

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Monday, May 8, 2000

8:30 PM

Council Committee Rooms

Committee of the Whole

Rebecca W. Stinchcomb, Chairman

Karen J. Angelou

Sherie James-Arnold

Michael O'Brien

L. Nicholas Hogan

Thomas R. Kneeland

Debra A. Payne, ex officio

ADDITIONAL ATTENDEES:

McGregor, Jackson, Isler, Thom & Kim Willis,

PENDING LEGISLATION:**ORD-0061-2000**

TO PAY \$5,362 TO THOM AND KIM WILLIS, 224 ROCKY FORK DRIVE SOUTH, AS A MORAL OBLIGATION AS A RESULT OF A MAIN LINE SEWER BACK UP; TO SUPPLEMENTALLY APPROPRIATE \$5,362 THEREFOR; AND TO DECLARE AN EMERGENCY.

Stinchcomb stated she had met with Jackson to discuss this; have been a lot of reports and correspondence; 224 is the Willis home; sewers run behind the houses; original blockage happened around 3:00 p.m. and was reported by 308 which is 3 houses down; as soon as blockage was reported, the City brought out the jet truck. Jackson stated that you jet from the downstream side; jet truck was at the manhole by 300; jetted uphill; Willis property is at end of line; are actually 2 services that pass Willis home; one to 232 Rocky Fork and the other to 323 Rivers End; Willis property is lower than the other two. Stinchcomb stated she had been told by Jackson that they jetter from the manhole directly behind the Willis home. Jackson reiterated that they jetted that line but you never start at the high end; if it is full you can't ; jet so it breaks up the clog; start downhill; whichever manhole is clear; laterals will function; you do force more water up there; had sewage backup there so went down to clear manhole.

O'Brien stated that if sewage is backed up in manhole it is above the line backed up and coming up the well; that would mean that line would be full and that any laterals would not be able to drain. Jackson stated that was correct; anyone using their system would not be able to vacate their lateral because there was no place for it to go; shot water under pressure up elevation to the blockage; once broken it will drain; take sewer truck up to clean pipe. O'Brien stated that if line is full and pressure forces it up before it goes down; some pressure before the end of the line before it drains. Kneeland asked if it is clogged and nothing can get by, doesn't the block push like a cork. Jackson stated that water is being pumped at 1000 to 1500 psi; think of blockage like a cylinder or piston; roots won't move up the pipe; try to think of it hydraulically. O'Brien stated he saw this as a solid mass; if you break through and mass gets pushed to the side how much water goes up there and pushes the mass back. Jackson stated that as soon as it breaks through, water pressure will come back to usual and drain through the manhole we are in; is jetted at 1000 to 1500 psi; have a tape of one that shows pulling a jetter out of a pipe so you can see what it looks like.

Stinchcomb stated that Willis has been a plumber pipe fitter for 26 years; also works for Techneglas; is a different type of waste but waste water; grind glass, remove lead and return water to City of Columbus; deal with high pressure jetters and different companies all the time. Thom Willis stated he had never had a sewer back up before and has not had one since the day of the jetting; got a phone call about 4:00 p.m. and called Redi Jet; Ken Travis is the owner and he had one truck with him; took me 35 minutes to get home and he was there; he and two of our sons were in the basement; he came out of the basement and stated he didn't need him; the water was gone; his assumption was that whatever happened came back up; was not anything we were doing that was going down; he, myself and one son flushed toilets, filled washer and bathtub; the 4" going out of my house never filled more than a 1/2"; all evacuated at one time with no problems.

Kim Willis stated that if their drain was blocked felt the water would have stayed; water left immediately; it was the foot of feces that remained. Stinchcomb asked if their line was blocked, wouldn't toilets etc. have been backing up all along. Jackson stated that it would have gone down slowly; do have pictures of their lateral that shows its condition; in this line have 10 laterals - 2 above and 7 below; none of the others had a problem; opened this break on one day and next morning ran line a second time; nothing went into their lateral on the second time. Angelou asked if something came out of that pipe would it have gone up every lateral. Jackson stated that it would have. Stinchcomb asked if it wouldn't have to go to end of line. Jackson stated there were 2 laterals above them. Kneeland stated he felt it would have taken the path of least resistance; Willis lateral was not the path of least resistance.

Kim Willis stated she did not feel it was right to say nobody else had a problem; have affidavits from several neighbors that had problem in the short interim but did not involve City; people who had Roto Rooter in; they assumed it was their problem and took care of it; we didn't go door to door telling them about our problems; only after talking to neighbors found this out; were several on my street; won't divulge my information in case this would go to court.

Angelou stated that if the neighbors had a problem and came to the City we would have had a record. Stinchcomb stated that a week later City was going to clean the line. Jackson stated they were going to cut roots out of the line; it wasn't as long as a week but was several days later; Stinchcomb asked if they went to the Willis house and suggested they plug their drain. Jackson stated she saw us out there; Environmental Pipeline asked her to plug drain; were going to do root cutting; was a precautionary measure; knew they had problems and wanted to make sure it didn't happen again; didn't know where it was going to go.

In response to question, Willis stated they were not trying to make an exorbitant claim; are claiming enough to reestablish what children lost; did also lose bedding, clothing, water heater and freezer; didn't come to be adversarial; this has been very painful; are contributors to this community; was devastating to me and do have health problems; don't have energy to do it again; follow through with this is a lesson to my children; read portions of letter son had written.

Payne stated they were trying to find out facts to make an appropriate decision; strictly looking at facts on the issue; don't know of any Council Member who has said anything derogatory about you or your family; feel this is an appropriate question. Stinchcomb stated if this would have happened to her, she also would lose a substantial amount. Angelou stated that they reason we are doing this, is because the claim was denied by our insurance carrier; is a precedent that could be costly to the City and we need to protect the city. O'Brien stated Colonel Hall is just coming into this; asking questions to get answers. Kim Willis stated she felt she had taken abuse from several people about her housekeeping; one son had all things from college in the basement since he came back home unexpectedly; everybody was moving places; mother passed away and had not gone through all of her belongs yet; had garage sale piles, church piles, and items to still go through.

Jackson showed video.

Stinchcomb stated that the insurance company had turned down based on Jackson's two reports. Jackson stated he wrote one report; was the same document; insurance company does not investigate; burden of proof is on us. Kim Willis stated they had just changed insurance companies and would have sworn they had sewer coverage; we didn't

but we do now.

Stinchcomb stated she had an original report dated February 26; also had additional information of March 4; my understanding insurance company got both reports. Jackson stated he could not verify that; Jordan submitted everything to insurance company; can't say what got to insurance company. Stinchcomb stated she felt it is critical to why they turned it down. Jackson stated first report was in general area; second report was on Willis which went to insurance company.

Jackson showed second video noting that lateral is 6"; looks about 60% open; if we blew stuff up there why didn't this blow back to the path of least resistance; other laterals are open; know this is not the path of least resistance. IN response to question from Stinchcomb, Jackson stated the video was after jetting but before sending the root cutter through; clay pipes have seams; new plastic pipes don't; changed about 10 to 12 years ago; don't have this many backups in newer subdivisions; when we do it quite often is because something has been thrown in a manhole; blockages are more because of vandalism than roots in those areas; is nowhere for roots to go in a solid plastic pipe.

Stinchcomb asked Jackson why this would happen at same time, same day within the house; that's what I'm having trouble understanding; happened within an hour of jetting; never before and never since. Jackson stated if there had not been a problem down the street we would not have been there; over on Lincolnshire we ran a jetter through and did blow sewage into a home; that happened because it was before we got to the blockage at all; if line was flat we could have blown it in; everybody seems to be saying it was due to negligence on part of Water Department and don't feel it was; don't understand the negligence; we didn't stop the sewer up but we have to clean a blockage; broke the blockage downstream of sewage that was there; my assumption is that sewage had backed up before we got there. O'Brien stated no one was trying to find fault with Water Department; but you just gave us an answer; there is a chance we could have caused this backup; doesn't mean you should feel you did anything wrong; during this process something happened to make the sewage water go back into the basement. Angelou stated that the blockage itself was causing some item to back up; backed up here and total backup of the blockage was causing it to up the lateral and when it released it came down.

O'Brien stated that if we have a stack of water coming up in the well and if that stack reaches a level that is higher then their basement drain, would it be reasonable that above their floor level, water from other sources could be coming up in their basement; if the City has responsibility then to keep a clean line, it doesn't mean we forced sewer water, but line has to be clear; would be a secondary cause, not something we physically did, but line we provided was blocked and they ended up with other people's sewage. Angelou reiterated that it was not the jetting but the blockage. Stinchcomb reference policy on backups and what a resident has to do; must show they have no back up insurance; must submit a claim and get affidavit signed; and in addition no liability if caused by act of City if a governmental function; however, there are 4 exceptions; one talks about motor vehicle; another talks about failure to keep appurtenances within the City open and free from nuisance. O'Brien stated he felt there was an indirect effect on what has happened.

Kim Willis stated that the people at 308 had an ongoing problem from fall to winter and made reports to City; they are on a slab so if anything would come in it would be in their living room; with so much rain sewers were full and when this happened rather than do in increments to allow the system to absorb the mess they attacked it head on; consideration was not given for incremental; it was just done and we were the fortunate

ones.

Angelou reiterated it was not the jetting but the blockage; the blockage at 308 was what had the City out there. Stinchcomb stated she misunderstood what Jackson had told her; felt she had been told it was jetted from the top. Jackson stated you can't do that; not what I remember telling you; if there is a backup of fluid in the well you can't get to the line to clear it.

Hall asked if they had a sump pump. Thom Willis stated they did but it never kicks on; went the opposite direction from the pump and towards the stairway, freezer, washer and dryer; localized in that area of the basement.

O'Brien stated the City has the responsibility to maintain infrastructure in an open and free flowing manner; also free from nuisance; if there's a pothole and somebody hits it City is not liable; if pothole is reported and City doesn't take action, then City was negligent. Angelou stated City was acting responsibly; blockage was reported and they were taking care of it. O'Brien continued that he did not see negligence but do have a responsibility to keep an open line; nothing but incredible timing; this would have happened if Jackson's crew didn't show up; if sewage came up above the level of the floor that's where it's going to go; have the responsibility to maintain that line in an open condition; feel their backup is an indirect effect of us not having that line open; silver maple roots will travel; must maintain all sewer lines in an open condition; did we cause; if the line would have been cleaned out it would not have been backed up in their basement; feel this is an unusual incident; amount they are asking is a pittance compared to what they lost; know it was handled poorly from the beginning; caused a lot of things to come to our attention; this was not mentioned at all in his dismissal. Angelou asked if this moves forward what is the reason for the claim to be paid by the City; is it a moral obligation or as stated in one document the abusive and ill treatment of a constituent; real concerned about that statement; need to understand what we are considering.

Thom Willis stated he understood everyone's point; not saying anyone was negligent; just thought it was one heck of a good coincidence; can't imagine any better or worse timing; blockage is at one point, the jet is run and within an extremely short period of time I have a backup; can't take off from work to deal with City all the time; am required to be there or don't get paid; sent wife over and numerous things happened; she has police called on her and I'm supposed to take that in stride. Angelou asked what they felt the payment would be for - ill treatment, abusive treatment, or for items lost. Thom Willis stated he was trying to help sons replace everything they lost; have replaced my water heater and freezer already.

Kim Willis stated they were not blaming Council; have been dramatically embarrassed over this incident; had a City employee showing a picture of my basement at my son's work. In response to question, Willis stated her son works at Chammps; had a copy of a picture and was showing it around; very hurtful. Angelou stated that the employee needs reprimanded.

Hall asked how deep the water and sewage was before it subsided. Willis stated is was about 2" thick. Angelou noted we have never seen pictures and to Council's knowledge they have not been shown around City Hall. Stinchcomb stated this has been going on a long time; Willis' have not been here before at my request. Thom Willis stated he is usually easy going but don't let anyone take hits at my family; I was the guy who heard enough and fired something off the top of his head in an e-mail; looking to replace what my sons lost.

Kim Willis stated she felt it was their fault at first; we are working class people; can't afford Abercrombie & Fitch and the like but our kids buy for themselves; can only give you a list of what they lost; if I had not spoken with Armstrong in the Water Department, would have known nothing about 308; I do babysit during the day; am in my door a lot; wasn't watching for my water to be turned off; Jordan asked for my water history; why is that relevant; didn't know about people cleaning up; Armstrong told me what was available; then Scott Jamison told me about employees being poorly trained and so forth; came next day to City Hall and asked Armstrong where to go from there; was told to go to Service Department and fill out a claim form; Jordan stopped me from doing that; went to Mayor's office from there; have heard Mayor say that anyone who would finish their basement in Gahanna is a fool; concerns me on behalf of the City; Mayor suggested we go to Charity Newsies; did prove to me that what you give comes back; they did replace a few things; had to have a paper saying there was a backup; went to Service and Jordan would not let Franey do that; then went to Council office and they listened to me; if I had gotten a claim form would have filed it out and sent it in; feel this is something more than coincidence; live with a professional and would put his knowledge up against any of your employees; think you have gotten rid of your problem; Dennis Murphy told me today that the investigation stopped when he resigned but felt that person who came out to inspect was not legitimate; in retrospect was an idiot to let them in; with regard to the claim all I want is to replace what sons lost; daughter is in marching band and is going to Washington; never have taken a family vacation; have been saving change in bits and pieces to do that; borrowed from that fund to replace the lost items; we do live paycheck to paycheck like many people in Gahanna do; am not buying elaborate stuff; that's what brought the claim about; know Armstrong was trying to help; but there are some loose cannons around; we are proud of Gahanna; have picked our battles but feel there has been wrongdoing; added insult to injury with Jordan.

O'Brien stated he did not feel the Willis' have been unreasonable in their claim; do have some unreasonable claims; don't know Thom Willis well but do know Techneglas; their maintenance and engineering staff is probably one of the toughest places in Columbus to get a job; very particular; takes 4 years of training to become craftsman at Techneglas.

Angelou stated she understood coincidence and spoke about gas company; came in and raised pressure and replaced the gas lines and suddenly had a broken drain tile here and there; feel potential it was coincidental; feel it was the blockage that caused the backup not the fact that we jetted. Kim Willis stated we need to be proactive in sewer department. Angelou stated that has been talked about; need to treat our constituents with the respect they should have; if that did not happen not sure we would have this claim; is another whole situation; having problems determining if we were really negligent because jetter pushed back the blockage or because we were trying to unblock; what does this do for the future; that's why we have insurance companies; reports were the same; asked for second report; want to know from Jackson what happened in that sewer; did we make the blockage blow up or not; just not sure I can see where we are at fault; will go home and think long and hard about this; claim is around \$5,000; know that's accurate and not overstated; would give to you from my pocket if I could; am concerned that we are setting a precedent for the \$100,000 claim.

Stinchcomb stated she had talked to Willis' about concerns on precedent; only other question in preparing for Committee was to get a map; trying to pull up plat; got into the City web site that Choung gave me the address for and pulled up the sanitary button; shows that the sewer above and below are scheduled to be replaced. Jackson stated they have no sewers scheduled for replacement. Stinchcomb stated it concerns her that we have indeed a problem with this area. Jackson stated that in 1997 they did a manhole rehab in that area; is probably an old map. Stinchcomb questioned that we would scan

old maps in; need to get that off the web site. Angelou asked for clarification on vandalism; how does that happen. Jackson pointed to a manhole along Taylor Road where somebody took it physically off and dropped something down it; didn't have to be dropped in manhole it blocked; it could have flowed; had to dig out the manhole; happened potentially during reconstruction of the road; have pulled mattresses and everything out of storm sewers.

O'Brien stated that when he votes on this it is no indication of how he feels about the department but will be based on hydraulics and fact that a line we are supposed to have open was not; fact that with a few days difference chances are it wouldn't have happened. Kim Willis stated that the Blanke's have had problems since fall. Jackson stated they had their laterals cleaned out. O'Brien stated there was no lack of confidence for you and your department; do think things were mishandled administratively. Jackson stated he agreed. Kim Willis stated so many things were said and if it goes to court, our attorneys feel we will gain more from punitive damages than for claim itself; understand your concern about the precedent issue; feel you have addressed a lot of the problems. Payne stated the door has just been opened to say we'll pay for it; not responsible for courts; was a scary statement by O'Brien; every time there is a blockage we are not responsible; can't know every time that happens; only know when someone reports; best the City can do is a regular maintenance schedule; we do that; main lines will have root buildups; hair and grease buildups will occur; with regard to the picture being shown around would like more information. Kim Willis stated her son said the employee was Christine Hall. Jackson stated the pictures were taken on a digital camera and disk should be in Jordan's office; printed one set for Jordan; may have gone to the insurance company. Payne stated we need to find out what went to the insurance company. Angelou requested we go back to the insurance company one more time. Stinchcomb stated an offer of \$500 had been made and was refused.

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