

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, December 4, 2000

7:30 PM

City Hall

City Council

*Debra A. Payne, President of Council
Rebecca W. Stinchcomb, Vice President of Council
Karen J. Angelou, Council Member
L. Nicholas Hogan, Council Member
Thomas R. Kneeland, Council Member
Michael O'Brien, Council Member
Donald R. Shepherd, Council Member
Isobel L. Sherwood, CMC/AAE, Clerk of Council*

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

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

ADDITIONS OR CORRECTIONS TO THE AGENDA.

ORD-0290-2000

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH MJ EXCAVATING SERVICES, INC., FOR THE CHERRYBOTTOM ROAD WATERLINE; AND TO DECLARE AN EMERGENCY.

To fill in the blanks in ORD-290-2000; to be awarded to MJ Excavating Services, Inc., for a total of \$402,853.

A motion was made by Council Member Hogan, seconded by Vice President Stinchcomb, that this matter be Amended by Substitution. The motion carried by the following vote:

Yes 7 President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member Shepherd, Council Member Kneeland, Council Member Angelou and Council Member O'Brien

ORD-0294-2000

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH SURFACE AMERICA, INC., FOR AMERITILE OUTDOOR SPORT COURT TO RESURFACE THE FRIENDSHIP PARK TENNIS COURTS, UP TO \$25,000; TO WAIVE SECOND READING; AND TO DECLARE AN EMERGENCY

A motion was made by Council Member O'Brien, seconded by Council Member Angelou, to delete language for waiver of second reading. The motion carried by the following vote:

Yes 7 President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member Shepherd, Council Member Kneeland, Council Member Angelou and Council Member O'Brien

A motion was made by Council Member Hogan, seconded by Council Member O'Brien, to delete RES-0038-2000 thru RES-0055-2000 from the agenda. The motion carried by the following vote:

Yes 7 President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member Shepherd, Council Member Kneeland, Council Member Angelou and Council Member O'Brien

C. HEARING OF VISITORS

Scott Jamison, 816 Cheshire Road, Sunbury, said on October 5, 2000 the Civil Service Commission issued a ruling concerning his request whether at the time of his employ the Service Director should have appointed him as a provisional employee instead of seasonal, as he came in and immediately started performing the duties of a Water & Sewer Tech I. The ruling issued by the Commission was that he was a provisional employee, and should receive pay and benefits afforded all provisional employees back to the effective hiring date of September 2, 1997. This recommendation was forwarded to Council and the Mayor. Jamison said he has received a partial payment and wanted Council to know this and questioned why he has not received the total payment due him.

Jamison also addressed the proposed Water Rate Increase; feels the EPA is reporting higher than what we are using; if really using that much we have some serious leaks. Council directed Jamison to take concerns to his immediate supervisor, and follow appropriate channels. Council will discuss water rates later in Committee of the Whole.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE

Ordinances - To Be Introduced and Assigned to Committee

ORD-0287-2000

TO ESTABLISH THE RATES OF PAY AND BENEFITS FOR UNCLASSIFIED PERSONNEL OF THE CITY OF GAHANNA FOR THE PERIOD JANUARY 1, 2001 THROUGH DECEMBER 31, 2001; TO REPEAL ORDINANCE NO. 980440; AND TO DECLARE AN EMERGENCY

Introduced, to Finance Committee

ORD-0288-2000

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH EVANS, MECHWART, HAMBLETON & TILTON, INC. FOR ONGOING ENGINEERING FOR THE MORRISON ROAD AND CONNECTOR ROAD IMPROVEMENTS; AND TO DECLARE AN EMERGENCY.

Introduced, to Service Committee

ORD-0289-2000

TO ACCEPT STREET, STORM, WATER IMPROVEMENT NO. 755 AND SANITARY SEWER, IMPROVEMENT NO. 756; AND APPURTENANCES THERETO, IN THE AUTUMN RUSH PLACE SUBDIVISION, AND TO DECLARE AN EMERGENCY.

Introduced, to Service Committee

ORD-0290-2000

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH MJ EXCAVATING SERVICES, INC., FOR THE CHERRYBOTTOM ROAD WATERLINE; AND TO DECLARE AN EMERGENCY.

Introduced, to Service Committee

ORD-0291-2000

SUPPLEMENTAL APPROPRIATION- Vending Machine

Introduced

ORD-0292-2000

TO AUTHORIZE THE DIRECTOR OF FINANCE TO MAKE PAYMENT FOR UNUSED VACATION ACCRUAL TO THE DIRECTOR OF PARKS & RECREATION AND THE PARKS SUPERINTENDENT; TO SUPPLEMENTALLY APPROPRIATE FUNDS THEREFOR; AND TO DECLARE AN EMERGENCY

Introduced

ORD-0293-2000

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH SHAMROCK GRAPHICS, INC., FOR INCOME TAX FORMS, TO WAIVE SECOND READING THEREFOR; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0295-2000

TO AMEND CHAPTER 161, INCOME TAX, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA, , TO AMEND SECTIONS ON DEFINITIONS, IMPOSITION OF TAX, LEVY OF TAX, RETURN AND PAYMENT OF TAX, COLLECTION AT SOURCE, EXEMPTIONS, AND CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY; AND TO CREATE SECTION _____, INCOME TAX REVIEW BOARD; AND TO DECLARE AN EMERGENCY

Introduced, to Safety Committee

ORD-0296-2000

TO AMEND SECTION 929.12, WATER RATES, OF CHAPTER 929, WATER CONNECTIONS AND RATES, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA; AND TO DECLARE AN EMERGENCY

Introduced, to Committee of the Whole

ORD-0297-2000

TO AMEND SECTION 921.04, SYSTEM CAPACITY CHARGE, AND SECTION 921.11, SEWER RENTAL RATES, OF CHAPTER 921, SEWER CONNECTIONS AND RENTAL RATES, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA; TO REINSTATE THE SEWER CAPITAL IMPROVEMENT FEE; AND TO DECLARE AN EMERGENCY

Introduced, to Committee of the Whole

E. CONSENT AGENDA

2000-0004

To Approve Minutes of Regular Meeting of November 6, 2000

Approved,

Ordinances on Second Reading

ORD-0267-2000

SUPPLEMENTAL APPROPRIATION - Convention & Visitors Bureau

This Matter was Adopted on the Consent Agenda.

ORD-0268-2000

SUPPLEMENTAL APPROPRIATION - Police Retirements & Resignations

This Matter was Adopted on the Consent Agenda.

ORD-0269-2000

SUPPLEMENTAL APPROPRIATION - Statutory Refunds

This Matter was Adopted on the Consent Agenda.

ORD-0274-2000

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH N. M. SAVKO & SONS, INC., FOR THE PRICE ROAD WATERLINE; IMPROVEMENT NO. 751; TO SUPPLEMENTALLY APPROPRIATE \$75,760 THEREFOR; AND TO DECLARE AN EMERGENCY

This Matter was Adopted as an Emergency on the Consent Agenda.

ORD-0275-2000

SUPPLEMENTAL APPROPRIATION - Mayor's Court

This Matter was Adopted on the Consent Agenda.

ORD-0276-2000

TO REDEFINE THE JOB RESPONSIBILITIES OF THE PART-TIME PLANNER TO THE DEPARTMENT OF DEVELOPMENT FOR A PERIOD ENDING DECEMBER 31, 2001; TO SET COMPENSATION THEREFOR; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted as an Emergency on the Consent Agenda.

ORD-0277-2000

SUPPLEMENTAL APPROPRIATION - Income Tax Sharing Agreement

This Matter was Adopted on the Consent Agenda.

ORD-0278-2000

TO ADOPT THE HAMILTON ROAD CORRIDOR/TRIANGLE AREA TRAFFIC STUDY, PREPARED BY MOODY/NOLAN LTD., INC. FOR THE CITY OF

GAHANNA, OHIO

This Matter was Adopted on the Consent Agenda.

ORD-0279-2000

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH GGC ENGINEERS, FOR INSPECTION SERVICES FOR THE PRICE ROAD WATERLINE, IMPROVEMENT NO. 751; TO SUPPLEMENTALLY APPROPRIATE \$5,800 THEREFOR; TO DECLARE AN EMERGENCY.

This Matter was Adopted as an Emergency on the Consent Agenda.

ORD-0280-2000

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH GGC ENGINEERING, FOR ENGINEERING DESIGN SERVICES FOR BALLARD DRIVE LIGHTING; IMPROVEMENT #540, TO SUPPLEMENTALLY APPROPRIATE \$3,300 THEREFOR; AND TO DECLARE AN EMERGENCY

This Matter was Adopted as an Emergency on the Consent Agenda.

ORD-0281-2000

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH EVANS, MECHWART, HAMBLETON & TILTON, FOR UPDATE OF THE CITY'S WATER AND SEWER ATLASES; AND TO DECLARE AN EMERGENCY

This Matter was Adopted as an Emergency on the Consent Agenda.

ORD-0282-2000

SUPPLEMENTAL APPROPRIATION - Big Walnut Bridge

This Matter was Adopted on the Consent Agenda.

ORD-0283-2000

SUPPLEMENTAL APPROPRIATION - Additional Inspection Fees - Big Walnut Bridge

This Matter was Adopted on the Consent Agenda.

ORD-0286-2000

TO AUTHORIZE THE MAYOR TO ENTER INTO SETTLEMENT AGREEMENT WITH PENNY GRANDMINICO AND CLARK STATE DEVELOPMENT COMPANY INC. FOR SETTLEMENT OF A LAWSUIT REGARDING PROPERTY ON NORTH HAMILTON ROAD; TO SUPPLEMENTALLY APPROPRIATE \$85,000 THEREFOR; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted as an Emergency on the Consent Agenda.

Postponed to Date Certain

ORD-0243-2000

TO ACCEPT THE FINAL PLAT FOR PROPERTY KNOWN AS WOODMERE PLACE; BROOKWOOD CONSTRUCTION CO., INC., APPLICANT

This Matter was Postponed to Date Certain to the Committee of the Whole on the Consent Agenda.

Ordinances to Waive Second Reading and Adopt as Emergency

ORD-0294-2000

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH SURFACE AMERICA, INC., FOR AMERITILE OUTDOOR SPORT COURT TO RESURFACE THE FRIENDSHIP PARK TENNIS COURTS, UP TO \$25,000; TO WAIVE SECOND READING; AND TO DECLARE AN EMERGENCY

Introduced, to Safety Committee

Resolutions to Adopt on First Reading

Statutory Resolutions on Second Reading

SR-0008-2000

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO APPROPRIATE CERTAIN REAL ESTATE, CONSISTING OF 0.141 ACRE OF LAND, MORE OR LESS, OUT OF 2.45 ACRES, MORE OR LESS, OWNED BY JACK A AND SUE WILLIAMS, FOR SANITARY SEWER EASEMENT FOR THE TRIANGLE WEST SUBTRUNK SEWER, IMPROVEMENT NO. 740; AND TO DECLARE AN EMERGENCY

This Matter was Adopted as an Emergency on the Consent Agenda.

Motion Resolution

MR-0080-2000

Motion Resolution to Authorize the Director of Public Service to go out for bids on East Industrial Sanitary Sewer- Improvement #727.

This Matter was Approved on the Consent Agenda.

MR-0081-2000

Motion Resolution To Authorize the Director of Public Service to Re-Bid on I/I Remediation of 35 Homes in Brentwood Subdivision.

This Matter was Approved on the Consent Agenda.

MR-0082-2000

Motion Resolution to allow use of funding in the amount of \$4,000 in Account No. 101.348.5512 Network Capital Equipment to be used to replace old network switchgear and provide new switches.

This Matter was Approved on the Consent Agenda.

MR-0083-2000

Motion Resolution to allow use of funding in the amount of \$300 in Account No. 101.111.5415 Special Council Contingency for Kiosk Computer Desk.

This Matter was Approved on the Consent Agenda.

MR-0084-2000

Motion Resolution to allow use of funding in the amount of \$7500 in Account No. 101.512.5512 Garage Capital Equipment to be used to replace the boss system.

This Matter was Approved on the Consent Agenda.

MR-0085-2000

Motion Resolution to allow use of \$4,500, the balance of Capital Projects/Building, 101.344.5511, to purchase Building Department Software.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Council Member O'Brien, seconded by Council Member Kneeland, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Yes 7 President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member Shepherd, Council Member Kneeland, Council Member Angelou and Council Member O'Brien

End of the Consent Agenda

F. PUBLIC HEARINGS

Z-0014-2000

[Enter Title Here]

President of Council, Debra Payne, opened the public hearing at 7:40 p.m., and called for proponents.

Jesse Hamm, 329 W. Johnstown Road, said she and her husband and attorney are here resubmitting the information for the zoning request pursuant to an order by U.S. District Court. It is basically the same zoning application that was submitted to City Council several years ago. We are requesting, under City code, L-AR Limited Overlay Apartment Residential, which would allow us to do things with single family residential property. Hamm continued that to do this we requested information from Gahanna City Attorney Weber, and he advised us. We are asking to put, on the southern portion of our 5.14 acre lot, four homes to provide housing for the handicapped and elderly, and intend to keep our home which would make a fifth residence on the property. It would all be connected by private driveway and built to City street standards, with the exception that it would be 20' wide, which was approved by the Planning Commission. In our permitted uses we would ask that residential structures be allowed to be built, and any accessory buildings as in a normal single family residential area, in that the property will not be subdivided, or any kind of plats made, it will be defined, it will have (quote) lots, but they will not be subdivided plots, or unplatted. They will be minimum City standard lots. There may be some question as to the 35' from the edge of the house to the center of the street with all the easements and that sort of thing; have been told by Planning Commission that it was acceptable. The driveway will be 20'; some of the information you had previously received said 18'; it will be built to City standard as far as quality of materials pursuant to the Code. As far as traffic we did not do a study, but the Zoning Commissioners submitted information as to how the City studies that and indicated that our proposed project would only increase the property traffic 3 trips per day per home, which is under 15. As far as drainage and run off, when we proposed this previously and discussed it with Planning Commission and the City Engineer, Karl Wetherholt, the understanding was that we would go with all the natural flow of the storm sewer water. In the event there are any significant problems we would address them with the City and take care of them at that time. Hamm said that utilities are available to the property at the southern edge of the property; gas hook up can be reached; have an easement that would permit water; City sewer has an easement that goes directly behind the southern part of our property; and the electric hook up is right at about 200' from the southern border. The landscaping, once we get the housing approved by the regular channels, would be approved by the City as normal course. The buffer zone had been designated previously; we did not have a privacy fence which is part of the buffer zone requirement; we have since put in a 6' privacy fence all the way around the southern and western borders; east and north have sufficient trees and/or shrubbery to provide sufficient buffer as was determined by the Planning Commission previously. The house living areas will be a minimum of 2,000 square feet. They will have optional basements and crawl spaces. The architecture, all front facades will be wood with stone or brick or vinyl siding. We will not have any outlandish colors, there will be a minimum of two as conforms with all residential development. There will be no special signage indicating that these are assisted living homes for the elderly and the handicapped; the only thing that we might have as identification would be an 8" X 18" little sign with something similar to "The Hamm's" or "Twelve Oaks". Parking will be the same as that afforded by the Zubrod Heights area, so as not to distinguish or make exception to our property as compared to the other properties. Lighting will be all consistent with neighborhood residential requirements similar to that which is in Zubrod Heights. Refuse pickup will be the same following the guidelines of the City.

President asked for other proponents. There were none.

President asked for opponents.

Leon Cohan, 251 Shara Park, said his home is located about 100' west of the Hamm

property. He continued that he would like to preface his remarks by noting that he retired from the Marine Corps in 1973, and during his 21 years in the Marine Corps, he took an oath several times to support and defend the Constitution of the United States, and he is bringing this up because the last time this matter came before this hearing my neighbors ended up being slapped with \$75,000 suits for speaking their minds in front of this group; subsequently they got out of it, but they had to pay with the stomach discomfort that goes with having that type of suit. Cohan said he finds himself here weighing every word that he says because it appears we do not have the freedom to speak at a public meeting. He would also like to note that this suit has had a rather chilling effect on the discussions of this issue because although this matter has gone on for 5 years, his neighbors have had to spend all kind of money to defend themselves, and he thinks the City of Gahanna has spent an undisclosed amount defending itself in court. He is at a loss as to why the secrecy; why this hasn't appeared in the paper. He recalls that when a local group wanted to put up a tent and spend \$10,000 there were articles in all the newspapers and discussion at Council and letters in the paper. Here we have a lot of money that has been spent on this affair and there hasn't been a word in any of the papers and it is awful quiet; he has a question of why the secrecy. He continued that he initially chose his home because of the neighborhood's pleasant residential character; he felt secure making the investment, apparently mistakenly secure, because he thought there was an implied contract between himself and the City of Gahanna, that contract being the zoning regulations. Cohan said he is not even allowed to put in an invisible fence on his property without following certain regulations. The Hamm's have asked for all types of variances of that nature, and nobody seems to be batting an eyelash about it. He recognizes the right of the government, this body here to change the ordinances; usually thought the basis of changing an ordinance was for the common good, or for the greater good and welfare. In this case it is for the good of "citizen A" and to the detriment of "citizen B"; one against one. He does not see evidence that this proposed development is for the greater public good for such a facility. The traffic on West Johnstown Road is horrendous now; empties out from airport and there are several new office buildings feeding traffic. As a final point he certainly opposes the rezoning; has no problem keeping it as it is currently and what is permitted in the SF-3 zoning.

Don Tufto, 280 Shara Park Place, said it is hard to believe it has been 5 years since this zoning request took place. He stated that he has lived there for 34 years and raised four kids there. He is proud of Zubrod Heights, and it has been a delightful place to live; lots range from one to one and one-half acre lots; has been a wonderful community. This zoning request has upset the neighborhood to say the least. His land butts up against the Hamm land on the east side and he is concerned, but is also concerned about other people too because if this zoning is approved it will draw to a close the style of life that we have been used to. He continued that he couldn't help but notice, on the Gahanna letterhead stationary on which he received notice, the Mission and Vision statements. Tufto read both. On behalf of his neighbors and himself, he is requesting that City Council take this Vision and Mission statement into deliberations in regard to this zoning request by the Hamm's. Tufto stated reasons why he feels the zoning request should be denied; the famed "devil's strip" was discussed in 1995; what it is the developer of Zubrod Heights put in a 2' strip at the end of Sandra Court, put language into the subdivision regulations, which basically said that the only way there could be a continuation of Sandra Court was if there would be a new development that took place and there was a public street that was put in.

Motion to extend time 5 minutes for each side at this point in the public hearing.

Tufto thanked Council and continued that if this particular zoning is approved it is in violation of those deed restrictions; use of the private driveway that the Hamm's are

proposing completely violates Planning procedures. He cannot recall, in the City of Gahanna, where an individual was approved to put in a private drive. He continued that there is no economic imposition on the part of the Hamm's; they can lay out that property and develop SF-3 lots; they would have to put in a public street, but that certainly can be done; you are not causing any undue hardship on the Hamm's by turning down this request. He feels the individual who would really suffer adversely because of this proposal would be Charlie McKeag. They have land on the east side of the Hamm's, they have no access to their property except an easement that permits ingress and egress from Johnstown Road. If the Hamm's are given approval for their zoning request the McKeag's are going to be shut off, virtually. There certainly have been court cases where substantial awards have been made to people where it can be proven that they have suffered losses in the case of zoning issues. City Council should look long and hard at the situation that the McKeag's are in, but for them to be denied access to develop their property at 5 acres is certainly an injustice. They have just as much right to that access at the end of Sandra Court as does the Hamm's. The only way that they are going to be able to develop their property is by having a public street run up to where the McKeag's have access. The final justification for denying the zoning, is that it constitutes spot zoning; why should the Hamm's enjoy the benefits of getting their requested zoning at the expense of the entire neighborhood. If Council approves this zoning you are simply ignoring everybody in that local community. Tufto thanked Council for listening.

Charles McKeag, 327 W. Johnstown Road, said he and his wife Anna have lived in their house since 1972 and have 5 acres of wooded land which immediately joins the Hamm property on each side. He said he is firmly opposed to the zoning the Hamm's are seeking for the following reason; he will be unable to develop the 5 acres currently zoned for single family residential housing, caused by the Hamm's proposed zoning requiring a private road, thus, in effect, landlocking his property. This landlocking could result in the value of his property being decreased by a value of at least \$100,000. The current zoning of the Hamm property does not prevent them from subdividing and placing single family residences on their property. McKeag said that by constructing a public street that would connect to his property he would have the benefit of that for subsequent development of his property. The proposed zoning requested by the Hamm's is not consistent with the existing zoning for a quiet residential neighborhood; would seriously impact neighborhood, increase traffic.

At this point Payne asked McKeag how much more information he had, and McKeag said a paragraph and a half.

Motion to extend time 5 minutes for opponents at this point in the meeting.

McKeag said the proposed zoning would increase the traffic condition from emergency vehicles, food service personnel and for the home, visitors and guests. By appearing here this evening he wants to put City Council on notice that he will file, if necessary, legal action against the City of Gahanna and possibly Mr & Mrs. Hamm if his property rights are violated as a result of this proposed zoning. This course of action would be necessary to prevent his land from becoming, virtually, landlocked, and resulting in economic loss that could well exceed \$100,000. He thanked Council for their time.

President Payne asked if there were any other opponents. There being none she advised proponents that they had 8 minutes for rebuttal.

Jesse Hamm said she would address the issues that were brought up by the opponents. The 2' devil strip was previously addressed by the attorney and answered, and that is in

your file. The City street was also addressed; the traffic was addressed. The only consideration that she would like to talk about right now is the McKeag's property. She continued that Council might be aware that during the period of time that she was requesting the zoning change there was a study going on called the Westside Development Study. After her zoning request was declined the formal report came out and was displayed in the Council lobby area. There was a map showing the proposed streets that the Westside Development Study would bring, and as far as the McKeag's property was concerned it showed a street that would come in the driveway that she currently has, which she has the right of way to, and they have a permanent easement to, that piece of property is in no way affected by the development she is proposing. The only way it is affected is by the Westside Development Study; it would be turned into a public street; that street went up and went around the McKeag's property and ended at the back of the McKeag's property allowing development. That was a proposed plan by the City. In the Westside Development, as it affected our house, it would come straight thru our house and would totally destroy our home; what consideration was there for us personally as individuals. The proposal submitted in no way effects the McKeag's, and that was addressed with them personally thru attorneys; they ignored the action that the judge required us to take and totally ignored requests to settle or talk about this issue. She continued that a letter was sent to the McKeag's in February that Weber and the City received a copy of, indicating the willingness to discuss the appropriateness of a right of way thru the property for the development of their property. She never received any acknowledgment of that letter from the McKeag's or their attorney. There was a limitation of two weeks for them to respond, and they did not, so we assumed they were not interested. She said she would like to address why they do not want a City street; they have since put in a driveway, street access. In the late 1970's Sandra Court, was continued on to their property negating the devil strip, and that was addressed by the City Attorney, and at that time he was in agreement with us. We have since put in what could be a continuation of the City street in the event the zoning passes. If that were a City street, the City street would come within 12 feet of our home. This will be a street that will be approximately 600' long; straight, which meets with the City safety requirement; not have curves in it or anything else; will be a City street. You can imagine the traffic and the youngsters that would go thru there as a straight shot; a concrete street; drag racing and whatever. Besides that we do not want City traffic available to hinder the access we have to the use of our property; we will have 20 elderly, handicapped people living with us using this driveway; using our property as a walkway, a park, as their home. Also our grandchildren will be using it; do not want them subject to City street traffic that close to my home, and under City ordinances people with SF-3 zoning are permitted to do that which we have requested, it is not in violation of any City code; yes, there may be a few variances as to the width of the street, but there are variances in all property development.

President asked for any other rebuttal, there was none. The the public hearing was closed at 8:20 p.m., and Payne said this will be put in Committee in January.

Angelou said she has a couple of questions on stormwater drainage issues. Usually there is a stormwater drainage plan, and asked if it is not necessary for this development. Wetherholt said it is a necessity. Angelou said Hamm said that if something came up it would be taken care of; that is not how we do things in the City. A plan is established and must be followed, or it can lead to lawsuits and bigger things. Hamm stated that there is a water collection basin directly behind the property at 250 Shara Park Place, and the majority of the water drains off of that property with the exception of the back portion. Hamm continued that there are areas that have not been maintained, in that the City of Gahanna has no sited development of the storm water and sewer, and she was told that a plan would not have to be in place before the development was built. There is

a natural flow and no one requested a storm water drainage plan be filed.

Angelou asked Wetherholt if it is true that there would not have to be a plan in place before things were built? Wetherholt said there has to be a written plan in place that would include a map of the areas showing impervious surface, and also have to have supporting calculations showing detention requirements. Angelou asked who typically does this? Wetherholt said a consultant working for the person who is developing. (Angelou said she would like Wetherholt's comment to be recorded for the record.) Angelou asked if the 20' private street, includes curbs and gutters. Hamm said no it does not. Angelou said then it does not meet subdivision standards as stated. Angelou questioned signage; in the development plan it said there would be no signage. Hamm said there will not be any kind of signage identifying the development.

Angelou said that she feels there has always been concern for the McKeag property, and access thereto; is that going to disappear. Hamm said there is no issue; our proposed development does not effect the access and egress of their property at all.

O'Brien asked Hamm if the 20' street was evaluated by the Fire Department; can they maneuver equipment in and out. Hamm said yes. O'Brien asked if the project will be ADA compliant and meet other state standards regarding assisted living facilities. Hamm said they would be licensed by the Ohio Department of Health for assisted living facilities. O'Brien questioned green space between the first proposed residence and the current home on the property. Hamm said at least 300' on both sides, and said she plans to put in flower beds and pathways.

A motion was made by Council Member O'Brien, seconded by Council Member Angelou, that the time for public hearing, Z-0014-2000 be extended 5 minutes for both sides. The motion carried by the following vote:

Yes	7	President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member Shepherd, Council Member Kneeland, Council Member Angelou and Council Member O'Brien
------------	----------	--

A motion was made by Council Member O'Brien, seconded by Council Member Kneeland, that the time for public hearing Z-0014-2000 be extended for the opponents by 5 minutes. The motion carried by the following vote:

Yes	7	President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member Shepherd, Council Member Kneeland, Council Member Angelou and Council Member O'Brien
------------	----------	--

Council

O'Brien said he would like to congratulate Lt. Larry Rinehart who will be receiving his Bachelor's Degree in January.

STANDING COMMITTEES:

Communications & Technology Committee - Kneeland

Development Committee - Angelou

Service Committee - Stinchcomb

Safety Committee - Hogan

Committee of the Whole - Stinchcomb

Finance - Angelou

Council members discussed dates to work on 2001 Appropriations.

H. CORRESPONDENCE AND ACTIONS

Clerk - Legal

Council

O'Brien said he would like to congratulate Lt. Larry Rinehart who will be receiving his Bachelor's Degree in January.

I. SECOND READING OF ORDINANCES

Ordinances Reported Out of Committee

Supplemental - Real Estate Tax

SUPPLEMENTAL APPROPRIATION - Real Estate Tax

A motion was made by Council Member O'Brien, seconded by Council Member Kneeland, that this matter be Adopted as Amended. The motion carried by the following vote:

Yes 7 President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member Shepherd, Council Member Kneeland, Council Member Angelou and Council Member O'Brien

ORD-0285-2000

TO ZONE 28.7+/- ACRES, MORE OR LESS, AS ER-1, ESTATE RESIDENTIAL; ZONING PURSUANT TO SECTION 1133.08 OF THE CODIFIED ORDINANCES; FOR PROPERTY LOCATED AT 6547 CLARK STATE ROAD AND KNOWN AS THE HANNAH PROPERTY; CITY OF GAHANNA, APPLICANT.

A motion was made by Council Member Angelou, seconded by Council Member O'Brien, that this matter be Adopted. The motion carried by the following vote:

Yes 7 President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member Shepherd, Council Member Kneeland, Council Member Angelou and Council Member O'Brien

J. FIRST READING OF ORDINANCES

K. REPRESENTATIVES

Community Improvement Corporation (CIC) - Kneeland

Mid-Ohio Regional Planning Commission (MORPC) - Payne

Bd./Ed., Gahanna-Jefferson Public Schools

Gahanna/Jefferson Joint Committee - O'Brien

L. OFFICIAL REPORTS

Mayor

City Attorney

M. COUNCIL COMMENT

Hogan said the parade was terrific; really enjoyed.

Angelou said that Morse Road is finished and is wonderful; congratulated Wetherholt and everyone at the City, including Council.

Kneeland thanked all City employees who worked on the parade; unsung heroes that made it happen.

A motion was made by Council Member Kneeland, seconded by Vice President Stinchcomb, to add ORD-0284-2000 to the Regular Agenda for Second Reading of Ordinances. The motion carried by the following vote:

Yes 7 President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member Shepherd, Council Member Kneeland, Council Member Angelou and Council Member O'Brien

ORD-0284-2000

TO ZONE 1.8+/- ACRES OF NEWLY ANNEXED PROPERTY AS CC-2 COMMUNITY COMMERCIAL 2; FOR PROPERTY LOCATED AT 4618 NORTH HAMILTON ROAD; CONTINENTAL REAL ESTATE BY SEAN CULLEN, APPLICANT.

A motion was made by Council Member O'Brien, seconded by Council Member Angelou, that this matter be Adopted. The motion carried by the following vote:

Yes 7 President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member Shepherd, Council Member Kneeland, Council Member Angelou and Council Member O'Brien

N. EXECUTIVE SESSION

O. ADJOURNMENT: 9:02 p.m. - Motion by Kneeland.

End of Agenda

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

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

Chair Signature