

# **City of Gahanna**

*200 South Hamilton Road  
Gahanna, Ohio 43230*



## **Meeting Minutes**

**Wednesday, January 19, 2000**

**7:30 PM**

**City Hall**

## **City Council**

*Debra A. Payne, President of Council  
Rebecca W. Stinchcomb, Vice President of Council  
Michael O'Brien, Council Member  
L. Nicholas Hogan, Council Member  
Thomas R. Kneeland, Council Member  
Karen J. Angelou, Council Member  
Sherie James-Arnold, Council Member*

**GAHANNA'S VISION is . . .**

. . . to be an innovative model community that values its rich heritage, pursues high standards, and where citizens respect one another.

**Members Present:** Debra A. Payne, Rebecca W. Stinchcomb, L. Nicholas Hogan, Sherie James-Arnold, Thomas R. Kneeland, Karen J. Angelou and Michael O'Brien

**GAHANNA'S MISSION is . . .**

. . . to ensure an exceptional quality of life by providing comprehensive services, financial stability, and well-planned development which preserves the natural environment, so that city government will continue to be responsive, accessible, and accountable to our diverse and growing community of citizens.

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

Gahanna City Council met in Council Chambers of City Hall, 200 South Hamilton Road, Gahanna, Ohio, on Tuesday, January 18, 2000. President of Council Debra A. Payne called the meeting to order at 7:35 p.m. with an Invocation by Council Chaplain Rebecca W. Stinchcomb, followed by the Pledge of Allegiance, led by Council Member Micheal O'Brien.

**B. ADDITIONS OR CORRECTIONS TO THE AGENDA.****ORD-0011-2000**

REESTABLISHING COMPENSATION FOR MEMBERS OF THE CIVIL SERVICE COMMISSION; REPEALING ORDINANCE NO. 97-87; TO WAIVE SECOND READING; AND TO DECLARE AN EMERGENCY

Add to First Reading of Ordinances, Item J.

**A motion was made by Council Member Angelou, seconded by Council Member Kneeland, that this matter be Referred to the Regular Agenda (Duplicate). The motion carried by the following vote:**

<b>Yes</b>	<b>7</b>	President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member James-Arnold, Council Member Kneeland, Council Member Angelou and Council Member O'Brien
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**C. HEARING OF VISITORS**

Joe Eckart, 121 Mill Street, addressed Council on concerns about comments made in the paper questioning that he was making so much money; recapped the expenses he has made for improvements to his building with roof, new furnace and air conditioner; said it amounted to \$120,000 in said property; said he would be making slightly over a 5% profit on property. Noted there have been things said about the 1031. Reminded that Gahanna was never asked to swap; said 1031 is an IRS code; said all he is asking for is simple rights. Said when he bought from Richardson, he did an 1031; said this is a federal tax; is a capital gains tax; and just gets rolled over into another property. Said he is investing over \$1M; said the 1031 means he saved \$20,000; said it represents \$100,000 that he can borrow with that property. Concluded that all it does is allow you to take your money and invest; said he would like his attorney to address Council.

Dave Fisher, Attorney, 504 Cherrybottom, said this is a paper work transaction; said one piece of property goes to the City. Mr. Eckart indemnifies the City for all actions in connection with this exchange. Explained as how you trade a car for a new car--you

only pay tax on the difference. Noted question of City involved in this property. Noted the nice new parks/recreation building they have in Westerville; said an electronics company moved and Westerville did a life time exchange and moved this gentleman to a location still within the City jurisdiction, and took over his old building and put a parks/recreation center in that location. Said this works when a City is involved in life time transactions. Said this is done in Columbus, State of Ohio. Emphasized that this does not avoid paying taxes, simply defers taxes; said he will pay tax on this building.

O'Brien. compared to selling and investing in another property. Fisher, yes, a different kind of transaction in the IRS code.

Hogan agreed with property for property; used car on new car; said but if a used car for a used, is different set of rules. IRS said property for property. City attorney had said better if skip the 1031 exchange.

Fisher noted that if he sells his second car, he would pay tax. Can buy farmland and office building and it is ok under 1031. No title taking.

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

Items under Item D Introduced, by title, by Angelou.

### **ORD-0002-2000**

TO AMEND CHAPTER 1171, FENCES, OF THE CODIFIED ORDINANCES OF THE CITY OF GAHANNA, TO AMEND SECTIONS ON SWIMMING POOL FENCES AND INVISIBLE FENCES; AND TO UPDATE REFERENCES TO ZONING OFFICER TO ZONING ADMINISTRATOR.

**Assigned to Safety Committee**

### **ORD-0003-2000**

TO ENACT CHAPTER 931, GAHANNA COMPREHENSIVE RIGHT OF WAY, OF THE CODIFIED ORDINANCES OF GAHANNA, TO PROVIDE FOR COMPREHENSIVE RIGHT OF WAY POLICY IN THE CITY OF GAHANNA

to Committee of the Whole for February 14 meeting

Postpone on Consent Agenda of February 7 to February 21 Regular Meeting of Council.

**Assigned**

### **ORD-0004-2000**

TO AMEND SECTION 339.99, PENALTY, OF CHAPTER 339, COMMERCIAL AND HEAVY VEHICLES, AND TO ENACT SECTION 339.12, VIOLATION OF OHIO REVISED CODE AND PUCO RULES, COMMERCIAL AND HEAVY VEHICLES, OF THE CODIFIED ORDINANCE OF THE CITY OF GAHANNA

**Assigned to Safety Committee**

### **ORD-0005-2000**

TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACT WITH EVANS, MECHWART, HAMBLETON & TILTON, INC., FOR UPDATE TO THE GAHANNA THOROUGHFARE PLAN; AND TO DECLARE AN EMERGENCY.

**Assigned to Service Committee**

### **ORD-0007-2000**

TO ACCEPT 2.3+/- ACRES FROM JEFFERSON TOWNSHIP TO THE CITY OF GAHANNA, OHIO, REQUESTED BY CITY OF GAHANNA.

**Assigned to Development Committee**

### **ORD-0008-2000**

TO AMEND CHAPTER 721, CANVASSING AND SOLICITATION, OF THE CODIFIED ORDINANCES OF GAHANNA, TO INCREASE PENALTY FOR INTRASTATE COMMERCE; PEDDLERS.

**Assigned to Safety Committee**

**ORD-0009-2000**

TO REZONE CERTAIN 13.7+/- ACRES, MORE OR LESS, AS L-AR, LIMITED OVERLAY APARTMENT RESIDENTIAL; FOR PROPERTY LOCATED AT 5079 SHAGBARK ROAD; THE STONEHENGE COMPANY, APPLICANT, GLEN DUGGER, ATTORNEY, AGENT.

Assigned to Development Committee

**ORD-0010-2000**

TO ZONE CERTAIN 6.49+/- ACRES, MORE OR LESS, AS L-AR, LIMITED OVERLAY APARTMENT RESIDENTIAL; FOR PROPERTY LOCATED AT 5050 & 5101 SHAGBARK ROAD; THE STONEHENGE COMPANY, APPLICANT, GLEN DUGGER, ATTORNEY, AGENT.

Assigned to Development Committee

**E. CONSENT AGENDA**

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

Yes	7	President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member James-Arnold, Council Member Kneeland, Council Member Angelou and Council Member O'Brien
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**Minutes - To Approve**

12/20/99, Regular Meeting  
 12/23/99, Special Meeting  
 01/03/2000, Organizational and Regular Meeting  
 01/10/2000, Special Meeting

**Ordinances on Second Reading****990612**

TO ACCEPT THE ANNEXATION OF 3.7+/- ACRES FROM JEFFERSON TOWNSHIP TO THE CITY OF GAHANNA, OHIO, REQUESTED BY ROBERT L. ROSHON , ET AL.

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

**Motion Resolution****MR-0001-2000**

TO AUTHORIZE THE EXPENDITURE OF \$800 FROM 101.348.5511, CAPITAL PROJECTS, NETWORK, FOR THE PURCHASE OF TWO 17" MONITORS.

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

**MR-0002-2000**

TO RECOMMEND TO PLANNING COMMISSION FEES IN LIEU OF PARK LAND DEDICATION, AUTUMN RUSH PLACE

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

**MR-0003-2000**

TO ACCEPT GOLF COURSE FEES FOR 2000

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

**MR-0004-2000**

TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE AND THE CITY ENGINEER TO ADVERTISE FOR BIDS FOR THE WEST JOHNSTOWN ROAD STORM SEWER, IMPROVEMENT NO. 730. Project funded in Year 2000 Appropriation Account No. 230.350.5598, Storm Sewer Repair.

This Matter was Approved on the Consent Agenda.

**End of the Consent Agenda**

**F. PUBLIC HEARINGS (None)**

**G. STANDING COMMITTEES**

**Communications & Technology Committee - Kneeland**

**Development Committee - James-Arnold**

**Service Committee - Stinchcomb**

Complaints to Tom Kneeland regarding man hole covers on Granville Street.

Refer to Service Committee

**Safety Committee - Hogan**

**Committee of the Whole - Stinchcomb**

**Finance - Angelou, Temp.**

Will meet January 24

**H. CORRESPONDENCE AND ACTIONS**

**Clerk - (Legal)**

**Golf Course Fees Proposed 12/30/2000**

**Council**

Payne noted memorandums on new positions. Requested a flow chart and recommendations from the Mayor in writing by January 21 Agenda packets for Finance discussion on January 24. Employee audit will be discussed.

**Refer to Finance Committee**

Kneeland noted calls from people not too happy with Rumpke. O'Brien also had call from Jim Blackwell regarding Rumpke.

Service Committee - Monitor.

**Refer**

Regarding changing the traffic light at Granville; also raising speed limit on Granville to 35 mph.

Chief responded that you not accelerate to 30-40 mph; if raised to 35, you would accelerate from 40-50 higher. Said his short answer to changing the speed limit is no.

Said it is still a business district. It was pointed out that are humps in Granville Street. Chief said they issue tickets to over 30-35 mph.

Refer to Safety Committee

## Public Hearing - 02/20/2000 - Zoning Change, 870 E Johnstown Road, Geo. Parker.

### BZA Appointment

A motion was made by Council Member Kneeland, seconded by Vice President Stinchcomb, to appoint Robert Fischer to a 3-year term on Board of Zoning and Building Appeals. The motion carried by the following vote:

Yes	7	President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member James-Arnold, Council Member Kneeland, Council Member Angelou and Council Member O'Brien
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## I. SECOND READING OF ORDINANCES

### 990584

TO AUTHORIZE THE MAYOR TO PURCHASE PROPERTY LOCATED AT 121 MILL STREET FROM ROBERT J. ECKART; TO SUPPLEMENTALLY APPROPRIATE \$475,000; AND TO DECLARE AN EMERGENCY.

To add the following language to the end of Section 1:

AND A TRIPLE NET LEASE TO BE SIGNED AT CLOSING.

A motion was made by Council Member Angelou, seconded by Council Member O'Brien, that this matter be Amended. The motion carried by the following vote:

Yes	7	President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member James-Arnold, Council Member Kneeland, Council Member Angelou and Council Member O'Brien
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A motion was made by Vice President Stinchcomb, seconded by President of Council Payne, Stinchcomb called the question. Motion called to end debate... The motion carried by the following vote:

Yes	7	President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member James-Arnold, Council Member Kneeland, Council Member Angelou and Council Member O'Brien
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### 990584

TO AUTHORIZE THE MAYOR TO PURCHASE PROPERTY LOCATED AT 121 MILL STREET FROM ROBERT J. ECKART; TO SUPPLEMENTALLY APPROPRIATE \$475,000; AND TO DECLARE AN EMERGENCY.

Discussion of motion:

Angelou noted question of 1031 in letter; asked Isler if this is a formality; wanted to make sure that we would not be breaking any laws. Isler sad he has researched; we could leave in this attachment without running risk of breaking the law. Did not think we would be. Angelou questioned regarding the future building, how we would handle the time between now and the time his new building would be opening.

James-Arnold said she has no problem leaving the 1031 in at all. feels important that we make a commitment to the property; we need to give him the benefit. 1) As we move

into the closing, even though the availability of the building, he will be there for 6 months; questioned if we will have lease signed; understands the new furnace and new roof, but questioned maintenance for the next 6 months. Eckart said they would maintain the building.

James Arnold continued that for insurance purposes, wanted to make sure, if we own the building, and you are using, if someone would fall on the snow that there is a lease signed at closing as a companion. Eckart responded that he has more electrical equipment in the building than the building is worth. Director of Development White said there will be a minimum liability of \$1M. Said this would be part of the documents. James-Arnold questioned if at closing. Eckart advised that White would have a lease ready for committee. Angelou questioned a comfort level. James-Arnold questioned that we do not buy property with the owner staying in. Hogan emphasized that the City should be spelled out in the fire insurance.

Fisher felt a triple net lease was what Council wanted and suggested just adding those words. Kneeland felt we needed to put something to note binding in Section 1; possibly add AND A TRIPLE NET LEASE TO BE SIGNED AT CLOSING. Eckart said that if this is not signed until next month, he could not be out until 6 months from date of agreement. James-Arnold suggested there would be extensions.

Hogan wishes there was a zero tax deferment; noted meeting with Mayor, White, and George Parker on plans for use of the site; found that this will be public property.

Council has not accepted any plan for Creekside. There was an ordinance to accept but it was unanimously withdrawn.; said we are working on a vision; noted that Planning Commission is required to recommend all plans; said the first was withdrawn. Distributed to Council a fact sheet with his concerns. Advised Planning Commission has not seen calculations. Said he does not know if this will be good for the taxpayers because we have not gotten the calculations. Said Council has been told there is a lot of grant money available; felt we will need \$400,000-\$600,000 to do this. Said we have been told there are high bridge and low bridges and this ties everything together. We are now told we have to go to the high bridges; noted the other money proposed to be spent. Hogan said he does not feel he has enough information on the financials of Creekside. Would like to have analysis have plans in place; believed on his discussions with the Mayor and White that they prefer to have plans in place. Said we need to have a plan officially adopted, and such a plan needs to be submitted to Planning Commission.

O'Brien said his understanding that from the late 80s there was a Hyatt Palma study which talked about the revitalization of Olde Gahanna; said we have spent \$800,000 improving Mill Street, but also began planning the river walk; felt Hyatt Palma was what got it started; felt anything now is a new vision, is an updating. feels there has always been a plan. Apologized that he did not have all the documentation. Feels there is a lot of due diligence on this.

Stinchcomb said she felt she understood Hogan's argument; which says we have to have an adopted plan in order to purchase property; feels we have been told we have every right to purchase; we don't have to say that in that exact spot there has to be a park. Noted cost benefit analysis -- is very literal --is almost impossible to create at this time. Would be impossible to give us this Cost analysis at this point. Stinchcomb said she is ready to support.

Angelou felt this is a matter of vision that we are committed to; have been committed for

some time; to accomplish the development we want to see happen between the creek and Mill Street. Payne added that when Al Groves made his presentations, he did have an analysis.

Hogan questioned how are we going to get the money back to the taxpayers. Said he feels the property should be purchased and will be purchased, but would like to have a plan adopted; felt the Mayor and White agreed with the adoption of a plan and felt these commitments. Mayor and White agreed.

**A motion was made by Council Member Angelou, seconded by Council Member O'Brien, that this matter be Adopted, as Amended, as an Emergency. The motion carried by the following vote:**

**Yes**      **7**      President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member James-Arnold, Council Member Kneeland, Council Member Angelou and Council Member O'Brien

### **Member left meeting at 8:40 p.m..**

Council Member James-Arnold left the meeting at 8:40 p.m. due to illness; therefore, was not present for the roll call on the motions on Ordinance No. 200027

## **J. FIRST READING OF ORDINANCES**

### **ORD-0011-2000**

REESTABLISHING COMPENSATION FOR MEMBERS OF THE CIVIL SERVICE COMMISSION; REPEALING ORDINANCE NO. 97-87; TO WAIVE SECOND READING; AND TO DECLARE AN EMERGENCY

**A motion was made by Council Member O'Brien, seconded by Council Member Kneeland, that this matter be Introduced, Second Reading Waived. The motion carried by the following vote:**

**Yes**      **7**      President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member James-Arnold, Council Member Kneeland, Council Member Angelou and Council Member O'Brien

**A motion was made by Council Member Kneeland, seconded by Council Member O'Brien, that this matter be Introduced, Second Reading Waived, and Adopted as an Emergency. The motion carried by the following vote:**

**Yes**      **7**      President of Council Payne, Vice President Stinchcomb, Council Member Hogan, Council Member James-Arnold, Council Member Kneeland, Council Member Angelou and Council Member O'Brien

## **K. REPRESENTATIVES**

### **Community Improvement Corporation (CIC) - Kneeland**

Will meet at Heartland Bank, 7:30 a.m., January 26.

### **Mid-Ohio Regional Planning Commission (MORPC) - Payne**

### **Bd./Ed., Gahanna-Jefferson Public Schools**

Angelou noted that Beckie Miller was voted President of the school board; Windy McKenna, Vice President; said they both had to be sworn in. Said the board reviewed a



resolution in case of strike. Noted students at MSE has tested the water quality of Big Walnut Creek; they reported finding vertebrae found only in good water. It was reported that the Park Board has renamed Discovery Park as Veterans Park and Creekside as Creekside Park. Keyes had report after a Jefferson Township meeting that they have approved a 51-acre tract off Kennedy Road for 200 homes; felt the City needed to look at that for our arsenal regarding density.the board approved dugouts and replacement of storage sheds at MSE by Junior League. Angelou questioned that they should have a correct building permit; expressed some concerns for dugouts at elementary schools.

Some members of Council questioned that naming parks was a function of the Park Board; felt they could recommend. It was noted that this information was carried in the minutes of the Parks and Recreation Board meeting.

### **Gahanna/Jefferson Joint Committee - James-Arnold**

## **L. OFFICIAL REPORTS**

**Mayor**

**City Attorney (Absent)**

## **M. COUNCIL COMMENT**

Angelou said she felt it was exciting what we did tonight; said we need all the tools available to make Creekside a viable part of our City. Said our adding the additional wording to the 121 Mill Street legislation will protect us.

O'Brien said he agreed with Angelou's comments. Said we are working under a plan we have had in place for over a decade; said do we need to change? Maybe; felt we needed to look at our vision, and make course adjustments. felt there have been good plans in place, and felt there will be even better plans. Does not feel any body other than Council should be naming parks.

Kneeland said he will be able to give a prepared to report on how we compare to San Antonio by next week.

Hogan said he is being told we have had a plan since 1988. Said City Council did have a plan to adopt for the walkways, we do need to get working; does have a memo from White that the other developers are coming in to show us their plan; feels it is important that we do adopt a plan. Apologized to Sadicka White if he upset her.

Stinchcomb thanks the people who worked into the night to avert the strike. Is grateful that they averted a strike.

Payne also glad the agreements prevented the strike..

## **N. ADJOURNMENT - 8:45 p.m.**

**A motion was made by Council Member Kneeland, seconded by Council Member O'Brien, to Adjourn. The motion carried unanimously.**

**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**