

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Monday, November 4, 2002**

**Caucus may be held at 7:00 p.m.**

**7:30 PM**

**City Hall**

## **City Council**

*Michael O'Brien, President of Council*

*Robert W. Kelley, Vice President of Council*

*Karen J. Angelou*

*L. Nicholas Hogan*

*John McAlister*

*Debra A. Payne*

*David B. Thom*

*Isobel L. Sherwood, CMC/AEE, Clerk of Council*

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

Gahanna City Council met in Regular Session on Monday, November 4, 2002, in Council Chambers of City Hall, 200 S. Hamilton Road, Gahanna, Ohio. President of Council Michael O'Brien called the meeting to order at 7:31 p.m. The invocation was given by Pastor Terry Brown, Shepherd Church of the Nazarene, followed by the Pledge of Allegiance led by Deputy Chief Rinehart. Agenda for this meeting was published on November 1, 2002.

**Members Present:** David B. Thom, Michael O'Brien, Karen J. Angelou, Debra A. Payne, L. Nicholas Hogan, Robert W. Kelley and John McAlister

**B. ADDITIONS OR CORRECTIONS TO THE AGENDA: None.****C. HEARING OF VISITORS:**

Bruce Ingram, Vorys, Sater, Seymour & Pease, 52 E. Gay St., residence address of 75 Walnut Woods Ct., Gahanna, stated he was here on behalf of Continental Giant Eagle IV, the developer of Giant Eagle; speaking in opposition to resolution which was read on October 21, 2002 and referenced as SR-0002-2002 and is postponed to November 18; according to that resolution Gahanna intends to appropriate a 500' narrow strip of property adjacent to the private road built and owned by Giant Eagle; is to provide access to private landowner with 2 restaurants and drug store; is the same as if we came to your house to take a strip of property just to provide access to your neighbor on to your driveway; what's wrong with this; under the Ohio Constitution there must be a public purpose; this is not a public purpose but is to benefit landowner to the north; improper under Ohio law; public purpose also has to be necessary under Ohio Revised Code; this is not necessary; that property has access to Hamilton and Morse; site plans that show that access; if this property is to provide a public purpose would have to be a land and traffic study which would require the widening of the road; no plans have been made to widen Hamilton Road; if Council were to authorize the filing of a lawsuit to take this property it would include attorneys' fees and expenses in defense of this claim; one final point; was a reference in newspaper to the claim that Continental Eagle agreed to provide access to Gahanna or someone else; am here with Sean Cullen who attended all workshops and Planning Commission hearings and he agreed to no such easement and no such easement was made a condition to the approvals of the development plan; in fact Continental did give two easements for storm and sanitary sewer; did not give an access easement; ask you to not pass the resolution; thank you.

Robert Helfrich, 2646 Reynoldsburg New Albany Road, stated he paid child support to Saulsbury Court; here three weeks ago and told you about false claim and police report; you put it to City Attorney; he has done nothing to this point; that puzzles me; also filed an affidavit against Barbara Connor and Schmueckle which did not get heard because it was two days late; was never told there was a 45 day period; in the meantime got slapped with a lawsuit; my son did which was called in by Police Department or school; goes back to when he didn't get off school bus on May 8; was where he was supposed to be per the court order which was given to the Mayor, Police Department and school; claim of dependency was made on my son; I won; put off my complaint against Police Department; was told to just write a letter; didn't tell me it had to be in within 45 days; was two days late and they dropped it; asked for information with regard to the phone call and got nothing; also subpoenaed Barbara Cannon to the order against my son and she didn't honor a subpoena; Schmueckle was there; your own officers can't follow a court order; have to watch what your police are doing; were subpoenaed the same day; this Council told attorney to get on it; to date he has done nothing.

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

Ordinances, introduced, by title, by Payne.

**Ordinances - To Be Introduced and Assigned to Committee:****ORD-0217-2002**

TO REPEAL ORD-0191-2002, PASSED OCTOBER 7, 2002, "TO AUTHORIZE THE MAYOR TO ENTER INTO EXTENDED CONTRACT WITH STILSON CONSULTING GROUP FOR REPLACEMENT AND REPAIR OF NORTH HIGH STREET STORM SEWERS; TO SUPPLEMENTALLY APPROPRIATED \$46,000; AND TO DECLARE AN EMERGENCY."

**Introduced**

**ORD-0219-2002**

TO AMEND SECTION 941.15, PICKUP AND DISPOSAL FEES, FOR REFUSE AND GARBAGE PICKUP, TO BE EFFECTIVE JANUARY 1, 2003.

**Introduced**

**ORD-0220-2002**

TO ACCEPT A CONTRIBUTION BY ST. MATTHEW THE APOSTLE CHURCH TOWARD THE WIDENING OF HAVENS CORNER ROAD

**Introduced, to Finance Committee**

**ORD-0221-2002**

SUPPLEMENTAL APPROPRIATION - Convention and Visitors Bureau

**Introduced**

**ORD-0222-2002**

TO AMEND SECTION 161.07, COLLECTION AT SOURCE, AND 161.08, DECLARATIONS, OF CHAPTER 161, INCOME TAX, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

**Introduced, to Finance Committee**

**ORD-0223-2002**

TO AUTHORIZE THE MAYOR TO ENTER INTO PURCHASE AGREEMENT WITH CDW-G FOR PURCHASE OF A LARGE FORMAT PRINTER/SCANNER OFF THE STATE BID LIST FOR THE GIS MANAGER; AND TO DECLARE AN EMERGENCY.

**Introduced**

**ORD-0224-2002**

TO AUTHORIZE THE PLACEMENT OF SIGNAGE WITHIN THE RIGHT OF WAY FOR THE ACADEMY RIDGE SUBDIVISION, PROPERTY LOCATED ON BEECHER ROAD WEST OF HAMILTON ROAD

**Introduced, to Development Committee**

**E. CONSENT AGENDA:****Minutes - To Approve:****2002-0002**

To approve minutes of the following meetings:  
1) December 2, 2002 Regular Meeting.

**This Matter was Approved, on the Consent Agenda.**

**Ordinance: Introduce, Waive Second Reading , Adopt as Emergency:****ORD-0218-2002**

TO AUTHORIZE THE MAYOR TO ENTER INTO EXTENDED CONTRACT WITH COMPLETE GENERAL CONSTRUCTION FOR REPLACEMENT AND REPAIR OF NORTH HIGH STREET STORM SEWERS; TO SUPPLEMENTALLY APPROPRIATE \$46,000; AND TO DECLARE AN EMERGENCY.

**This Matter was Introduced, Second Reading Waived, and Adopted as an Emergency on the Consent Agenda.**

**Ordinances on Second Reading:**

**ORD-0200-2002**

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH SHAMROCK COMPANIES, FOR 2002 INCOME TAX FORMS.

**This Matter was Adopted on the Consent Agenda.**

**ORD-0201-2002**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH LORENZ EQUIPMENT COMPANY FOR PURCHASE OF A GENERATOR FOR THE WATER TOWER; AND TO SUPPLEMENTALLY APPROPRIATE \$841.

**This Matter was Adopted on the Consent Agenda.**

**ORD-0202-2002**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH SETTLE-MUTER ELECTRIC LTD., FOR INSTALLATION OF THE NEWLY PURCHASED GENERATOR FOR THE WATER TOWER; AND TO SUPPLEMENTALLY APPROPRIATE \$4,830.

**This Matter was Adopted on the Consent Agenda.**

**ORD-0203-2002**

TO AMEND SECTION 921.03, PERMIT REQUIRED; FEE; MULTIPLE USE CONNECTIONS PROHIBITED, OF CHAPTER 921, SEWER CONNECTIONS AND RENTAL RATES, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

**This Matter was Adopted on the Consent Agenda.**

**ORD-0204-2002**

TO AMEND SECTION 929.02, PERMIT REQUIRED; MULTIPLE USE CONNECTIONS PROHIBITED, OF CHAPTER 929, WATER CONNECTIONS AND RATES, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA.

**This Matter was Adopted on the Consent Agenda.**

**ORD-0205-2002**

TO AUTHORIZE THE CITY ATTORNEY TO PETITION THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO, TO ANNEX CERTAIN 5.55+/- ACRE TRACT OF LAND, EAST JOHNSTOWN ROAD, FROM JEFFERSON TOWNSHIP TO THE CITY OF GAHANNA, SAID LAND BEING COMPRISED OF ROAD RIGHT OF WAY; AND TO DECLARE AN EMERGENCY.

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

**ORD-0207-2002**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH THE PORTRAIT HOUSE FOR PROFESSIONAL PHOTOGRAPHY SERVICES FOR 40 SITES IN GAHANNA NOT TO EXCEED \$1,150; AND TO DECLARE AN EMERGENCY.

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

**ORD-0209-2002**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH TERRA SURVEYING CO. TO CREATE MAPS OF EACH COMMUNITY REINVESTMENT AREA BASED ON WRITTEN LEGAL DESCRIPTIONS NOT TO EXCEED \$4,500; AND TO DECLARE AN EMERGENCY.

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

**ORD-0210-2002**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH EAGLE EXHIBIT SERVICES TO UPDATE THE PLANNING DISPLAY NOT TO EXCEED

\$1,000; AND TO DECLARE AN EMERGENCY.

**This Matter was Adopted as Amended on the Consent Agenda.**

**ORD-0211-2002**

TRANSFER OF FUNDS - SALARIES AND FRINGES

**This Matter was Adopted on the Consent Agenda.**

**ORD-0214-2002**

TO ZONE 3.9 ACRES OF NEWLY ANNEXED PROPERTY AS M-1, MANUFACTURING DISTRICT; FOR PROPERTY LOCATED AT 600 CROSS POINTE ROAD; DONALD R. KENNEY AND COMPANY, BY ROBERT E. ALBRIGHT, ATTORNEY.

**This Matter was Adopted on the Consent Agenda.**

**ORD-0215-2002**

TO ACCEPT THE ANNEXATION OF 1.3+/- ACRES CONSISTING OF ROADWAY RIGHT OF WAY FROM JEFFERSON TOWNSHIP TO THE CITY OF GAHANNA, OHIO, LOCATED ALONG HAVENS CORNERS ROAD; REQUESTED BY THE CITY OF GAHANNA.

**This Matter was Adopted on the Consent Agenda.**

**ORD-0216-2002**

TO ACCEPT THE ANNEXATION OF 1.1+/- ACRES CONSISTING OF ROADWAY RIGHT OF WAY FROM JEFFERSON TOWNSHIP TO THE CITY OF GAHANNA, OHIO, LOCATED AT 4545 EAST JOHNSTOWN ROAD; REQUESTED BY THE CITY OF GAHANNA.

**This Matter was Adopted on the Consent Agenda.**

**Postponed to Date Certain of November 18, 2002:**

**SR-0002-2002**

A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO APPROPRIATE CERTAIN REAL ESTATE, CONSISTING OF ROADWAY RIGHT-OF-WAY FOR AN ACCESS EASEMENT ON GIANT EAGLE DRIVE; AND TO DECLARE AN EMERGENCY.

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

**ORD-0212-2002**

TO ADOPT THE CITY OF GAHANNA OFFICE & INDUSTRIAL INCENTIVE PROGRAM GUIDELINES PREPARED BY THE DEPARTMENT OF DEVELOPMENT

**This Matter was Postponed to Date Certain to the Finance Committee on the Consent Agenda.**

**Withdrawn:**

**ORD-0206-2002**

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH \_\_\_\_\_, FOR CONSTRUCTION OF CREEKSIDE PHASE II, IMPROVEMENT NO. 788; TO SUPPLEMENTALLY APPROPRIATE \_\_\_\_\_; AND TO DECLARE AN EMERGENCY.

**This Matter was Withdrawn on the Consent Agenda.**

**ORD-0213-2002**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH STILSON CONSULTING GROUP, FOR INSPECTION SERVICES FOR CREEKSIDE PHASE II CONSTRUCTION, IMPROVEMENT NO, 788; TO SUPPLEMENTALLY APPROPRIATE \$153,000; AND TO DECLARE AN EMERGENCY.

This Matter was Withdrawn on the Consent Agenda.

**Motion Resolution:**

**MR-0062-2002**

Motion Resolution to authorize reallocation of funds, Parks Capital Projects that were appropriated purposes; to pay for parking lot improvements at McCorkle Park; total \$6,270.

This Matter was Approved on the Consent Agenda.

**Passed The Consent Agenda**

A motion was made by Vice President of Council Kelley, seconded by Council Member Payne, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

|     |   |   |
|-----|---|---|
| Yes | 7 | Council Member Thom, President of Council O'Brien, Council Member Angelou, Council Member Payne, Council Member Hogan, Vice President of Council Kelley and McAlister |
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**End of the Consent Agenda**

**F. PUBLIC HEARINGS: None.**

**G. STANDING COMMITTEES:**

**Communications & Technology Committee - McAlister: No Report.**

**Development Committee - Thom: No Report.**

**Service Committee - Hogan: No Report.**

**Safety Committee - Angelou: No Report.**

**Committee of the Whole - Kelley: No Report.**

**Finance - Payne: No Report.**

**H. CORRESPONDENCE AND ACTIONS:**

**Clerk - Legal**

**2002-0055** Notice to Legislative Authority of D1, D2, D3 and D3A liquor permit transfer from Bru Pet Inc., DBA Jordans Mart & Deli, 471 I Morrison Road, to Stolys Inc., 154 N. Hamilton Road, Gahanna Ohio 43230. Last day for objections is November 22, 2002.

**Referred to Safety Committee**

**2002-0057** Notice to Legislative Authority of D1, D2, D3 and D6 liquor permit transfer from Red Rooster Rotisserie Ltd, DBA Latin Rooster Rotisserie to Nagi International LLC, DBA Maharajas, 389 Stoneridge Lane, Gahanna Ohio 43230. Last day for objections is November 29, 2002.

**Referred to Safety Committee**

**V-0026-2002** To consider a variance application to vary Section 1165.08 - Prohibitions; for property

located at the entrance to the Academy Ridge Subdivision; to allow one (1) sign within the right-of-way; Academy Ridge Comm.Assoc.by David Itkoff, applicant. (Public Hearing held by Planning Commission on 8/14/02 and 10/23/02).

**Received and Filed**

**2002-0059**

Notice of renewal of Wide OpenWest letter of Credit in accordance with the provisions of the Franchise Agreement.

**Received and Filed**

**Council:**

O'Brien stated he had received a letter on Saturday from Al Hamm; discussed contents with Weber; advised me to proper course of action to take; copies will be sent to Fred Pressley, Weber, Stinchcomb; ask clerk for copies if Council is interested.

**I. SECOND READING OF ORDINANCES: None.**

**J. FIRST READING OF ORDINANCES: None.**

**K. REPRESENTATIVES:**

**Community Improvement Corporation (CIC) - Kelley**

Kelley stated next meeting is November 18 at 8:00 am at Heartland Bank.

**Mid-Ohio Regional Planning Commission (MORPC) - Payne: No Report.**

**Bd./Ed., Gahanna-Jefferson Public Schools - Payne: No Report.**

**Gahanna/Jefferson Joint Committee - Hogan/Thom: No Report.**

**L. OFFICIAL REPORTS:**

**Mayor:**

Stinchcomb encouraged everyone to vote tomorrow; is not only a privilege but a responsibility.

**City Attorney:**

Weber noted he had completed a partial review of some of the records for Helfrich; basically there is a substantial file on this individual; police have been called to keep the peace on many occasions regarding custody and other issues; Police Department has purported itself well; has been no wrongdoing by Police Department; satisfied they have done their job properly.

Weber also noted copy of letter from Ingram received today; am reviewing its contents; will advise.

**M. COUNCIL COMMENT:**

Hogan asked that ORD-0220-2002, on acceptance of fees from St. Matthew, be heard in Finance Committee so he could address the issue. O'Brien placed the matter in Finance Committee.

Hogan reminded everyone to vote; wish Payne the best of luck; wonderful campaign to

watch; am no longer the bad boy on Council.

Thom, Angelou, and Kelley wished Payne well and urged everyone to get out and vote.

Payne stated she would be glad when tomorrow is over; in spite of negative ads couldn't ask for better volunteers to work the campaign.

O'Brien state Payne had brought honor to the community by the way you ran your campaign; truly a pleasure to have been on Council with you; wish you the best; proud to be your friend.

**N. ADJOURNMENT: 7:51 p.m. - Motion by Kelley.**

**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**