

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Tuesday, September 3, 2002

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 Tuesday, September 3, 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 7:33 p.m. The invocation was given by Pastor Roger Wagner, Mifflin Presbyterian Church, followed by the Pledge of Allegiance led by Council Member Bob Kelley. Agenda for this meeting was published on August 30, 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:

Angelou noted that ORD-0166-2002 contained a typo in the title; the words "to waive second reading" are to be deleted. O'Brien noted this ordinance will be introduced only as corrected.

O'Brien also noted that the executive session has been cancelled.

C. HEARING OF VISITORS:

Windy McKenna, Gahanna Jefferson School Board, stated the opening of the school year went smoothly; new program of 9th graders only on the first day went extremely well; also 35 parents came for brunch that morning; half of the kindergartners came on Wednesday and other half rest on Thursday; parents were invited also; feel it was a big hit with parents and kids; they all came together on Friday in their regular classes; like to thank Mayor Stinchcomb for speaking at the opening day celebration for staff; next Board meeting is September 12 at 7:30 p.m. in the library at Middle School South, 349 Shady Spring Drive; will not be here in Chambers.

Reginald Wheeler, 1615 Perris Court, New Albany Ohio, stated he came with a lot of heavy items on my heart; come before Council to explain the issues; being a taxpayer here in Harrison Pond where we pay from \$3,000 to \$7,000 in property taxes for services in City it is upsetting that on any given morning or night such as yesterday we can't shower, flush your toilet, or water lawns; where would we be at 3:00 a.m. if our house was on fire because Fire Department had no water pressure like happened in Columbus yesterday; this has been an ongoing problem in the subdivision for the past 4 years; have spoken to many individuals in Service Department and Water Department including the former Service Director and nothing was ever done other than to send a worker out every morning to check on pressure; this should not be; we need to have water pressure; want to have you look into water pressure out there; please look into for us; next issue is a street light on Perris Court; the light has been out since June 3; four or five neighbors have called; one light out on a court makes it extremely dark; no one has responded; ask that someone look into this matter for us; last issue I will mention is the fact that I have spoken with Mayor and talked a little concerning our Fire Department; Mifflin Township does a wonderful job but they need some diversity on the Department; they have no minorities whatsoever in line of color.

Angelou stated that Wheeler needed to go to Mifflin Township to talk to them concerning the Fire Department; believe they meet on the second Tuesday of the month; regarding water pressure believe there was a new pipe put in. Wetherholt stated it was a joint Columbus Gahanna water line project last year; have had no feedback on the operation of the system; at one point the pressure got so high that they did cut the valves back. Wheeler stated that was in the portion closest to the line; at the furthest part where

they are the pressure is almost nil; Scott Jamison and George Jackson both came out; was hoped that it would resolve the issue and it hasn't. Angelou stated that Council did address the issue and did what we were told we needed to do; something was done; if not correct or did not do what it needed to then that is another issue. Kelley asked if we could get some feedback on the water line issue; don't understand the street light issue; Dottie Franey is always quick to get those fixed; suggest you talk directly to Franey. In response to question from Service Director Hall, Wheeler stated it was the 1st street light on Perris Court. Kelley stated it would be checked into. Wheeler stated he has become the spokesperson the area; thank you for your time.

Kathy Deal, 1164 Rice Avenue, thanked Council for their time; here under the impression that there was not much opposition to the new housing development behind Rathburn Woods; am one more voice to the opposition; grew up in southeastern Ohio; moved to Central Ohio in high school, then Missouri and Iowa, Philippines and Indonesia; moved to Gahanna about 5 years ago; have learned that each area of our world and nation has a special gift; have beautiful serene farmlands of Iowa; beautiful mountainsides and tropics; Ohio has been gifted because it is beautiful and green; is like no other; one of the most vivid memories I have is fact that our house was framed in a blaze of beautiful orange leaves; every morning when pulling up blinds I see the beautiful trees behind us; sad to make me think some trees will come down back there; not opposed so much to the fact they want to build but to the density of homes being considered; 30' between us is not enough leaves; saw a bunnies nest out there recently; is a home to wildlife; welcome neighbors but that close we are tearing down the gift to Ohio; ask you to consider before you vote.

Paul Remaker, 370 Spruce Hill Drive, stated he had some final comments; sent my final thoughts last week by E-mail; used return receipts and received 3 and no bounces; perhaps 4 of you don't read E-mail; face to face contact is preferable but some people just can't do that; we all have lives; E-mail offers a great vehicle for communication; hope that you all received it; perhaps there was a technical glitch; was disappointed to only get 4 receipts; other than that there is nothing more I can say; thank you for your time and consideration to our points made; appreciate this is a difficult decision for you to make; please make it for the right reasons; if you pass, enforce the SF-3 overlay and all points in the plan; make it the best plan possible; would obviously prefer that they not build at that density; some of you think we are a vocal minority; remind you that we presented petition signed by 220 neighbors at the first meeting; if you do vote for this make sure it is the best development possible.

Robert Howland, 337 Canfield Drive, stated he filled out his slip as "A Citizen" as I'm not real comfortable that my home address and name is part of the public record; was on the web checking to see what had happened with the flashlight issue which seems to be that it will remain as they are; saw tonight's agenda and the resolution for Always Remember 9-11; as I read through the text and from the invocation tonight have to express my concern; fourth word in resolution is unprovoked; at a loss to understand how you can determine that it was unprovoked; are making some value judgments on issues we may not fully understand; issues out of the middle east have been influenced by a lot of factors not the least of which are activities of our government; further into the text is a reference to innocent lives; value the meaning of words and try to use them in their truest form; while no one deserved to be in that building not sure how I can understand how in a group of 1,000 or 2,000 people every individual was innocent and a good person; that is what that word implies to me; have spent this last year thinking about my unwillingness to come to meetings like this and tell people what I think; patriotism can be nationalistic; have been items in the past, Hitler not being the least, where a country and activities totally contradict what they were formed for; finally, the

statement about rededicating ourselves to ending terrorism; President Bush and Congress are talking about doing things in Iraq and the debate hasn't been open; has not been examined in a factual way.

Angelou stated that flashlights were discussed in length by the Police Department at the last Safety Committee meeting; various flashlights are in use; we are state of the art although we are always looking for new ones; the idea of the reflective jackets was also discussed; committee felt comfortable after hearing Chief and Deputy Chief talking about the equipment; we are using good equipment that is more than adequate. Howland stated he had no doubt that it is state of the art; as a practical matter at Stygler and 62 it is 8 lanes; if an officer is standing directly in front of a car you will see him but there is no glow; if you have a clear view you can see; if there is no clear view you may not be able to see an officer; are devices that give off a glow so that at night it catches your eye. Angelou reiterated that the adequacy of the flashlights in use has been addressed; we want our officers to be safe and after discussion we feel they are; believe Chief Murphy could give you more information; with regard to the resolution, would defend your right to say these words to my death; this union was formed to have this freedom of speech; do totally disagree with you however; four conventional airliners were hijacked and absolute purpose was to destroy and kill; defend you right to give your opinion but do disagree with you.

Kelley stated that with regard to the flashlights and vests, equipment is 100 times better than it was 10 years ago; anything that would put a glow on an officer in that wide an intersection still would not help; directing traffic is one of the most dangerous jobs an officer can have; only loss of life duty related in this city was while directing traffic; can do everything we can do to make sure they have the best equipment and feel we are doing that.

O'Brien stated he served in the military to allow people to come forward to speak their mind even if we disagree; agree with Angelou and Kelley; no matter how ridiculous ideas may be, will fight and continue to fight to defend the right to come forward to say things as ridiculous as they want; believe attack was unprovoked; people of heart were appalled by what happened; can't say we provoked that ; as the country rebuilds, as the country that defends much of the other world; yes those lives were innocent; fiends were willing to take their lives away; since 9-11 countless numbers of military personnel have died in foreign lands to go after these terrorists.

McAlister stated he did not want to debate US foreign policy; would not classify as ridiculous; applaud him for speaking his heart. Angelou reiterated everyone has the ability to come forward and speak.

John Dreska, 211 Farmwood Place, stated he had addressed Council several weeks ago to express concern on Homewood's wetland parcel; told everyone present that creek is the main one leaving the buttonbush swamp; storm had caused it to overflow to top of bridge on Farmwood; in 1998 shot video of the stream; even with heavy rain it never reached the bridge; since commercial development along Taylor and Taylor Station we have oil slick pollution; with as little rain as we have had we have flash floods; slightest bit of rain causes it; have digital pictures; need to find a solution on oil slicks; more water from this development will push it further downstream; runoff from this will go into stream in my side yard; residents downstream will be affected; remember the petition with over 200 signatures; don't wish to push eco system over the edge; feel we need an environmental impact study; no one has asked me a question since last statements; ashamed this could come to a vote without some checking into what is going on in the creek; bulldozers and earth moving equipment will create further disruption;

know you need to think about the potential tax revenue; but you need to take care of existing residents; turn this company down one last time; feel land should be bought by City and incorporated into existing parks; have lived in Germany and other places; have fought in Somalia and Afghanistan; have my opinions; there are evil people out there; what I heard tonight upset me.

O'Brien stated he had spoken with our City Engineer after the previous meeting and the runoff you are describing could not be coming from construction equipment at Taylor and Taylor Station; asked Dreska to forward the digital pictures via E-mail to all of Council and Mayor at Council@gahanna.gov and Mayor@gahanna.gov; sent to appropriate committee. Angelou stated she had also spoken with City Engineer specifically about Dreska's issues; this area is downstream from you. Wetherholt stated he was not tributary; Foxwood is not upstream and neither is Taylor and Taylor Station; bridge he is talking about originates from Havens Corners and Taylor Station Road area and some of Windrush from the north; is a different drainage pattern. Angelou stated this could be discussed in Service Committee; need to identify where that slick is coming from. Dreska stated he did walk the creek; felt he was correct in his assumptions of where it came from; is willing to walk it with anyone who is interested; have video from 1998 and there is a big difference in 4 years; will be happy to meet with you; somebody needs to stop it; maybe we can walk it together. Hogan stated that if Wetherholt is correct and it is coming from Windrush we have zero control; understand that we do want to know what oil is from; but if it is something from Jefferson Township wanted you to know that we have no power. Dreska stated he was not an environmentalist; but don't want to see oil going into swamp; feel it will if development goes in; haven't had a lot of rain so it concerns me that we are getting flooding now; what will it be when we do get a lot of rain; will be glad to walk stream with anyone who is interested.

JC Hanks, Homewood Corp., stated he didn't know if he'd have another opportunity to address Council; have been working together for months; gone through a number of these issues; appreciate your considering our application; feel with all the hard work everyone has put in that it is a good plan for the city; appreciate your consideration.

D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:

Ordinances - To Be Introduced and Assigned to Committee:

Ordinances, introduced by title, by Kelley.

ORD-0166-2002

TO AUTHORIZE THE DIRECTOR OF FINANCE TO PAY MEMBERS OF THE NATIONAL GUARD AND RESERVES CALLED TO ACTIVE DUTY IN A FEDERAL STATUS THE DIFFERENCE BETWEEN THEIR MILITARY SALARY AND THE SALARY THEY RECEIVE AS A CITY OF GAHANNA EMPLOYEE; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0167-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH JESS HOWARD ELECTRIC COMPANY FOR INSTALLATION OF SCHOOL FLASHERS AT EVANGEL CHRISTIAN ACADEMY; TO SUPPLEMENTALLY APPROPRIATE \$7,560; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0168-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH BUCKEYE CEMENT CONTRACTORS FOR SYCAMORE RUN STORM SEWER IMPROVEMENTS; AND TO SUPPLEMENTALLY APPROPRIATE \$4,600.

Introduced

ORD-0169-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO LEASE AGREEMENT WITH GAHANNA JEFFERSON LOCAL SCHOOL DISTRICT; THROUGH OPTION PROVISION IN CURRENT LEASE; FOR PROPERTY LOCATED AT 87 SOUTH HAMILTON ROAD AND KNOWN AS HAMILTON HOUSE; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0170-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO LEASE AGREEMENT WITH GAHANNA JEFFERSON LOCAL SCHOOL DISTRICT; THROUGH OPTION PROVISION IN CURRENT LEASE; FOR PROPERTY LOCATED AT 79 SOUTH HAMILTON ROAD AND KNOWN AS THE LUSTRON HOUSE; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0171-2002

SUPPLEMENTAL APPROPRIATION - Council, Seminars & Meetings

Introduced

ORD-0172-2002

TO AMEND ORD-0150-2002, WHICH PROVIDED RATES OF PAY AND BENEFITS FOR UNCLASSIFIED PERSONNEL OF THE CITY OF GAHANNA FOR THE PERIOD JANUARY 1, 2002, THROUGH DECEMBER 31, 2002, TO PROVIDE FOR THE HIRING OF THE DEPUTY DIRECTOR OF PUBLIC SERVICE AT MORE THAN THE BOTTOM OF THE RANGE; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0175-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH NICKOLAS SAVKO & SONS INC., TO REMOVE AND REPLACE THE 16" WATER VALVE AT JAMES AND JOHNSTOWN ROADS; TO SUPPLEMENTALLY APPROPRIATE \$14,800; AND TO DECLARE AN EMERGENCY.

Introduced

ORD-0176-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH EVANS, MECHWART, HAMBLETON & TILTON FOR IMPERVIOUS AREA DETERMINATION; TO SUPPLEMENTALLY APPROPRIATE \$82,400; AND TO DECLARE AN EMERGENCY.

Introduced

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-0173-2002

TO REPEAL ORD-0118-2002, PASSED JUNE 17, 2002, "TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH TELEPHONE INSTALLATION AND MAINTENANCE SERVICES (T.I.M.S.) FOR A TELEPHONE SYSTEM; TO SUPPLEMENTALLY APPROPRAITE \$16,881 THEEFOR"; AND TO REJECT ALL BIDS RECEIVED ON MARCH 22, 2002 FOR THE TELEPHONE SYSTEM

This Matter was Introduced, Second Reading Waived, and Adopted as an Emergency on the

Consent Agenda.**ORD-0174-2002**

TO AUTHORIZE THE MAYOR TO ENTER INTO PURCHASE AGREEMENT WITH INTERTEL TECHNOLOGIES, INC. FOR PURCHASE OF A TELEPHONE SYSTEM FOR THE CITY OFF THE STATE BID LIST; TO SUPPLEMENTALLY APPROPRIATE \$63,000 THEREFOR; 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-0157-2002**

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH HOCKADEN & ASSOCIATES, INC., FOR RIGHT OF WAY ACQUISITION ON TAYLOR STATION ROAD AT CLAYCRAFT, IMP. NO. 775; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted on the Consent Agenda.

ORD-0159-2002

TO ACCEPT THE ANNEXATION OF 3.1+/- ACRES FROM JEFFERSON TOWNSHIP TO THE CITY OF GAHANNA, OHIO, LOCATED AT TAYLOR ROAD AND CROSS POINT ROAD; REQUESTED BY DONALD R. KENNEY

This Matter was Adopted on the Consent Agenda.

ORD-0161-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH COLUMBUS SIGN COMPANY, FOR INTERIOR DIRECTIONAL SIGNAGE FOR GAHANNA CITY HALL.

This Matter was Adopted on the Consent Agenda.

ORD-0162-2002

TRANSFER OF FUNDS - Lands & Buildings

This Matter was Adopted on the Consent Agenda.

ORD-0163-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO PURCHASE AGREEMENT WITH JETER SYSTEMS CORPORATION FOR PURCHASE OF FILE CABINETS OFF THE STATE BID LIST FOR THE COURT OFFICE; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted on the Consent Agenda.

ORD-0164-2002

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH AMERICOAT FOR SEALING AND STRIPING OF THE MUNICIPAL COMPLEX PARKING LOTS; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted on the Consent Agenda.

ORD-0165-2002

TO ACCEPT THE FINAL PLAT FOR PROPERTY KNOWN AS EASTGATE INDUSTRIAL CENTER; JIM RUSSELL, APPLICANT; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted on the Consent Agenda.

Resolutions to Adopt on First Reading:**RES-0079-2002**

ALWAYS REMEMBER 9-11 DAY

This Matter was Adopted on the Consent Agenda.

Statutory Resolutions on Second Reading:

SR-0001-2002

RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO APPROPRIATE REAL ESTATE IN CONNECTION WITH THE RECONSTRUCTION OF TAYLOR ROAD, IMPROVEMENT NO. 778; AS DESCRIBED IN PLANS ON FILE IN THE CITY ENGINEER'S OFFICE AND AS LISTED IN EXHIBIT A; AND TO DECLARE AN EMERGENCY.

This Matter was Adopted on the Consent Agenda.

Motion Resolution:**MR-0048-2002**

Motion Resolution that Council has no objections to the application for D5 and D6 liquor license transfer from RJS Ventures, Inc., to MCS Enterprise, LLC, dba Mediterraneo, 337 Stoneridge Lane.

This Matter was Approved on the Consent Agenda.

MR-0049-2002

Motion Resolution that Council has no objections to the application for D3 liquor license to Nagi International, LLC, dba Seven Days, 389 Stoneridge Lane.

This Matter was Approved on the Consent Agenda.

MR-0050-2002

Motion Resolution to authorize the expenditure of up to \$5,000 appropriated in ORD-0082-2002 for a computer for the GIS Manager.

This Matter was Approved on the Consent Agenda.

MR-0051-2002

Motion Resolution to authorize the Director of Public Service to go out for bids for street lights at intersections and on cul de sacs in Imperial Rise.

This Matter was Approved on the Consent Agenda.

MR-0052-2002

To confirm the appointment of Kristen Treadway as Director of Human Resources.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Council Member Payne, seconded by Vice President of Council Kelley, 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:**

President stated Public Hearing Rules that would govern all public hearings this evening.

Local Block Enforcement Grant

President opened Public Hearing at 8:11 p.m.

Chief Dennis Murphy, Gahanna Police Department, stated that it was his purpose this evening to inform Council and the public that the Gahanna Police Department will receive funding from the 2002 Local Law Enforcement Block Grant (LLEBG); is a non-competitive grant awarded to departments for their statistical submissions to the

Uniform Crime Report ; is our fifth year to receive the grant; UCR reporting makes the department eligible to receive \$9,935 with a matching fund of \$1,140 required and will be drawn from the Law Enforcement Trust Fund; an RCA has been forded to council for approval; pursuant to guidelines of the grant, I met with members of an advisory board consisting of School Superintendent Gregg Morris, City Attorney Tom Weber, City Prosecutor Ray Mularski, Civic SAM Association President Rita Smith, and Clerk of Court Karen Woodward; purpose of the board was to make nonbinding recommendations for the proposed use of the funds; advisory board concurred with my recommendation to use the grant money to pay overtime for the prevention and investigation of violent or serious crimes in the City of Gahanna; intend on using the money to pay overtime to our patrol officers, detectives and community COPs, who through their team efforts have done an excellent job both preventing, investigating, and prosecuting violent crimes in our City; prepared to answer any questions pertaining to the grant at this time.

McAlister asked if the Uniform Crime Report is statistical information that we compile and forward. Murphy replied it was and is sent to the FBI. McAlister asked cost of inputting this information. Murphy stated it was entered by hand by secretary, Sharon Wigal; one of the many duties that she performs during the day; statistics are needed to make decisions at a higher level; not everyone does complete the reports; we receive a benefit from doing so.

President asked for opponents. There were none. President closed public hearing at 8:15 p.m.

In response to question from O'Brien, Murphy stated that reporting is not mandatory. O'Brien stated that this reporting made us eligible to do other things. Kelley stated that all information is entered into computer; we use stats also; do need same stats locally. Murphy agreed; stated these reports have been done for 35 years. In response to question from Payne, Murphy stated that these were federal funds. Hogan asked if these stats were used in providing the street light report. Murphy replied that they were; is valuable information we use for different things. Angelou stated that next Safety Committee will include a discussion on the UCR report ; hard to look at those figures and analyze whether crime has gone up; which crimes, etc; are more people in City; are many different factors to consider.

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:

- Z-0011-2002** To consider a zoning application on 2.623 acres of newly annexed property located at 4491 Johnstown Road; requested zoning of AR; City of Gahanna, applicant.
President set Public Hearing for October 7, 2002.
Scheduled for Public Hearing
- Z-0012-2000** To consider a zoning application for 1.8+/- acres of newly annexed property located at 4618 N. Hamilton Road; requested zoning of CC-2, Community Commerical 2; Continental Real Estate by Sean Cullen, applicant. (Public Hearing. Advertised in RFE on 9/21/00 & 9/28/00)
Clerk noted this was a mistake on the agenda. This application should be Z-0012-2002 for 542 West Johnstown Road. This issue is complete.
- Z-0012-2002** To consider a zoning application on 7.46 acres of newly annexed property located at 542 W. Johnstown Road; requested zoning of RID; City of Gahanna, applicant
President set Public Hearing for October 7, 2002.
Scheduled for Public Hearing
- 2002-0039** Notice to Legislative Authority of liquor permit transfer from RJS Ventures, Inc., to MCS Enterprise LLC, DBA Mediterranea, 337 Stoneridge Lane, Gahanna, OH 43230. Last Day for Objections is 9/20/2002.
Received and Filed
- 2002-0040** Notice to Legislative Authority of a new D3 liquor permit to Nagi International LLC, dba Seven Days, 389 Stoneridge Lane, Gahanna, OH 43230. Last day for objections is 9/23/2002.
Received and Filed
- 2002-0045** Notice to Legislative Authority of a new D3 liquor permit for La Feria Ltd, DBA Los Reyes, 111 N. Stygler Road, Gahanna Ohio. Last Day for Objections is 9/30/2002.
Assigned to Safety Committee

Recommendation from Board of Zoning and Building Appeals:

President sent this code change recommendation to Development Committee for initial discussion.

Council:

Hogan stated he was in receipt of a letter from Mayor as well as the report from the Safety Director on his conclusions of complaint from Beth and Harley Haas; feel some good things came out of this; for instance, we now have a written policy; we have a terrific police department and dedicated police officers; any concerns I have with report are limited to three command officers and not the police force in general; after reviewing it thoroughly, will probably have more to say; find report to be three things - incomplete, unbelievable, and statements of three command officers did not match facts; have serious concerns about this; in particular incomplete because we did not see transcript in here of telephone conversation; has been explained that all conversations are taped and kept for 30 days and by practice kept for 6 months; like to hear what actual conversation was; what is unbelievable is that they said they contacted Ohio State because they wanted to find out if OSU had a policy on go-peds; just find it somewhat unbelievable; another reason is in the report, Spence's comments specifically said reason called was because he was wondering if the inordinate amount of electronic mail sent by Mrs. Haas may have some connection to the university; yet on the same day that the complaint was filed Jeff Spence wrote an E-mail where he specifically states "as for actions of others

policy is not our concern"; if not our concern why concerned what OSU was thinking; other problem is use of language inordinate; inordinate number is referenced; feel with use of that language anybody would consider that a complaint; yet all three officers did not make a complaint; that was a conclusion; inordinate number of E-mails and statements not matching are of concern; Rinehart referenced exceptional number of E-mails in short amount of time; were 10 E-mails over 2 days; such a large number and some very lengthy in short period of time with each one signed Beth Haas OSU College of Optometry; with regard to the E-mails received from Haas, there weren't 10 there were 9 over 5 days, 2 of which were from home; only lengthy one I could find was signed Beth Haas and gave home address; other part is that there were 6 from the Police Department back to Mrs. Haas and information was requested and another specifically asked them to respond; then to use term inordinate when you've been asking for something is not square; mention that in conversation with Mayor and Safety Director; before written statements, when she talked to Chief the verbal comment was made that reason asked to do this was that they perceived Haas to be a threat. Stinchcomb denied having said that. Hogan continued that there was enough here that I think every member of Council should hear the tape; believe there should be something done to try and get further answers as to question why statements don't match facts; like to ask for a copy of tape to play. Weber stated he would look into. Hogan continued that his concern is the report is incomplete and facts don't match; again don't want to reflect on any police officer out there; we have some phenomenally good police officers; would have felt better if the report had said we made a mistake rather than say it was justified.

I. SECOND READING OF ORDINANCES:

Ordinances Reported Out of Committee:

ORD-0154-2002

TO ZONE 38.8+/ACRES OF NEWLY ANNEXED PROPERTY AS SF-3 ROD, SINGLE FAMILY RESIDENTIAL OVERLAY DISTRICT; FOR PROPERTY LOCATED ON THE NORTH SIDE OF TAYLOR ROAD IMMEDIATELY EAST OF RICE AVENUE; HOMEWOOD, BY J.C. HANKS, APPLICANT.

MOTION by McAlister, seconded by Kelley, to amend ORD-0154-2002 by substitution. ROLL CALL: Voting yes: McAlister, Kelley, O'Brien, Payne, Thom, Angelou, Hogan. Motion carried.

In response to question from Angelou, Sherwood verified that Version 2 is the amended version that is under consideration.

Hogan stated that for the residents on Rice Avenue and Spruce Hill know that several of us have been your greatest supporters; sent E-mails back to you on several occasions; may not feel like it but congratulations are in order to you; has been a long road; started out as R4 in Jefferson Township; was annexed to Gahanna; talked to a lot of other people; original application had private drives, 80+ homes, no basements, 1,500 s.f. two story homes that would impact values on your homes; was totally opposed to it; you opposed it and knocked it down; came up second time and didn't change anything; still had private drive among other things; came out in mass again; voted against it and we won again; will support tonight and it is up to you to protect; Homewood has done everything that they have been requested to do; they are down to 71 lots on 38 acres; this is a far less density than Rathburn Woods; these homes are larger than your homes; all streets are now public; the private drive is gone; eliminated lot 24 which was a disaster; all 7 members of Council pushed this; the issue was raised of being too close to people behind; did not have a 30' buffer zone on northern end; by eliminating that lot we created a 30' buffer zone around the entire northern end; understand that 30' isn't much to some of you; I have zero; buffer zone or preservation zone is zero in my area and many others in this City; come to a point where I know you'd rather have nothing; unless

you can find a buyer it is going to be developed; are many court cases we need to consider; am afraid if voted down tonight that we would have a huge constitutional issue of denying property rights; there are two huge negatives if declined; Homewood, being a business has several options; they could sue and they would win; what they would win is the original proposal in my opinion with the private drive and lot 24 back in, a 20' preservation zone on the north side; the more dangerous scenario with what is happening between Columbus and Jefferson Township is that they could opt to deannex and go back to Jefferson Township; they already zoned it R4 which is 4 homes per acre; they could deannex and get the same zoning back which could give you 100 homes behind you with no preservation zone; know they would jam all that density up to the edge of Gahanna; they have no love for us whatsoever; worse yet could get apartments behind you if it went to Jefferson Township; understand you would rather have nothing but that will not happen; believe this is the best we can do; have checks and balances past this point; must get building permit for each and every home; if they encounter bad soils when they dig and can't build, they won't get a building permit; it is their risk; if land is good you will have 71 lots; if bad soil and can't correct they won't get a building permit and no house will be built; felt I had to tell you why I support now; honestly believe you should walk out and feel good about what you have accomplished; thank you very much.

Payne stated she wished to assure Remaker that they read E-mails; we get large numbers and we take them in to use them to analyze a list of items we asked; several came from you and from Dr. Beggin; don't respond to all that go to all of Council; don't find it necessary when it is sent to everybody; assure you that Council members read and take into consideration all E-mails received; items we actually asked Homewood to address came from comments in Public Hearing and Hearing of Visitors and from E-mail.

Angelou stated she agreed with Payne; took public hearing comments and questions out of there; thank Hanks and Menerey for answering every question; my list of 10 questions were addressed; don't understand why it was brought forward with a private drive; fortunately that has been taken out; want to make sure from Weber that this does not need to go back to Planning Commission; feel it is fairly significant what has been changed; would have felt more comfortable with going back for a cursory look; believe every question asked has been answered; where we stand that this is an overlay district and there are changes. Weber stated he believes this is essentially the same proposal and don't feel like these are substantial enough to go back; layout is basically the same.

Kelley stated he had honor and privilege of being the deciding vote last time around; asked Homewood about eliminating the private road and they did; asked about lot 24 and they eliminated it; they have changed or addressed everything I have asked for; give them credit for doing everything; believe it is the best we can get.

Thom stated he would concur with Hogan and Kelley; seen this so many times over the past 10 or 15 years; should have been name of a soap opera; has changed as time has passed; players have remained the same; this application has been faced with every conceivable situation you can face in a subdivision - environmental setbacks, private road versus public, stormwater runoff. setbacks and preservation zones; every kind of an issue a subdivision could face; heard from ODNR and engineers; densities have been reduced from original 90+; increased green space and preservation zones and so forth; all the major questions and concerns have been answered; this is by far the best proposal presented; Homewood has made a good case; having sat 10 years on Planning Commission, have heard quite a few of these and they are never easy; is hard to separate all the emotions and make a good sound decision; in this case, in this past decade, we have chewed it up and spit it out numerous times; Homewood has done their homework today; worked as hard as any developer ever has; feel we will end up with a quality

development.

O'Brien stated he has concerns with public health as we get closer to Gahanna Woods park; it is a habitat for mosquitos; just saw the West Nile Virus report by Colonel Hall which shows that dead crows and blue jays have been found in Jefferson Township, Gahanna and Blacklick; have a color picture of Gahanna Woods over my desk in my office; that remains a big concern of mine; picture looks a lot like it did 1000 years ago; if we encroach on this fragile ecological area we will damage that and it can not be reversed; am concerned about it; am concerned about wet basements; wish Homewood would have committed to poured basement walls; when I see the test borings have enormous concerns; was one boring in particular that drew water at 2' but that was close to a retention area; have a concern for new residents buying properties in there and the possibility of wet basements and possibly worse; my mother had a house on Goshen Lane; were 15 ponds back there at one time and my mother's house had to be dug up and I-beams put in to hold up basement walls; sump pump ran constantly; am concerned about health, safety, and welfare of those buying; more streets and rooftops is only going to mean an increase of water flowing in and released into streams; have great concern about that land and whether it can be properly drained; hope that it can; sounds like it will pass; still have some issues and am still uncomfortable with this development.

O'Brien thanked everyone for coming out, appreciate your being here throughout the proceedings in support of your various sides of the issue.

A motion was made by Council Member Angelou, seconded by Council Member Payne, that this matter be Adopted as Amended. The motion carried by the following vote:

Yes	6	Council Member Thom, Council Member Angelou, Council Member Payne, Council Member Hogan, Vice President of Council Kelley and McAlister
No	1	President of Council O'Brien

J. FIRST READING OF ORDINANCES: None.

K. REPRESENTATIVES:

Community Improvement Corporation (CIC) - Kelley

Kelley stated next meeting is September 25.

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

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

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

L. OFFICIAL REPORTS:

Mayor:

Stinchcomb stated that Kristen Treadway reported to work today; am pleased with her first day; will be coming to committees next week to meet everyone.

City Attorney:

Weber noted article in Enterprise last week about annexations before the County Commissioners; those to date have involved 100% owner petitions; Commissioners are

complaining they are taken out of the process; townships are not happy; the rewrite is not going the way they thought it would; we just need to remain wary and keep our defenses up.

M. COUNCIL COMMENT:

Hogan stated he spent a lot of time on report; freedom of speech is an important issue; past couple of weeks have seen people here who are afraid to speak because of some of the reports in the papers; other than disagreeing with you, do congratulate Mayor on putting in place a written policy; have to be constantly vigilant and guard to make sure everyone has right; can't snoop into private business.

Thom stated that in past few months have been several tragic accidents on I-270; note that Columbus has stepped up their patrol; have we addressed any further controls in our jurisdiction. Stinchcomb stated that it was the policy of the previous administration not to routinely patrol I-270; have followed that policy; we respond to accidents; do not run radar out there; our focus remains that with our resources we want police officers in neighborhoods; we are concerned but the State Highway Patrol and Columbus to patrol; have had discussions on increased patrols; at present time we have largest stretch of any suburban jurisdiction; need a lot of resources to patrol on a regular basis; we don't have the resources to do that.

Angelou stated there have been several articles in Columbus Dispatch on Jefferson Water District; just wonder what might be happening along the way; we also have a joint committee; has this been mentioned in those meetings; if not why wouldn't it be; this is a place where we share what is happening. Thom stated it might warrant some discussion; this has come up since we had our last meeting.

Kelley stated that with regard to the Haas report, everyone knows how I feel about Police Department; have concern with third paragraph of Spence's statement; agree that a question would make a reasonable person think it was a strong suggestion or recommend that they were filing a complain; find those unbelievable; those two comments bother me.

O'Brien stated that in regard to report from Keyes and Mayor on this unfortunate issue, think at least it was an exercise in poor judgement; obvious if Chief Murphy and Deputy Chief had this moment in time back it would not have happened; if anything good could come of this it is that it is a learning experience; apologize to free Americans that their freedom to speak was violated; fought for those rights; will continue to; have complete confidence in fairness and integrity of Bob Keyes; believe this was conducted fairly; not sure inconsistencies were on purpose; those things happen from time to time; believe Keyes is intelligent enough to pick up on those; hope we don't experience this sort of thing again.

O'Brien continued that he apologized for getting red, white, and blue boiling earlier; there isn't one of us who wouldn't be so irritated at actions like that; but we must protect people's right to come up and tell us those 3,000 people weren't innocent; that's the pure and simple; they didn't deserve to die that day; the police officers and firefighter who had a building collapse on them did not deserve to die that day; 18 to 20 year olds in Afghanistan are innocent people and do not deserve to die with their whole lives ahead of them; yes that gentleman has right to come here and say what he said; I also have the right to be indignant.

N. EXECUTIVE SESSION: Cancelled.

O. ADJOURNMENT: 8:58 p.m. - Motion by Payne.

End of Agenda

Isobel L. Sherwood, MMC
Clerk of Council

APPROVED by the City Council, this
day of 2012.

Chair Signature