realize that departments may need more; an assessment should be done by the chosen firm; there is nothing binding. Stinchcomb stated that we need to invite both firms to Committee of the Whole or Finance, depending on load. Jackson stated that we are little behind now; finance is really going to need it. Angelou asked what delaying this does to finance. Jackson stated that it puts a lot of pressure; very difficult; would like to see a firm with more bodies; able to work on it at the same time. O'Brien stated that he is concerned with what their billing services are; wasn't prepared to draw this out. O'Brien polled Council. Council agreed that there needs to be a presentation by the companies.

RECOMMENDATION: Bring back to Finance Committee in two weeks.

## **Stacey Bashore, Recording**