



# City of Gahanna

200 South Hamilton Road  
Gahanna, Ohio 43230

## Meeting Minutes Committee of the Whole

*Jamie Leeseberg, Chair*  
*Karen J. Angelou*  
*Brian D. Larick*  
*Nancy R. McGregor*  
*Brian Metzbower*  
*Stephen A. Renner*  
*Michael Schnetzer*

*Kimberly Banning, Clerk of Council*

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Monday, December 10, 2018

7:00 PM

City Hall

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### CALL TO ORDER -

by Leeseberg at 7:01 p.m.

### ITEMS FROM THE DIRECTOR OF PLANNING & DEVELOPMENT

[ORD-0106-2018](#) TO REZONE 4.5 +/- ACRES OF PROPERTY, TO TWO FAMILY RESIDENTIAL (MR-1); SAID PROPERTY LOCATED AT 488 EAST JOHNSTOWN ROAD; PARCEL ID NO. 025-001930-00; CURRENT ZONING SINGLE FAMILY (SF-2); PAULINA PLACE; LORETO CANINI, APPLICANT.

Jones showed location of site for requested re-zoning and variance. Stated that 10/24 Planning Commission voted to recommend to Council the Zoning and Variance, and voted to approve the Conditional Use. Jones provided a summary of the request from the applicant/developer (see associated Planning Commission files for more details: Z-0003-2018, V-0021-2018, CU-0007-2018). Stated the developer, Canini is available tonight for questions.

Leeseberg asked if properties already have detention, and if required to have detention. Priestas confirmed that the development must comply with current stormwater management guidelines.

McGregor asked Jones to confirm that the space between houses will be 5'. Jones said 5' from each side of home, so there will be 10' between houses when you have 2 parcels next to each other. Angelou reiterated that when there are 10' side yards, the space between homes will have 20' between them.

Jones said a Final Plat would be in lieu of an FDP, which would have to come back to Council for further consideration, and would include site plan. Reviewed criteria that Planning Commission used when considering the applications.

Angelou asked about special circumstances for the land. Jones stated the size of land and requirements for roads. Larick asked reasoning behind the zoning change to MR-1, asked to confirm that it is not the intent to build multifamily homes, but to collapse the density. Canini confirmed the homes would be stand alone. Blackford explained the options for zoning changes as it relates to this project, and what the allowable uses are.

Larick asked for a stipulation in the zoning approval in order to ensure single family homes would be built here. Blackford stated that was accomplished as part of the Planning Commission process. CU runs with the land and future use.

Angelou asked if this falls into the Insite 2050 land use plans. Jones confirmed that it does. Angelou asked for examples of this in community currently. Canini responded with reasoning behind decision for the development.

McGregor asked how much acreage the original home will keep. Canini said .8. McGregor asked how many units there will be. Canini said 15 lots, including the original home.

Jones said next formal meeting of Council will have Public Hearing.

**RECOMMENDATION: Public Hearing, 2nd Reading or back to Committee of the Whole**

[ORD-0107-2018](#)

TO GRANT A VARIANCE APPLICATION TO VARY SECTIONS 1108.01, REQUIRING FINAL DEVELOPMENT PLAN REVIEW FOR PROPERTIES ZONED TWO FAMILY RESIDENTIAL (MR-1), 1109.02(A), REQUIRING PUBLIC STREETS, AND 1145.05(A), REQUIRING LOTS TO FRONT ON A DEDICATED PUBLIC STREET, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA; FOR PROPERTY LOCATED AT 488 EAST JOHNSTOWN ROAD; PARCEL ID NO. 025-001930-00; CURRENT ZONING SINGLE FAMILY (SF-2); PAULINA PLACE; LORETO CANINI, APPLICANT.

See discussion above, under ORD-0106-2018.

**RECOMMENDATION: Public Hearing, 2nd Reading or back to Committee of the Whole**

### **ITEMS FROM THE DIRECTOR OF PUBLIC SERVICE & ENGINEERING**

[ORD-0108-2018](#) TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH THE FISHEL COMPANY, FOR THE CLAYCRAFT FIBER NETWORK EXPANSION; IMPROVEMENT NO. ST1059.

Priestas said bid was open in November, and received one bid, which was below estimate.

**RECOMMENDATION: Consent Agenda**

[ORD-0109-2018](#) TO AUTHORIZE THE MAYOR TO SIGN AND ADOPT THE STREETS POLICY.

Priestas said informally the City adheres to complete streets policies and practices, but would like to adopt the policy. Renner said the City has already been following much of the policy; asked Priestas how long have we been following these policies. Priestas said they predate his tenure. Renner asked about the overall impact of adopting the policy. Priestas said this will help with grant applications. Angelou said without this, we will not get the grants.

**RECOMMENDATION: Consent Agenda**

### **ITEMS FROM CITY COUNCIL**

ITEM NOT ON AGENDA BUT DISCUSSED: Larick said CVB contract is coming up, asked about status. Ewald said reviewed updated version received recently, has 2 year agreement and emailed to Council. Does not account for the Herb Center adjustment. Recommends amending and substituting the document after review. Will go on Regular Agenda. Larick asked if Herb Center language is in process. Ewald said working on budget negotiations as that will have an impact on Herb Center.

**RECOMMENDATION: Amend by Substitution, Regular Agenda**

[ORD-0110-2018](#) AMEND THE RULES OF GAHANNA CITY COUNCIL.

Larick said was discussion around how to change rules. There are standard rules in Roberts Rules of Order, and have Council Rules of Procedures. The ask is as part of the review, we eliminate 11.14 and 14.10 to have us fall back to the norm of Roberts Rules. The first is the motion to reconsider and second is the waiver of rule. Both only require a simple majority, but the norm is a 2/3 majority.

**RECOMMENDATION: Consent Agenda**

[ORD-0111-2018](#) AMEND CITY OF GAHANNA CODIFIED ORDINANCES: CHAPTER 505 - ANIMALS & FOWL

Larick thanked Council for their time in reviewing this. Horrific situation has caused him to rethink this. Outlined some research gathered. Asked Chief for update on current situation, regarding constraints and how this is handled. The research has included ORC, several neighboring communities' codes, reviewed article from American Veterinary Medical Association regarding dangerous animals and legislation, American Bar Association, NOLO, Franklin County Animal Control, conversations with City Attorney and Chief of Police.

Chief Spence provided a summary of the event that occurred. Two owners involved, living in the same house. One was served with a dangerous designation on 12/3 and the second owner was served on 12/4. They have 10 calendar days to appear in Franklin County Environmental Court to contest. One dog was voluntarily removed by owner. Second owner was in process of moving animal. The owners may contest on last remaining day or comply with ordinances and pay fees required, and comply with fencing, signs, etc. PD working closely with owners. There is no provision in the law for PD to remove the animals forcibly or euthanize them. The law is distinct when there's an attack on a person or another animal.

Renner asked Chief if all 3 dogs were served with dangerous notice. Chief confirmed. Renner asked if Mark Thomas, Public Safety Director, had anything to add. Thomas said he reached out to Chief and was provided report Sunday afternoon. Meeting was setup with City Attorney. Ensured officers were doing everything they were able to do. Believes Chief and staff did everything appropriately. Metzbower asked if dogs were taken to animal control at the county. Chief said if the dogs bit a human, and a quarantine did occur, the dogs would be housed with Franklin County Animal Control. In this situation the animals were not taken to the county. Metzbower asked if this was a local, county or state

issue. Confirmed it was state level. McGregor asked if City must be notified where the dogs were going. Chief confirmed that jurisdiction where animal is surrendered to must be notified of dangerous distinction. McGregor asked if vicious distinction is if a dog attacks a human. Larick said ORC in this case, is specific to an attack to a human who is seriously injured or dies. Our code includes death in the definition. Angelou asked who puts designation on, the county? Chief confirmed. Angelou explained that there's no Animal Control function in the City. Chief said there's no impound in the City either. Larick requests of Council to take time to get the code right, but move to change the fees sooner and change liability insurance. Larick said he did a rough adjustment of 2.5% increase per year. Council in support.

Larick asked Clerk to draft an ordinance for waiver and emergency for those two items specifically. Second ask is for the City Attorney to review possibility of a temporary quarantine by the officers at their discretion based on observation of occurrences, for a 72 hour period, which would not go into effect on Monday, but January 2019. Ewald asked to clarify attack on a human or animal against animal. Larick said it would be another step further to allow for the Chief's discretion of extending the 72 hour period based on circumstances, in order to maintain safety of the community. Metzbower asked about the justification for 72 hours. Larick said that will give the officers some time to gather more information and allow for the entire situation to be assessed and gauge what the next steps forward should be. Will further discuss those additional items in the future. Angelou and Renner said the Franklin County Animal Control should be weighing in. Renner said someone will be available at the first meeting in January to discuss these questions. Leeseberg asked the Chief what would be required for the animal in January. Chief said animal would need to be tethered and muzzled if off property, provided additional details about cages. Leeseberg asked who would be enforcing that. Chief said only 1 designation while this code was in place, when the permit application was provided to the owner, the owner voluntarily opted to euthanize the animal. Would be combination of PD and Zoning Code Enforcement. Leeseberg asked if permission would be required prior to going on the property to observe. Chief confirmed. Metzbower clarified that environmental court is not county it is municipal court. Angelou asked if court ever asks for euthanasia. Chief said in regards to human bites, yes, but animal to animal attacks must have several occurrences. McGregor asked about timing of ordinance and asked if a Special Meeting could happen to ensure this takes affect for these animals in this case. Ewald said the police charges cannot be retroactive. Larick said the updated permit fees and insurance could go

into effect for 2019 if legislation passed. Larick confirmed that they could hold a special meeting tomorrow to vote on ordinance. Chief said to follow up on a previous question, the court can choose to euthanize the animal if the owner fails to follow process.

**RECOMMENDATION: Special Meeting to be held 12/11/18**

## **ITEM FROM THE CITY ADMINISTRATOR**

[ORD-0112-2018](#) TO AUTHORIZE THE MAYOR TO SIGN ADDENDUM #1 WITH RUMPKE OF OHIO, INC., FOR RESIDENTIAL REFUSE, RECYCLING & YARD WASTE COLLECTION IN THE CITY OF GAHANNA; AND TO DECLARE AN EMERGENCY.

Franey said Rumpke brought forward an addendum to the contract already approved through legislation. The first item to addendum, Rumpke restates the fact that the contract is only for 3 year period, with 2 additional one year term extensions, but price must be mutually agreed upon. Second item, Rumpke states that they are not responsible for maintaining or replacing community carts unless City pays surcharge on carts.

Angelou asked if we can talk to Rumpke about not spilling trash when collecting it. Franey confirmed.

Renner asked about practice for residences having problems with Rumpke. Seems to go in phases at least on the west side. Franey said call utility billing office and report. First report by resident gets reported to Rumpke, 2nd request from same location gets reported again to Rumpke, but also supervisors get notified and get involved as complaints escalate.

Leeseberg said there were concerns on Monday, and asked if those problems got resolved. Franey confirmed. Stated that anytime there's nicer weather over the weekend, the Monday following is busy for Rumpke.

**RECOMMENDATION - Waiver & Emergency**

## **ADJOURNMENT**

8:06 p.m.

