

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Monday, October 7, 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 Monday, October 7, 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 Harvey Mast, Director of Outreach Programs, Shepherd Church of the Nazarene, followed by the Pledge of Allegiance led by Council Member Angelou. Agenda for this meeting was published on October 4, 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:**

Motion by Angelou, seconded by Hogan, to move ORD-0182-2002 from the consent agenda to Second Reading of Ordinances. ROLL CALL: Voting yes: Angelou, Hogan, Kelley, McAlister, O'Brien, Payne, Thom. Motion carried.

Angelou noted a change to ORD-0194-2002 from that listed on the agenda to the following - "To Authorize the Mayor to Enter into Contract with Nelson's Seasonal Decor for purchase of lights for Holiday Lights; for Setup, Teardown, and Storage; to Supplementally Appropriate \$12,000 therefor; and to Declare an Emergency".

**C. HEARING OF VISITORS:**

Jake Brewer, 181 Collingwood, Whitehall, Ohio, stated he was Chairman of VFW for Franklin County and representative to National VFW; just have one or two comments; think some people just don't get what we are trying to get you to do; if it wasn't for me and likes of me in WWII you wouldn't be here.

Charles Higginbotham, 805 Windward Lane, stated he was retired from USN as a Master Chief Petty Officer; have been retired for 28 years; worked 21 years for Denison as a marketing and sales manager; active in Peace Lutheran Church; thank Council for opportunity tonight to give my views; have had many e-mail exchanges; here tonight to ask you to consider the removal of 4.02 from Civil Service rules; why anyone in our City would ever initiate such a change to remove military credit that is to important to our veterans I can not understand; nephew who is currently serving doesn't understand it at all; why wasn't this highlighted so Mayor and other Council members could see this change; in a command responsibility you note what changes are and why they are made and they are also highlighted; who brought this to Mayor's attention; this is our City; was also a statement by Angelou that recommendation came from Chief; many disparaging remarks made about veterans; find it most offensive; my e-mails go to about 2400 people; am a military advocate; worked on a class action lawsuit about veterans medical benefits; we are winning that lawsuit; also which newspaper was present; who was the reporter and when was it published; think hiding it from Mayor and other members of our Council demonstrates mistrust on part of our Safety Committee; removing 4.07 from rules should be reinserted; this 5 point preference has been a standard practice since WWII; citizens of Gahanna will be outraged.

MOTION by Angelou, seconded by Hogan, to extend the time for 2 minutes. ROLL CALL: Voting yes: Angelou, Hogan, Kelley, McAlister, O'Brien, Payne, Thom. Motion carried.

Higginbotham continued many service men and women all over the world would be upset if they knew that a small town in Ohio was denied them a 5 point preference; sure

you now regret moving 4.07 and in your heart know you made a mistake; this change is not set in stone; look at the e-mail that references domestic enemies; really don't know how to respond to this; am sure that the 100,000 veterans my e-mail reaches will have comments; respectfully ask each council member to give me a show of hands that you will reinstate this. O'Brien stated there is a resolution on agenda this evening to have it reviewed. Weber stated that Council acts through its votes not through a show of hands; will be a vote later in the meeting. Higginbotham concluded by saying may God bless our service men and women and may God bless America. O'Brien stated that the resolution that will be voted on tonight will in essence accomplish the same thing you have asked for; will be taking an action soon and show our position for the record.

Angelou stated that some members of the Civil Service Commission are appointed by Council; read the lines from her e-mail which stated that Civil Service reviewed the recommendations; typically Chief Murphy or a representative is present; that's all that was said in the e-mail. In response to question, Murphy stated he usually does attend.

McAlister stated the comment on domestic enemies was taken completely out of context; quoted his e-mail which states "The real reward for the person who services in the military is the right and honor to defend the Constitution of the United States against foreign and domestic enemies"; went on to say that we as politicians must be especially cognizant of those domestic enemies, i.e., those who want to bend the Constitution to reward one group at the expense of another; will stand on that statement; took me completely out of context.

Wayne Smith, 8215 Morse Road, stated he lives within the school district; also want to address you on the restoration in points for civil service; spent 20 years on active duty in the US Navy; in the brief time stationed in States and now in Ohio have taken great pride in what I do; do work with schools and old folks homes and veterans organizations; have 18 months left on active duty and need to find a place to call home; would like to continue my civil service; when I heard about taking this away today, as nice as Gahanna is, it was hard to believe; federal protective service gives 10 points; 20 points by State; don't know why a township or a community like this would give zero; to the e-mail you quoted; there was an underline I read in that paid particular attention to the word merit; believe 20 years of service merits consideration; I'm a voice of the public; thank you.

Ray Jarvis, 5313 Ivyhurst Drive, Columbus, stated he serves with VFW Post 4719 and has for many years; most of you know me; that may be unfortunate; do work for the veterans; am a senior volunteer with the program; work with military personnel every day; removal of the 5 points from the exam is an absolute dereliction of duty on your part; can't believe this group I know so well took this action; the 5 points will be more than repaid in service to the community; restore the 5 points; do the right thing.

Windy McKenna, Gahanna Jefferson Board of Education, stated that since last meeting have had one special meeting; want to give a thank you to Gahanna Police Department and Mifflin Township Fire Department for help on the Walk A Thons for fund raising ventures; Jefferson Elementary was happy to see police; thank them for all they do; partnership is important; presence has been increased this school year and we are grateful; the schools have planned a cookout for the Chief, Deputy Chief, Blamer, Estep, Corbin, and Lamber to thank them for work with schools; Mayor and Council members are welcome to attend; will be Friday, Oct. 11 at high school cafeteria; just call Morris' office if you plan to attend; officers will be recognized before the Pickerington game; extend invitation to all of you; next school board meeting is this Thursday night; entertain any questions.

**D. INTRODUCTIONS AND ASSIGNMENT TO COMMITTEE:****Ordinances - To Be Introduced and Assigned to Committee**

Ordinances, introduced, by title by Payne.

**ORD-0192-2002**

SUPPLEMENTAL APPROPRIATION - Eastgate, Phase II

**Introduced, to Finance Committee**

**ORD-0193-2002**

SUPPLEMENTAL APPROPRIATION - Taylor Road at Eastgate

**Introduced, to Finance Committee**

**ORD-0194-2002**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH NELSON'S SEASONAL DECOR FOR PURCHASE OF LIGHTS FOR HOLIDAY LIGHTS; FOR SETUP, TEARDOWN AND STORAGE; TO SUPPLEMENTALLY APPROPRIATE \$12,000 THEREFOR; AND TO DECLARE AN EMERGENCY

**Introduced**

**ORD-0196-2002**

TO ZONE 2.623 ACRES OF NEWLY ANNEXED PROPERTY AS AR, APARTMENT RESIDENTIAL; FOR PROPERTY LOCATED AT 4491 EAST JOHNSTOWN ROAD; CITY OF GAHANNA, APPLICANT.

**Introduced, to Development Committee**

**ORD-0197-2002**

TO REZONE 7.46+/- ACRES AS RID, RESTRICTED INSTITUTIONAL DISTRICT; FOR PROPERTY LOCATED AT 542 WEST JOHNSTOWN ROAD; VICTORY IN PENTECOST CHURCH, OWNER, BY CITY OF GAHANNA, APPLICANT

**Introduced, to Development Committee**

**ORD-0198-2002**

TO AUTHORIZE THE MAYOR TO ENTER INTO AGREEMENT WITH SHEPHERD CHURCH OF THE NAZARENE FOR THE PURCHASE OF 7+/- ACRES OF LAND OWNED BY THE CHURCH AT 425 SOUTH HAMILTON ROAD; TO SELL 8.40 ACRES OF LAND OWNED BY THE CITY ADJACENT TO THE CHURCH PROPERTY; AND TO DECLARE AN EMERGENCY.

**Introduced, to Finance Committee**

**ORD-0199-2002**

TO ZONE 2.7+/- ACRES, MORE OR LESS, AS AR, APARTMENT RESIDENTIAL; FOR PROPERTY LOCATED AT 4479 JOHNSTOWN ROAD; CONTEMPORARY CONSTRUCTION SERVICES BY DONALD T. PLANK, APPLICANT

**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.**

**Ordinances on Second Reading:****ORD-0158-2002**

TO ACCEPT DEED FOR 1.885 ACRES ALONG CLARK STATE ROAD; KNOWN AS RESERVE B OF THE PARK AT HARRISON POND, THE VILLAGES AT ROCKY FORK, SECTION 10, PART 1A; FROM HMI PROPERTIES, LTD

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

**ORD-0177-2002**

TO ZONE 5.943 ACRES OF NEWLY ANNEXED PROPERTY AS L-AR LIMITED OVERLAY APARTMENT RESIDENTIAL; TO REZONE 15.41+/- ACRES AS L-AR, LIMITED OVERLAY APARTMENT RESIDENTIAL; FOR PROPERTY LOCATED ON SHAGBARK ROAD; THE STONEHENGE COMPANY, MO DIOUN BY SMITH & HALE, GLEN A. DUGGER, APPLICANT

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

**ORD-0178-2002**

TO REZONE 12.646 ACRES AS SO, SUBURBAN OFFICE; FOR PROPERTY LOCATED AT 1155 EAST JOHNSTOWN ROAD; CITY OF GAHANNA, APPLICANT.

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

**ORD-0179-2002**

TO AMEND CHAPTER 147, BOARD OF ZONING AND BUILDING APPEALS, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

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

**ORD-0180-2002**

TO AMEND CHAPTER 1129, ZONING CERTIFICATES, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

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

**ORD-0181-2002**

TO AMEND CHAPTER 1169, PROCEDURE FOR AUTHORIZING A CONDITIONAL USE, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA

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

**ORD-0184-2002**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH D.L. MILLER AND SONS, COMPANY, FOR MAINTENANCE WORK AND IMPROVEMENT TO THE GAHANNA GOLF COURSE FUEL TANKS; TO SUPPLEMENTALLY APPROPRIATE \$7,490; AND TO DECLARE AN EMERGENCY.

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

**ORD-0185-2002**

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO AWARD AND THE MAYOR TO ENTER INTO CONTRACT WITH AMERICAN ROCK SALT CO., FOR ROCK SALT FOR THE 2002-2003 SEASON.

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

**ORD-0187-2002**

TO ACCEPT STREET, STORM, AND WATER IMPROVEMENT NO. 811, AND SANITARY SEWER, IMPROVEMENT NO. 812; AND APPURTENANCES THERETO, IN THE RIVERS EDGE SUBDIVISION, AND TO DECLARE AN EMERGENCY.

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

**ORD-0188-2002**

TO AUTHORIZE THE MAYOR TO SEND A LETTER TO THE OHIO DEPARTMENT OF TRANSPORTATION REQUESTING A CHANGE IN SPEED LIMIT FOR US 62 WEST, BETWEEN I-270 AND THE GAHANNA BUSINESS DISTRICT; AND TO DECLARE AN EMERGENCY.

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

**ORD-0189-2002**

TO AMEND THE CONTRACT WITH MOODY NOLAN LTD INC., TO EXTEND THE CONSULTANT SERVICES TO FINISH DESIGN WORK FOR THE MORSE ROAD/US 62 INTERSECTION, IMPROVEMENT NO. 753; TO

SUPPLEMENTALLY APPROPRIATE \$241,195; AND TO DECLARE AN EMERGENCY.

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

**ORD-0190-2002**

SUPPLEMENTAL APPROPRIATION - Right of Way Taylor Road.

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

**ORD-0191-2002**

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 APPROPRIATE \$46,000; AND TO DECLARE AN EMERGENCY.

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

**Motion Resolution:**

**MR-0056-2002**

Motion Resolution to authorize the expenditure of up to \$2,100 appropriated in ORD-0082-2002 for software purchases of Autodesk and ESRI products.

**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:**

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

**Z-0004-2002**

To consider a zoning application on 2.7 acres of newly annexed property located at 4479 Johnstown Road; requested zoning of AR; Contemporary Construction Services, by Donald T. Plank, applicant.

President opened Public Hearing at 7:58 p.m.

Mark Herman, 4443 Johnstown Road, stated he was present for Donald Plank and is the developer of the project; reason for this rezoning at this time was because of the late annexation of the property; was completed after previous rezoning on the balance of the property; does meet the same parameters as the surrounding land and appreciate your consideration.

President asked for opponents. There were none.

President closed the Public Hearing at 8:00 p.m.

**Heard in Public Hearing**

**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 opened Public Hearing at 8:01 p.m.

Sadicka White, Director of Development, stated this property is along Johnstown Road; property was a part of park land dedication for the Triangle development to the north; should be AR as we do plan, if applicant continues forth with multi family potential, on exchanging that land for similar park land adjacent to YMCA land to make that particular area larger.

President asked for opponents. There were none.

President closed Public Hearing at 8:02 p.m.

**Heard in Public Hearing**

**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 opened Public Hearing at 8:03 p.m.

Sadicka White, Director of Development, stated they were excited about this rezoning; this is the first rezoning subsequent to creation of the new district; sent out numerous letters to churches, schools and government entities and City is taking the initiative to complete these; this is the first of the churches responding to that initiative; property is now non conforming and would be appropriately zoned to new category; the church is on West Johnstown Road almost at the western boundary at I-270; this is Victory in Pentecost church; subsequent to rezoning they will be building a new church and upgrading that property.

President asked for opponents. There were none.

President closed Public Hearing at 8:04 p.m.

**Heard in Public Hearing**

**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**

**2002-0050**

Notice to Legislative Authority of a transfer of D1 and D2 liquor permits for La Feria Ltd, DBA Los Reyes, 111 N. Stygler Road, Gahanna Ohio. Last Day for Objections is 10/25/2002.

**Received and Filed****S-0002-2002**

To consider the Land Use Plan update; to make recommendation to Council for adoption of said plan.

President set Public Hearing for November 18, 2002.

**2002-0052**

Notice from Insight Communications of their desire to renew their franchise, in accordance with the terms of the Cable Communications Policy Act of 1984, as amended, which requires the company to provide formal notice of the renewal process; current franchise agreement is due to be renewed on or before April 20, 2004.

**Received and Filed****Council:****Coalition for Customer Choice:**

President noted receipt of a letter from the Coalition for Customer Choice regarding SBC Ameritech's application to provide long distance services in Ohio. Assigned to Communications and Technology Committee for discussion.

**MR-0057-2002**

A motion resolution to request the Civil Service Commission relook the issue of military credit and reserve credit for civil service testing and make a recommendation back to Council regarding an amendment to the Rules and Regulations adopted on August 5, 2002; and to consider the development of a regulation section titled "the oral interview process" and make a recommendation back to Council regarding this addition to the rules and regulations.

**A motion was made by Council Member Angelou, seconded by Council Member Hogan, to amend MR-0057 to add language to ask the Civil Service Commission to consider the development of a regulation section titled "the oral interview process" and make a recommendation back to Council regarding this addition to the rules and regulations. The motion carried by the following vote:**

<b>Yes</b>	<b>7</b>	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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Hogan stated he does understand what it is all about; there is a brick down at the Veterans Memorial that says John L.Hogan, Sergeant, Anvils Do Fly; father was born in 1907; served in Army Air Corps from 1927 to 1929 as an airplane mechanic; was responsible for inventory and during a tornado even a 450 pound anvil blew away; do know we would not be here if not for you and my father and people like you; this Council does appreciate veterans; appears to be a lot of misinformation on an emotional level going around; want to correct some of it; haven't read any disparaging remarks about veterans; mistrust is a word that was used; meetings hidden from the administration as well as the recommendation; that didn't happen; had a Safety Committee meeting; had a second Safety Committee; referred to Committee of the Whole and Mayor was given a copy that was highlighted; if people don't do their job and read the legislation that's not an issue with me; first off this 5% is not just for the Police Department as some people think; it does not apply to any existing employee; if existing employee is applying for a promotion and new employee is applying, then the existing employee doesn't get the credit; don't see where that's fair; secondly with all things going on these days we have a lot of patriots like police and firemen; they are just as much patriots as any veteran; if firemen come work for city they don't get the 5 points; paramedics, peace corps workers, etc; in addition wanted to put the 5 points into the oral portion; if you don't get 70 on the test you don't get 5 points; goes on to next level;



does it make much difference; feel oral is the most important part of the process; this is for every department of the City for new hires only; if we hire in the Tax Department we would be hiring someone as a bookkeeper and if they were a CPA they wouldn't be getting the points; think we should review again but there is a lot of misinformation out there; didn't hide anything; do appreciate veterans; don't want to discriminate one group against another; people serve their country in many ways; if a police officer wanted to come from another district and didn't have military service they wouldn't get the points; a stranger would but an existing police officer wouldn't; think we need to get this to the oral interview where everything is taken into consideration; will take a lot of convincing that some people like firemen shouldn't get a credit; will have a problem with that but will listen to what Civil Service has to say.

Payne stated she takes responsibility for missing it; brought it up to make sure everybody was on the same page; apologize for that; that's why I'm asking for this review.

Kelley stated he has always been behind veterans; that's why we put funds into the memorial; you will see 3 bricks with Kelley and one with Rice; don't want to get into discussion on that; is an important change; chaired Committee of the Whole; asked if anyone had questions; was surprised there were none.

Angelou stated she brought with her the lined out copy everybody received showing all the changes; will make it available; has bold print where there is new and can see where this has strikethroughs; is a lengthy document; could be various things that I consider important that others may not; have minutes from each meeting including all people present; if anybody would like to see will share it with you; be up here after meeting is over.

McAlister stated he saw the change; went to the booklet and almost on first page it references the Ohio Constitution which says "appointments and promotions in the civil service of the state, and several counties, and cities, shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations"; just seemed to me that if you are given 5 points it is no longer competitive; change made sense to me and was in original bill and Ohio Constitution section was adopted in 1912.

Thom stated that each week this body receives a lot of mail; gets pretty difficult to keep up; apologize that I totally overlooked it; do agree that we need to send back to Civil Service Commission; feel we need to look at it again; apologize.

O'Brien stated that last Friday sent an E-mail that many of you received; didn't do my job; failed the people of Gahanna and veterans and I'm sorry; credit for military service has been part of our country since the beginning; framers of the constitution put in for those poor rag tag people who survived in order to give them some form of payment in land grants; military land grants settled most of Pennsylvania, Ohio and Indiana; people who served in the military were rewarded for that service; some of the old deeds still refer to military lands; federal civil service talks about veterans employment opportunity act of 1998 which allows preference for eligible veterans to compete under merit promotion procedures; if separated under honorable conditions with 3 or more years of active service; issue of military credit; regimentation and demands are made of military personnel; a portion of their lives they earn below minimum wage; are trained and sworn to put down their daily jobs to take up arms; there are no administrative functions in time of war; deserve a minimum of consideration; think I made my confession and made my position clear on this; as this goes back to Civil Service Commission and we get it back hope that this council will made the correction; do believe it is wise and prudent

that we look at the regulation and make a change adding the oral review board process to the rules; hopefully I have become a better council member and will do more of my homework and do a better job as a result of this. please take serious consideration to add the credit back in.

Weber stated that one of the E-mails made a reference that there may have been secret meetings; want to make it clear that Safety Committee met in open publicized session and all discussions were held in public; was not done in an underhanded fashion. O'Brien stated he was well aware of every meeting held; nothing illegal was done or improperly done; let's give this process a chance to work; understand Civil Service Commission will be working this week; hope they will act expeditiously.

Mayor stated she did have her copy of the original legislation showing the strikethroughs; did receive it and did review it; just missed it; are a lot of lines; had I noticed it I would have vetoed; believe you should have military credit and reserve officer credit; we all have stories about veterans in our families; we do get it; has been a Wilson in every war since revolutionary war; actions and reactions speak louder than words; hopeful Council will restore expeditiously; note that Civil Service Commission did forward to Council with 4.07 intact; was a councilmanic change; do appreciate the work of the Civil Service Commission.

Angelou state that when Safety Committee took up the issue the credits were in there; had a fairly lengthy discussion with Winters and Weber present that discussed where best military credit or reserve credit would be best suited and weighted; we suggested that it be taken at the oral board process; when it came back it was taken out; voted copy did not have it in it.

**A motion was made by Council Member Payne, seconded by Council Member Angelou, that this matter be Adopted as Amended. 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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## I. SECOND READING OF ORDINANCES.

### [ORD-0182-2002](#)

TO AMEND CONTRACT WITH M E COMPANIES; CONTRACT AUTHORIZED BY ORD-0214-2001 AND AMENDED BY ORD-0023-2002 FOR CONSULTANT SERVICES; TO SUPPLEMENTALLY APPROPRIATE \$300,000 THEREFOR; AND TO DECLARE AN EMERGENCY

Angelou stated that she asked that this be placed on regular agenda because in looking over and doing my homework had a few questions; in looking at Exhibit A under Part I, Basic Services, Phase I it was the one I was having difficulty with; did speak with White this afternoon; have more insight; states that part of this phase is to complete a title search and property valuation assessment for the Bedford 1 landfill site and that this information will be used to support the effort to develop a purchase option agreement between the City and the landfill owner; to support the effort to purchase; have a landfill owner that is taking no responsibility for closure; basically the City is faced with the dilemma of having to come up with closing this particular landfill; have appropriated \$30,000 for the consultant by ORD-214-2001 and another \$100,000 by ORD-0023-2002 and now asking for \$300,000; we're looking at an expenditure of \$430,000 and don't have the first bit of closure; this is a long enduring process in an attempt to clean up a poorly managed landfill for many years; attended a meeting in 1984 about closure of landfills and at that point was told best way is to keep it open; didn't compute and still having trouble with that; asked White to explain; have put

\$430,000 in and it's only the tip of the iceberg; hope to get some of the monies back from Issue 1 however we never got any of the money for security grants; hope we get some of this back; hope that the monies we are spending will go towards any purchase; this is a credit that should happen; there are other communities that put garbage in this landfill.

White stated they were asking for \$300,000 to continue that which is needed with regard to initial work that must be accomplished to subsequently close this landfill; there is potential for redevelopment or reuse but it is a complicated process; title search is very extensive and exhaustive; special legal counsel is needed to do it in these situations so that people can walk away without the liability; without regulatory bodies being able to close and put in appropriate order they can put themselves in such a legal situation; opposition would say that they no longer have first liability for that; one of the things we have to do to proceed to close is that we must have authority to close; in order to ask the state or any other funding sources we have to be in ownership position or authority position whereby we can cause or create certain actions; with Clean Ohio Fund must clear that it can't benefit the owner that contributed to the pollution contamination on site; in this particular case the owner of record would have to give up their authority and rights; not talking about purchase at this point; that would be a separate action if we come back with that recommendation; part of the legal search is should we look at another entity; there is a great deal of legal work; as we proceeded to date believe the liability exposure would have certain limits and that it appears as though the city would be able to be in a posture that could occur; from that standpoint need special counsel to look at all of that; will need appraisal and we would need a specialized purchase document if that would be our recommendation; all of that would need to be prepared and in final form to be brought to council; those kinds of details and all the laws and how exposed is city going to be are all questions that need answered; next question would be cost; right now there are a lot of liens against property and that is part of the search; who, when, where; some are liens by federal government; some are legal fees; some are taxes; some are state and county; part of the legal activity would be whether those would be fully paid; there is a lot of legal work before we can come back with a recommendation that would be appropriate; if we say no then why not; what would be appropriate; this project will cost us money; have applied to county for funds; think we will get some assistance; if in fact if the city would become owner we would need to apply eventually to the Clean Ohio Fund; think we can get that grant; bigger cost will be in the clean up; that type of funding is needed to do that; if there is a reuse what is the best opportunity for reuse; hopefully it would be something income producing; income would then be to the City of Gahanna and would go to pay back not all the costs but certainly an opportunity for some; in the long run; if property has to sit for 30 years then it would be a clean property and could be fully utilized which might be highest and best use; is an investment City will have to make; property presents a danger for our health safety and welfare; that's why that is included in that next phase of work.

Angelou stated this has been a challenge; will be a challenge for a long time; also mention that EPA has some monies that we could go for. White stated that a gas recovery system has been put in place; that gas is methane and a company has a contract with EPA to harvest that gas and sell it off; EPA is selling off the owner's portion thereof and money is going into a fund to be given back to any new owner; approximately \$200,000 at this time; annual recovery cost would be part of a revenue stream; engineers said that perhaps there is a 6 to 8 year methane gas revenue stream still available; is worth harvesting.

McAlister asked if we had authorized \$100,000 for a study; purpose of that was to find out if this land was a threat; is there anything back on that yet. White stated the

environmental in Phase II will provide further detailed information about specific leachates that are coming. McAlister asked if the study will show us if the landfill is causing ill health to people. White stated there is a potential; we know there is leachate; know there is methane gas. McAlister stated he would hope the study would provide that information; want to know if it is causing people ill health; might be some leaching into Big Walnut Creek; this is something that could turn into a bottomless pit. White stated that we know there is leachate going into river streams; know that it is not closed; is a violation of EPA guidelines; know what has been put into that landfill; owner is not going to close it; know that it has been in part closure for 20 years; know there has to have been some continuous contamination; how deep into the water table we don't know; will find all of that out eventually; in 20 years have we come up with a high level of cancer; is very difficult to prove; if the overall effect will provide a harm and imminent danger and because we are aware of it, as civil servants we have an obligation to do what we can; not sure it is a bottomless pit; providing specific technical and legal information will allow us to make a decision and be able to say we have done everything we can possibly do within resources we have and beyond our community; special legal counsel will provide us some of that information. Angelou stated we need to look at landfills that have been closed properly and see what was done; look at proper closure and problems that exist; problems in the past in bad closing was that there were horrible smells in the area of Rathburn Woods; the collection of methane has really taken that away as a problem; don't know what it is on a bad day but in a generalization of landfills there is a great deal of information available; know this is costly but felt that line needed to be taken; wanted it known that monies we are spending now as non owners may be somehow recouped in the future; this is truly a credit that needs to be done. White stated that any grant situation is usually a 75/25 split; anything we have done or 2 years in arrears can be used as a match; these funds may be able to go for our match; that says a great deal in getting the application; puts us in better competitive position; we are taking the necessary actions proactively to improve it. Angelou noted that White did say competitive so there is not guarantee; it is competitive; up in Cleveland might get money or southern Ohio may have more clout in legislature. White stated that with Clean Fund we are only competing with district 1 which is the Columbus area; don't have to compete statewide. In response to question from Angelou, White stated that some districts may have more money than other districts.

Weber stated that the EPA wants to work closely with Gahanna to have this process completed correctly; is a clear public health and safety problem; know this is a slow laborious process; spent a lot of time to get access agreements to even get on site; everyone wants us to succeed in solving this long standing problem; we are the ones who have said enough is enough.

McAlister asked if the EPA money is part of the goal to get other state funds; are those only paid out to government entities or to private property owners. White stated that if private we could do a partnership; if someone is going to develop this site and bring 100 jobs, we immediately address part of the criteria; part of Clean Ohio is economic return; a partnership; developer can not be or have ownership and then be responsible for the contamination of the site. Weber those who have been deemed polluters are not eligible. Angelou stated it is a long and laborious process and very costly; costly is more than long and laborious.

Hogan asked about timing in the past 24 months; when are grants coming up; when is next one eligible; should we pass 60 or 90 days from now so as to extend the 2 years out; if billed out monthly and only count out 2 years back should we cut this \$300,000 chunk into 2 cycles not just 1. White stated we will get 2 cycles and maybe even 3 with the amount of money we have appropriated; county wants to see; next cycle is first of the

year; will get at least next year and then year after that; 2 cycles for that; should get credit for it; did the phase 1 and phase 2 and all pre-engineering counts; Clean Ohio funds is the actual cleanup; pay for the cap being put on; that part of the overall project.

Wetherholt stated that it is clear that under current ownership it will not get closed; current owner has exhausted and frittered away all the funds available to him; is a bankrupt type situation; knew last year that it would be a huge effort to unlock the deadlock the property was in; no developer is interested in buying this site because of potential environmental problems; not a lot of drilling and sampling has been done yet; research that has come up has indicated that there are a lot of solutions that can be done to flip the site over to a productive industrial site; a year ago would have said we would be nuts to take it over; with what we know with what EPA wants to do and closure of landfill and insurance that can be had is not quite so crazy; however there are other alternatives other than the city actually buying; can have developers set up another entity; potential contamination will be pinned down a lot better after drilling; however, the EPA with their regulations has told us that the contamination potential we have is unacceptable so something needs to be done with that and must be contained; engineering that is being done has shown that it is not extensive and exotic; confident that we can go forward more in legal and regulatory and grant type work than we will on the engineering and testing.

O'Brien stated we have made reference to keeping open as opposed to closing; reasoning behind that; have to satisfy examinations by state and other regulatory commissions; while you are running certain things have to be done for quality of air but they don't think it is really bad; to operate a strip mine in state have to put up a huge bond that you lose if you don't properly treat run off waters and reclaim the land; one question is the owner a limited partnership. White stated that's what legal and title search will show; they have so removed themselves from ownership of it that it is buried; very difficult to say. O'Brien stated there appears to be no assets; may have them and bailed a long time ago. Weber stated we are holding the proverbial bag;. O'Brien asked why we don't have water treatment right now; heavy metals going into Big Walnut Creek. White state that regulatory guidelines to 1976 and thereafter; those are the things we have to do; 2 quick points; talking to potential developers to see what kind of partnership could arise; keeping you apprised with minutes; is a very detailed and entailed project; won't go over a short period of time; will in fact be putting up the front part of the money to get to the point where we are applying for grants; first part is engineering and legal; all that technical information that is required.

Kelley stated the bottom line is that it has to be done for health safety and welfare. White stated that as Development Director she has looked at it every year and it has been put in the budget and stricken; was taken out of budget; until last year that was first that some funding was provided; have done what I can do to bring to forefront; have to do it.

Weber stated that current ownership will assume part of the responsibility if they come back.

**A motion was made by Council Member Payne, seconded by Vice President of Council Kelley, that this matter be Adopted as an Emergency. The motion carried by the following vote:**

<b>Yes</b>	<b>7</b>	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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**J. FIRST READING OF ORDINANCES:****ORD-0195-2002**

TO REPEAL ORD-0108-2002, PASSED JUNE 17, 2002, "TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH THE CITY OF COLUMBUS FOR SEWER SERVICE FOR A PERIOD OF FORTY YEARS SUBJECT TO THE CONDITIONS DESCRIBED IN THE CONTRACT; AND TO DECLARE AN EMERGENCY"

Hogan asked if there has been any action on this issue. Stinchcomb stated there had been discussion but no progress; have no problem with this legislation; when successful in negotiations would have to come back for authorization to sign; this is just a formality.

Angelou stated when brought forward was told by Colonel Hall that this was the best we can do; was brought forward at request of administration; am more than willing to repeal; didn't think it was the best we could do.

O'Brien stated he felt it was the best we could do at the time; playing field was changed by Columbus. Angelou stated it had been suggested to Mifflin Township people who have no water that they would need to annex; some don't have decent drinking water and Columbus won't give it to them but will give to Jefferson Township; interesting.

Payne stated she did not plan to vote to repeal; feel we are voting to continue negotiations and that is happening; sure we are trying; need to allow for negotiations to move forward using the new playing field; don't plan to vote to repeal.;

O'Brien stated he tended to agree with Payne; Mayor has stated she is not opposed so will vote to approve this; otherwise share your opinion 100%; not a matter for us to negotiate.

Hogan stated that problem is that in going back to water contract; remember sitting in committee meeting and told to sign it and we will negotiate the remaining differences 1 year from now; don't negotiate after it is signed; no way that I want to get in that situation; can't sign contract in front of her; would have to bring back; telling Columbus by doing this that everything is back.

Hall stated we resolved our differences; it was only when Jefferson Township came up was there another issue; was ready to sign.

**Introduced**

Angelou asked if the issue of the sewer contract was ever discussed or brought up at joint committee. O'Brien one of the reasons it didn't come up is the fact that committee was to stay away from controversial issues. Thom stated it was not discussed in committee; first read about it in the paper. Hogan stated that the committee had specifically been charged to stay away from all controversial issues with Mifflin, Jefferson, Schools or City; we were to be looking for ways to work together; have accomplished several things.

**ORD-0195-2002**

TO REPEAL ORD-0108-2002, PASSED JUNE 17, 2002, "TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH THE CITY OF COLUMBUS FOR SEWER SERVICE FOR A PERIOD OF FORTY YEARS SUBJECT TO THE CONDITIONS DESCRIBED IN THE CONTRACT; AND TO DECLARE AN EMERGENCY"

A motion was made by Council Member Hogan, seconded by Vice President of Council Kelley, that this matter be Adopted as an Emergency. The motion carried by the following vote:

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

## **K. REPRESENTATIVES:**

**Community Improvement Corporation (CIC) - Kelley: No Report.**

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

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

**Gahanna/Jefferson Joint Committee - Hogan/Thom**

Next meeting is Tuesday, October 29th.

## **L. OFFICIAL REPORTS:**

**Mayor:**

Stinchcomb congratulated the Senior Center on it's anniversary celebration; 10 years of a very active center; recognize the Parks and Recreation staff and Danise Hall, Raleigh Mitchell, and Tony Collins; have over 900 members and growing; had a very nice afternoon.

**City Attorney: No Report.**

## **M. COUNCIL COMMENT:**

Angelou stated that the celebration was a lovely afternoon and was good to see such a nice group; sent an E-mail to Danise Hall and mentioned that this was the vision of Ernie Strauss; have Resolution 11-87 where Ernie suggested that a Senior Center be locate din the Municipal Complex and more specifically in the old library building; really was Strauss that brought that forward; also in 1990 we reiterated our desire with another resolution of support for it; is a wonderful place; building means nothing unless people are in it bringing it vitality and life; wonderful service from our employees; congratulations to Hall and Mitchell and rest of Parks & Recreation Department; appreciate being invited.

Thom stated he also attended; has come a long way in the 10 years; surprised to see turnout; school business advisory council meet this Thursday morning.

Payne stated it was 29 days to the election.

McAlister stated we touched on some constitutional issues; civil service is an organization to keep special interests out of governmental jobs; business of upholding the constitution is critical; only 51% of Americans would vote to ratify the constitution today; everybody wants to tack on their own special interests; hope when Civil Service Commission relooks this issue it is fair for all citizens; due process under the law and equality.

Hogan thanked Shepherd Church for proposal; feel it will be a good arrangement; next week in committee will correct misinformation; learned something tonight; doesn't feel like 10 pounds of paper; if you run into a hard political situation you can claim you didn't read it later because then you get out of it; stand for your principles; need to read every ordinance word for word to make sure what people are voting on.

Kelley congratulated the seniors; is a nice building; sorry I was unable to make the celebration; had another commitment at the same time.

O'Brien stated he would like to say for my friends that stayed thank you; apologize again; do not appreciate Hogan's remarks or his position; should have done my homework; am trying to correct it; feel Hogan showed true colors.

**N. EXECUTIVE SESSION:**

**O. ADJOURNMENT**

**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**